

Council Chambers, 25 West Market Street, 9 a.m. Mayor David S. Butler presiding.

Council Members Present: Kelly Burk, Thomas Dunn, Suzanne Fox, Katie Sheldon Hammler, and Mayor Butler.

Council Members Absent: Marty Martinez.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Assistant Town Manager Tom Mason, Assistant Town Manager Scott Parker, Director of Plan Review Bill Ackman, Director of Parks and Recreation Rich Williams, Director of Utilities Amy Wyks, Director of Planning and Zoning Susan Berry Hill, Interim Chief of Police Vanessa Grigsby, Director of Economic Development Marantha Edwards, Director of Capital Projects and Public Works Renee Lafollette, Deputy Director of Parks and Recreation Kate Trask, Deputy Director of Finance and Administrative Services Lisa Haley, Deputy Director of Utilities Robert Etris, Library Manager Alexandra Gressitt, Information Technology Manager Annie Carlson, Airport Manager Scott Coffman, Deputy Director of Capital Projects Tom Brandon, Deputy Director of Public Works Charlie Mumaw, Senior Management Analyst Jason Cournoyer, Senior Management Analyst Cole Fazenbaker, Business Development Manager Kindra Jackson, Human Resources Manager Mark Hauer, Public Information Officer Betsy Fields, Lieutenant Jeff Dube, and Clerk of Council Lee Ann Green.

AGENDA

ITEMS

1. **CALL TO ORDER**

2. **ROLL CALL:** Showing Council Member Martinez absent.

3. **COUNTY BRIEFING**

Loudoun County Leesburg District Supervisor Kristen C. Umstatted stated that the town's letter was received the day after the Board of Supervisors reviewed the Sheriff's Office budget. She stated the Sheriff had to drop about half of the positions it was requesting due to lack of funding.

She stated the Board feels that if they are paying 100% of the cost of the School Resource Officers, they should be sheriff's deputies. County staff has proposed that the county's allocation of gas tax to the town and fleet vehicle funds to cover this cost. She stated this will result in not only a loss to the town of the gas tax funds, but the \$670,000 that is currently paid to cover 70% of the School Resource Officer cost. She stated this could result in a total loss to the town of \$1.2 million over the next fiscal year.

She suggested that this subject would be more appropriately discussed at the joint task force for Police/Sheriff efficiencies. Further, she noted that the Sheriff's department would be willing to hire any police officers that would need to be cut if the town no longer provides School Resource Officers.

Council Comments:

- Dunn: Noted that no officers would have to be absorbed by the county since there are 14 current vacancies. Further, he stated that going after the town's gas tax money is unrelated.
- Burk: Stated that when she was on the Board, another locality asked for something similar and it enraged some of the supervisors.
- Hammler: Stated that the additional fiscal year that this transition may take will give everyone time to adjust.
- Gemmill: Stated that this joint committee should be the start of more interaction between the town and the county, which will be beneficial.
- Fox: Stated her agreement with allowing the task force to discuss this change. She stated that bringing the gas tax into the discussion was not necessary.
- Butler: Stated that the gas tax was an obvious place for the county to find the necessary funds. He stated the town was looking for areas that reasonably should be county wide services.

Supervisor Umstadd stated she would report back to the Board of Supervisors that this issue can be discussed as part of the joint task force.

4. BUDGET WORK SESSIONa. Capital Improvements Program

i. Questions and Updates on all projects including Utility Projects

Renee Lafollette stated that the following projects are new:

- ROTC facility for the Loudoun County Public Schools
- Security system at the Water Pollution Control Facility, Phase II

Budget Changes include:

- Skate Park renovation due to change in soil conditions on the gravel lot. Remediation is estimated to cost approximately \$100,000.
- Battlefield Parkway, Rt. 15 to the Dulles Greenway – estimated increase of about \$1.68 million based on current bidding pricing received on the S. King Street project. Money has been requested through VDOT Revenue Sharing.
- Sycolin Road Widening, Phase IV – estimated increase of about \$142,000 is updated for current bids.
- Lower Sycolin Sewer Phase II – change orders experienced during the previous construction season.

Council Comments/Questions:

- Dunn: Stated that the original estimate for the renovated skate park on its current site was \$500,000.
Lafollette: Stated that Council's decision to move it to the gravel lot created an added cost of approximately \$250,000. The soils

report came back with an estimated cost of an additional \$100,000 to remediate the poor soils.

- Hammler: Stated the monetary donation of \$260,000 from the Rescue Department should be labeled.
- Dunn: Stated that Fire and Rescue should shoulder the additional cost incurred by moving the skate park to the gravel lot.
Dentler: Stated the three options with respect to the skate park are:
 1. Do you still want the skate park.
 2. If so, you move it to the gravel lot and incur the \$100,000 for soil remediation or
 2. Move it to Ida Lee and stay within the originally budgeted amount.
- Butler: Questioned what the soil condition is in the current location.
Lafollette: Stated the soils report for the current location shows the soil to be even poorer and requiring more remediation than under the gravel lot.
- Gemmill: Stated that if the skate park is moved to Ida Lee, the current site could be sold and the town would come out a little bit ahead.
- Burk: Stated that public input seemed to favor the skate park remaining in its current location because it would serve more people.
- Butler: Stated that the land is also currently classified as a park, so that selling the land would require a super majority of Council, which did not exist. Further, he stated that selling the property would inhibit the Rescue Squad's ability to expand their current facility.
- Fox: Questioned what the life expectancy of the concrete improvements to the skate park would be.
Williams: Stated it is typical 12-18 years.

Renee Lafollette noted that the town has received additional outside funding for the following projects:

- East Market Street/Battlefield Parkway Interchange – \$12 million and 70% NVTAFunding.
- Rt. 15/Edwards Ferry Road Interchange - \$8 million/70% NVTAFunding.
- Battlefield Parkway trail across the Rt. 15 bypass – applied for highway safety improvement funding. VDOT staff is recommending to the CTB that the town be funded for that project. Will know in June whether the town is awarded this funding, which requires a 20% local match.

Ms. Lafollette reviewed completed projects

Council Comments/Questions:

- Fox: Noted that money was allocated for a project in this fiscal year that is not scheduled to start until a more distant fiscal year.
Cournoyer: Stated that this represents pay-go financing as design work occurs in the years prior to construction.
- Fox: Also questioned the amount of money allocated for road maintenance per foot.
Lafollette: Stated that there are many things that factor into road maintenance costs including street light payments, snow removal, striping, tree care, storm drainage, street sweeping and litter removal.
- Hammler: Questioned why the town has not sought grant money for the tree canopy program.
Case: Stated that the town did apply, but was not granted money, from a local bank.
Dentler: Stated that a lot of grants are based on the financial need of the community and this area is very wealthy.
- Hammler: Noted that the Navy Jr. ROTC program is a federal program.
- Dunn: Noted that no u-turn signs are needed along the bypass near the Battlefield Parkway intersection. Further, he noted that the airport projects are more expensive. He stated he is concerned that town residents are paying for all of the capital costs at the Airport, but it is a regional transportation facility.
Lafollette: Stated that the town's actual cost is relatively low – 2% local match – because of the funding from DOAV and FAA. She noted that the hangar project is an exception.
- Dunn: Expressed concern about the pay-go process if a developer cannot meet the obligation for things that were promised. He advised Council to be cautious about over-extending themselves.
- Burk: Questioned the length of time it will take for the hangars to pay for themselves.
Case: Stated it will take 20 years.
- Burk: Questioned where the West Market Street sidewalk is in the project list. She questioned the status of the Morven Park Road sidewalk as well.
Lafollette: Stated it has not yet been added as the studies and estimates have just been received. Further, she stated that the Morven Park Road Sidewalk is moving forward as scheduled.
- Dunn: Noted that when projects jump up, like the water feature, they displace other projects that have been moving forward.
- Burk: Questioned whether the town's rates at Ida Lee are competitive with what is charged at other facilities.
Williams: Stated that the town is positioned pretty well with pricing and have not raised fees in order to stay in line with other facilities.

- Burk: Questioned why the proposed water feature at Ida Lee is more expensive than the one downtown. She expressed concern that the two parks would be fairly close to one another.
Williams: Stated that the feature at the park is much larger than the one planned for Mervin Jackson Park.
- Burk: Questioned the specifics of the lease for Olde Izaak Walton Park. Specifically, she expressed concern that the town is responsible for all improvements.
Williams: Noted that the bridge is public right of way and not part of the lease.
- Burk: Stated her interest in moving the Morven Park Road sidewalk up. She questioned whether the storm drainage projects include the Exeter Pond/Dam.
Lafollette: Stated that the Exeter Pond was not included in the drainage projects.
- Burk: Questioned which is less expensive for water treatment – chloramines or chlorine and why does the town use chlorine.
Wyks: Stated that the town has a traditional treatment plant. She noted that the Council chose to not switch to chloramines many years ago and the discussion has not been revisited since.
- Butler: Stated he recalled a discussion several years ago and that there are not only some health concerns with chloramines, but some equipment that would have to be changed to use them.

ii. Project Management Costs/Pay-Go Financing.

Clark Case explained pay-go financing. He stated the project management costs include capital projects staffing and the costs of services provided by other departments to projects. He stated this reduces the amount of money being borrowed for capital projects and expands the ability to use financing for other projects. He stated that rolling the capital projects management costs into the amount borrowed for a project was necessary during very tight budget times; however, the town is trying to move away from this practice.

Council Comments/Questions:

- Burk: Does this include salaries?
Case: Yes, project management salaries as well as transfers from the General Fund for non-project employee time used.
- Burk: Where would the salaries come from now?
Dentler: The general fund, which is best practice.
- Hammler: Stated that paying interest on salaries should never have happened so this is a step in the right direction.
- Dunn: Noted that this would allow the debt to be paid down faster.

- Butler: Stated that putting salaries in the cost of the capital project is common practice. He stated that pay-go financing is more conservative, which is good.

b. General Fund

i. Proposed enhancements

Kaj Dentler reviewed the enhancements over last year's budget:

- Network administrator position.
- Downtown initiatives.
- Cyber-security insurance
- GIS applications.
- Leadership program with the Police Department.

Council Comments/Questions:

- Dunn: Questioned why the contract network administrator cost \$50,000 more than an employee.

Dentler: Currently we only have one network administrator. The contract employee cannot perform the full function of the network administrator.

- Hammler: Questioned the cost for cyber security insurance.
Case: The pool is available to local governments to deal with cyber intrusions.

- Hammler: Questioned the cost for the leadership program with the police department.

Dentler: The program is targeted at older teens in order to establish a better relationship with the police department. It was further noted that 12-15 children would be served by this program.

- Hammler: Questioned the grant for the downtown. She stated it should be part of the Visit Loudoun money. Further, she stated she would want details on the Council Chambers AV upgrade.

- Gemmill: Stated he is having a hard time understanding the concern for giving contractors sensitive access to sensitive information.

Case: Stated the town protects that information by keeping it closely held.

ii. Operational cost increases

Council Comments/Questions:

- Fox: Expressed concern with the increase across the board for contractual services.
- Dunn: Stated that the budget was difficult to work with this year. He questioned how many memberships and publications are truly needed. He questioned in some instances if the membership or publication can be shared with the county.

- Butler: Questioned the slight increase in refuse and recycling.
Lafollette: Stated that there are several factors, one being the increase in tipping fees and the market rates for recyclables.
Dentler: Twice weekly trash pick up is hurting the amount of recyclables picked up, which affects the contractor's pricing.
- Gemmill: Stated that cutting back the trash pick up would help the bottom line.
- Fox: Questioned whether the town receives money back for recycling.
Lafollette: Stated that the town does not get any money back.

iii. State revenue sharing update (loss of \$475,000 for paving)

Kaj Dentler stated that the state has notified the town that they will not get \$475,000 in milling and paving money through the revenue sharing program.

Renee Lafollette stated that the revenue sharing program is a dollar for dollar match and without it, the town will need to absorb the \$475,000. She stated that VDOT has two priority levels, the first is projects going to or already in construction. The second priority is ones that have already received revenue sharing money and the third priority is maintenance. She stated they are not funding maintenance across the state, but staff will be going after other funds that are available.

Council Comments/Questions:

- Dunn: Requested the table that shows how often roads are re-paved. He stated the town maintains one of the highest service levels in Northern Virginia. He stated going down in maintenance level just a little bit will not be noticeable.
- Hammler: Stated this is a huge hit and she would like more context on how this happened. She stated that this is a basic core service of state government.
Lafollette: Stated that the revenue sharing program for milling and paving (maintenance) was added in FY 2014 and the town has been successful in getting funding.
- Fox: Questioned how many rooftops have been added this year.
- Dunn: Answered about 15,000 total.
- Butler: Noted that some of these are apartments and condos.
- Fox: Requested a chart showing what has been approved, yet not built.
- Gemmill: Questioned the number of employees.
Cournoyer: Stated regular employees is 349 and about five are part time.
- Hammler: Requested the dollar amount changes in the tax rate create.

Dentler: Stated \$0.183, which is the current, to the proposed \$0.1872 is \$282,000.

- Hammler: Questioned the emergency transport reimbursement available to the Rescue Squad.
- Dunn: Requested a table of contents for the budget. He expressed concern with the two year budget cycle. He stated they really don't spend enough time on the second year. He suggested that next year, a full day budget work session be scheduled.
- Butler: Stated it was a council decision several years ago to move to a shorter session on Saturday with all the specific questions asked off-line and answers provided to all of Council. He stated that Council can change the process.
- Burk: Stated that this is the second year of a two year budget that isn't changing very much. She stated there can be very little accomplished in going through each department since there are no changes. She stated that the town expects the level of service that is provided and will not be happy if the levels of service are cut.
- Dunn: Stated he is not talking about cutting services, but about spending more efficiently.

iv. Other

c. Capital Asset Replacement Program

i. Review of proposed list

Kaj Dentler stated that Council approved establishment of this program several years ago with the purpose of replacing vehicles and making repairs to facilities.

Clark Case stated that the Capital Asset Replacement Fund is funded by taking the increase in the fund balance at the end of the fiscal year and dividing it in three pieces. The primary piece goes to the Debt Service reserve as per the long term sustainability plan, and the second piece goes to the Capital Asset Replacement fund and the last piece goes to increasing the undesignated fund balance to 20% as promised to the rating agencies by 2021.

Council Comments/Questions:

- Hammler: Questioned what is different about the Chamber's AV equipment over last year, when Council decided not to improve the system.
Dentler: Stated that the system is antiquated and needs to be replaced. He stated that it is difficult for the public to hear.
- Hammler: Questioned "replacement" of body cameras, since the town doesn't have body cameras.

- Gemmill: Noted that the body cameras would be on hold until the new chief is selected.
- Fox: Requested that the public is able to see the answers to Council's questions.

d. Utilities Operating

Council Comments/Questions:

- Fox: Requested a breakdown, department by department, of the increases in contractual services.
- Dunn: Questioned the substantial increase in legal services.
Wyks: Stated that the request for FY17 is not a change over FY16. She noted that the amount was spent last year for outside counsel working with environmental contract and working with the Panda Energy agreements.

e. Other

5. ADJOURNMENT

David S. Butler, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2016_tcm0312 Budget WK

Council Chambers, 25 West Market Street, 7:30 p.m. Mayor David Butler presiding.

Council Members Present: Kelly Burk, Thomas Dunn, II, Suzanne Fox, R. Bruce Gemmill, Katie Sheldon Hammler, Marty Martinez and Mayor Butler.

Council Members Absent: Council Member Martinez arrived at 8:10 p.m.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Assistant Town Manager Scott Parker, Director of Planning and Zoning Susan Berry Hill, Director of Finance and Administrative Services Clark Case, Director of Plan Review Bill Ackman, Director of Economic Development Marantha Edwards, Director of Parks and Recreation Rich Williams, Director of Capital Projects and Public Works Renee Lafollette, Director of Utilities Amy Wyks, Chief of Police Vanessa Grigsby, Library Manager Alexandra Gressitt, Airport Manager Scott Coffman, Information Technology Manager Annie Carlson, Human Resources Manager Mark Hauer, Deputy Director of Public Works Charles Mumaw, Deputy Director of Capital Projects Tom Brandon, Deputy Director of Parks and Recreation Kate Trask, Deputy Director of Finance and Administrative Services Lisa Haley, Senior Management Analyst Jason Cournoyer, Senior Management Analyst Cole Fazenbaker, Recreation Superintendent Katey Jackson and Clerk of Council Lee Ann Green

AGENDA

ITEMS

1. **Items for Discussion**

a. Environmental Advisory Commission Energy Savings

Spencer Morgenthau, Vice Chair of the Environmental Advisory Commission, outlined their plan for reducing energy consumption at town facilities. He recommended that the town meter and report on the six heaviest consuming facilities. He stated it would cost approximately \$50,000 as a one-time investment to get the equipment placed on the existing meters to create the report. He stated that there would be a yearly on-going cost. He noted that typically there is a 5-10 percent reduction just by adding the tracking equipment because it creates accountability.

Council Comments/Questions:

- Gemmill: Questioned whether this would be mandatory.
Morgenthau: Stated that it would only be six town owned facilities.
- Burk: Stated this could create some savings for the town.
- Fox: Questioned the initial outlay of funds and how fast the town would realize savings.
Morgenthau: Stated it could be as much as \$50,000 and in his experience, there is a 5-10 percent savings from having accountability. He stated this translates into a 5-6 month payback on the initial investment. He stated the monthly service cost for the reporting is between \$10,000-15,000 depending on the level of reporting.

- Butler: Clarified that this is only related to town facilities, not individual homes. He noted that there is an opportunity for significant savings.
- b. Budget Work Session
- i. Clarification/Follow up questions of budget responses provided to date.

Council Comments/Questions:

- Hammler: Questioned what amount of reductions will be required to get to \$0.18 tax rate.
Dentler: Stated it is approximately \$670,000 per penny on the tax rate so to get to \$0.18, approximately \$482,000 needs to be reduced.
- Hammler: Questioned the metrics for how pay for performance is decided.
Dentler: Stated the pay for performance program allows employees to earn 2, 3, or 4 percent based on performance. He stated the town budgets for an average of 3%. Further, he noted there is a scoring system that is used to determine the level. He stated since there are less employees than a few years ago, each employee is pushed to perform better and a pay for performance program is important to attract and retain quality employees.
- Hammler: Questioned what dollar value a 1.3% increase would be for all employees.
Cournoyer: Stated it would be \$273,000.
- Hammler: Questioned whether any of the agencies that qualified for the emergency medical transport reimbursement actually received any funds.
Fire Company representative: Stated the amount is very low for the fire companies.
- Fox: Asked about the six days of trash collection downtown.
Williams: Stated that is maintenance of the downtown area – picking up the recycling cans that are located next to the trash cans rather than the recycling generated by the businesses.
- Fox: Questioned how the 1000 housing units that are coming online will affect the budget.
Cournoyer: Stated that some of these units will be part of homeowner’s associations and not create as much pressure for services.
- Fox: Questioned what the town gets as part of the \$25,000 membership in the gang task force.
Cournoyer: Stated that the amount is offset by a federal grant and rotates around the different municipalities.
Grigsby: Noted that the only expenditure on the town’s part is the salary for one employee.

- Dunn: Questioned whether the town has looked into owning its own copiers rather than leasing.
Case: Stated he was not with the town when the lease contract was started. He stated they would get more information.
- Dunn: Questioned the change in the tablet connection fee for the Economic Development department.
Edwards: Stated that the tablet was shared by two employees. Further information will be provided.
- Dunn: Questioned why the recurring fee for the sesquicentennial.
Edwards: Stated it is the recurring fee for the Civil War sign.
- Burk: Questioned the salaries for Capital Projects if they are included in the project costs.
Cournoyer: Stated that in the FY2016 budget, the salaries are allocated in the general fund and transferred to the capital fund.
- Fox: Questioned whether the \$250,000 donation by the Rescue Squad would be available if the skate park is moved to another location.
Williams: Stated it would still apply.
- Fox: Questioned whether soil remediation would be necessary if the skate park remains in its current location.
Lafollette: Stated the soil in the current skate park location needs more remediation than the soil under the gravel lot.
- Fox: Questioned whether the number of enhancements included in the splash park at Mervin Jackson park will cause budget overruns.
Williams: Stated the proposed enhancements are within the current budget. He noted that the pergola might not be able to be included in the original budget and could be added later.
- Fox: Questioned the key card system for the Mason Enterprise Center. She also questioned how staff can gain access to VDOT equipment.
- Martinez: Stated this is the second year budget and questions are okay, but should be done in July, not in March and April.
- Hammler: Questioned how the town is absorbing the loss of VDOT revenue sharing funds.
Dentler: Stated the town will not be doing as much paving this year, but next year if new funds are not available, it will have to go into the budget.
- Dunn: Questioned expenditures in the Town Attorney's budget. He expressed concern that if money wasn't spent during the current fiscal year, it should not be budgeted for next year. He questioned whether the law books and subscriptions can be shared with the county. He questioned the increase in cyber security coverage insurance.

Case: Stated that the Cyber Security Coverage is through a secondary carrier. He noted that the audit recommended review and possible increase of this coverage.

- Gemmill: Questioned the membership for Northern Virginia Justice Academy.

Cournoyer: Stated this is the Town's membership in the Justice Academy so that police cadets can attend.

Grigsby: It is required of localities with more than 85 sworn officers.

- Gemmill: Requested a status report for the skateboard park.

Williams: Stated that the gravel lot site came back with poor soils that would require \$100,000 of remediation and expenditure of the additional funds will require a decision by Council.

- Burk: Stated that her understanding was that the Rescue Squad was contributing money so that they could have the current skate park lot.

Lafollette: Noted that moving off the current site, which would accommodate the Rescue Squad's needs, would require additional engineering and site work. The "donation" from the Rescue Squad would be used to cover part of the additional costs.

- Hammler: Questioned under what scenario would the Rescue Squad not require a donation.

Lafollette: Stated if the skate park remains in its current location, the Rescue Squad would not need to donate money to cover additional engineering/design work. However, due to poor soils, remediation would need to be done. The soil remediation work would be the town's responsibility and the rescue squad would not be able to expand their current facility.

ii. Decision Points

a. Governmental Funds – Proposed Budget

Council Comments/Questions:

- Fox: Stated she is interested in the Environmental Advisory's initiative and would be interested in getting more information about it. She stated she likes the possibility of significant savings. She stated she does not want to see additional money going towards the skate park and would not support additional money for soil remediation at the current site or the gravel lot.
- Hammler: Stated she is not ready to itemize things at this point. She noted that although the recommendation is to wait to purchase

the police body/car cameras until the new chief takes over, having them in the budget means they will be purchased.

Dentler: Stated that the technology for the body/car cameras are intertwined, so it is important that they be bundled together.

- Butler: Stated that if there are significant reductions in the budget, he would move to delay action on the tax rate and the budget from April 11 and 12, respectively, to April 25 and 26 to give the public time to respond.
- Martinez: Stated he has no changes but additions and deletions should be made earlier in the process.
- Gemmill: Stated he is not ready or willing to itemize at this point.

Council expressed a consensus to delay action two additional weeks on both the tax rate and the budget. Staff clarified that under State Code, the Council has until June 30 to set the tax rate; however, the later that tax rate adoption occurs, it squeezes staff's ability to issue tax bills on time so that residents can receive their bills in a timely manner.

b. Capital Improvement Program

Council Comments/Questions:

- Fox: Stated her position that she does not want to spend additional money on the skate park. She stated she is okay with moving it to Ida Lee.
- Burk: Stated that the public spoke against moving the skate park to Ida Lee because its present location serves an underserved portion of the community. Further, staff does not want it at Ida Lee since it was never intended to house all the active recreational uses in town.
- Hammler: Stated her goal is to determine if there is a proposal that the Rescue Squad would consider that would release the Rescue Squad from the commitment of \$250,000 and the town from its annual contribution to the Rescue Squad.
Rescue Squad representative: Stated that they would be willing to talk through how this could play out.
- Dunn: Stated that the value of the land needs to be taken into consideration as well. He questioned the cost of the splash park at Mervin Jackson Park.

Williams: For just the water feature, a kit is purchased and installed for approximately \$150,000-175,000, but additional funds would be needed for earthwork, utility movement, and safety design.

- Dunn: Noted that the design for the water feature is excessive. He stated if the amount spent on the water feature is reduced, the left over funds can be used for the Morven Park sidewalk.
- Hammler: Questioned what other municipalities are proposing for pay increases.
Dentler: Stated that Loudoun County government is proposing 3% and the public schools have a package of increases.
- Burk: Expressed safety concerns with placement of a crosswalk at Battlefield and the bypass.
Lafollette: Stated that within the current timing, pedestrian movements could be added without impacting traffic.

2. Additions to Future Council Meetings

Council Member Gemmill requested a preliminary report by May 23 on services that could be outsourced. He stated if the Council approves moving forward at that time, he would ask for a more detailed report covering cost savings of identified services by September 26. He stated he has discussed this with the town manager. Council Member Dunn requested adding services that the Council recommends as well.

There was consensus to add this to the May 23 agenda.

Council Member Gemmill also requested restructuring of the Boards and Commissions so that all them are sub-committees of the Planning Commission and the Board of Architectural Review. Council Member Dunn suggested that the work session discussion be broadened to looking at the commission structure.

There was consensus to add this to a work session.

Mayor Butler requested a work session as soon as possible on changing the rules of order to allow closed sessions during work sessions.

There was consensus to add this to a future meeting.

Further, Mayor Butler requested adding the appointment of a Technology and Communication Commission member at Tuesday's meeting.

There was consensus to add this to Tuesday's agenda.

On a motion by Council Member Martinez, seconded by Vice Mayor Burk, the meeting was adjourned at 9:47 p.m.

Clerk of Council
2016_tcwsmin0328

Council Chambers, 25 West Market Street, 7:30 p.m. Mayor Butler presiding.

Council Members Present: Kelly Burk, Thomas Dunn, II, R. Bruce Gemmill, Katie Sheldon Hammler, Suzanne Fox, and Mayor Butler.

Council Members Absent: Council Member Marty Martinez.

Staff Present: Town Manager Kaj Dentler, Town Attorney Barbara Notar, Deputy Town Manager Keith Markel, Director of Finance and Administrative Services Clark Case, Director of Utilities Amy Wyks, Director of Capital Projects and Public Works Renee Lafollette, Police Chief Vanessa Grigsby, and Executive Assistant Tara Belote.

AGENDA

ITEMS

1. **CALL TO ORDER**

2. **INVOCATION** was led by Mayor Butler

3. **SALUTE TO THE FLAG** was led by Council Member Dunn

4. **ROLL CALL** showing all members present.

5. **MINUTES**

a. Work Session Minutes of February 22, 2016

On a motion by Council Member Dunn, seconded by Council Member Hammler, the regular session minutes of February 22, 2016 were approved by a vote of 6-0-1 (Martinez absent).

b. Regular Session Minutes of February 23, 2016

On a motion by Council Member Dunn, seconded by Council Member Fox, the regular session minutes of February 23, 2016 were approved by a vote of 6-0-1 (Martinez absent).

c. Work Session Minutes of March 7, 2016

On a motion by Council Member Gemmill, seconded by Council Member Dunn, the work session minutes of March 7, 2016 were approved by a vote of 6-0-1 (Martinez absent).

d. Regular Session Minutes of March 8, 2016

On a motion by Council Member Fox, seconded by Council Member Hammler, the regular session minutes of March 8, 2016 were approved by a vote of 6-0-1 (Martinez absent).

6. **ADOPTING THE MEETING AGENDA**

On a motion by Council Member Gemmill, seconded by Council Member Dunn, the meeting agenda was adopted as presented by the following vote:

Aye: Burk, Dunn, Fox Gemmill, Hammler, and Mayor Butler

Nay: None

Vote: 6-0-1 (Martinez absent)

7. PRESENTATIONS

a. State of the Town Address

Mayor Butler delivered a State of the Town Address. He summarized Leesburg's history and noted that as the largest town in Virginia, Leesburg is an important part of the Commonwealth. He stated that less than a quarter of the town's revenue is generated by real estate taxes and that town residents get trash pick up and additional public safety protection provided by the town's police force.

He highlighted the personnel changes that have occurred in the town in the past 18 months. He emphasized the town's renewed focus on customer service. He reviewed some of the individual Council Member's initiatives that have improved the quality of life for Leesburg residents and made Leesburg a better place to operate a business.

b. Proclamation – Relay for Life

On a motion by Council Member Hammler, seconded by Council Member Dunn, the following was proclaimed:

PROCLAMATION

American Cancer Society's Western Loudoun Relay for Life
May 21-22, 2016

WHEREAS, 2016 marks the 32nd Anniversary of Dr. Gordy Klatt's first step of his 24-hour walk/run around a track in Tacoma, Washington which raised \$27,000 to support the American Cancer Society in May 1985; and

WHEREAS, the following year, 220 supporters on 19 teams joined Dr. Klatt in this overnight event, and the American Cancer Society Relay for Life was born; and

WHEREAS, each of the more than 5,000 Relays nationwide is a fun-filled, overnight event that mobilizes communities to raise money for the fight against cancer; and

WHEREAS, this event celebrates the lives of those who have battled cancer as the strength of survivors inspires others to continue the fight, remembers loved ones lost to the disease, and allows people who have walked alongside those battling cancer to find healing, and allows participants to fight back and put an end to the disease; and

WHEREAS, the Relay for Life of Loudoun County is being held on May 21 and May 22, 2016 at Heritage High School in the Town of Leesburg; and

WHEREAS, the theme for the 2016 Relay for Life is “**Board Games**”; and

WHEREAS, Relay for Life of Loudoun County is celebrating its 17th Anniversary this year and has raised over **\$2,904,000** to aid in the fight against cancer since 2000.

THEREFORE, the Mayor and Council of the Town of Leesburg in Virginia hereby congratulate the organizers and participants of the Relay for Life of Loudoun County and urge the citizens of the Town of Leesburg to support the American Cancer Society.

PROCLAIMED this 29th day of March, 2016.

- c. Proclamation – Keep Leesburg Beautiful
On a motion by Vice Mayor Burk, seconded by Council Member Gemmill, the following was proclaimed:

PROCLAMATION

12th ANNUAL KEEP LEESBURG BEAUTIFUL MONTH ***APRIL 2016***

WHEREAS, the Town of Leesburg, Virginia, is committed to environmental stewardship and to maintaining the appearance of Town road corridors and public places; and

WHEREAS, many volunteers come forth each April to collect trash from roadsides and stream areas and to beautify common areas throughout the Town; and

WHEREAS, the Town Council appreciates the fine work of the Town staff to keep the Town’s roadways, rights of way, and parks clean and attractive year round.

THEREFORE, the Mayor and Council of the Town of Leesburg in Virginia hereby proclaim the month of April of the Year 2016 to be the 12th annual Keep Leesburg Beautiful Month and encourage all Leesburg residents, businesses, youth groups, churches and service organizations to participate in Keep Leesburg Beautiful during April 2016 by organizing clean up and beautification activities.

PROCLAIMED this 29th day of March 2016.

- d. Proclamation – Local Government Education Week

PROCLAMATION
Local Government Education Week
April 1-7, 2016

WHEREAS, since the colonial period, the Commonwealth of Virginia has closely held the institutions of local government; and

WHEREAS, local governments throughout the Commonwealth provide valuable services to the citizens of the communities they serve; and

WHEREAS, citizen services such as, law enforcement, public health and safety, recreational opportunities, and educating local children, are most often delivered at the local level; and

WHEREAS, in recognition of the work performed by local governments, the Virginia General Assembly, on February 29, 2012, designated the first week in April as Local Government Education Week in Virginia; and

WHEREAS, April 2, 1908 was the creation of the Council-Manager form of government in the City of Staunton thereby making the first week in April appropriate for this designation.

NOW, THEREFORE, BE IT PROCLAIMED, by the Town of Leesburg in Virginia that April 1-7, 2015 is hereby designated as Local Government Education Week; and

BE IT FURTHER PROCLAIMED, that the Town of Leesburg and the Loudoun County School Board will partner to promote civic education and engagement in an effort to educate citizens about their local government, strengthen the sense of community, and engage the next generation of local government managers.

PROCLAIMED this 29th day of March, 2016.

- e. Board of Architectural Review Annual Report – Ned Kiley/Paul Reimers
Mr. Kiley and Mr. Reimers gave a brief report on the activities of the Board of Architectural Review over the past year.
- f. Commission on Public Art Annual Report – Thomas O’Neil
Mr. O’Neil gave a brief report on the activities of the Commission on Public Art over the past year.
- g. Northern Virginia Transportation Authority – TransAction Long Range Plan Briefing

Keith Jasper gave a report on NVTA's long range plan, due to be completed in 2017. He stated that traffic in the region has gotten progressively more congested and that TransAction is the organization's long range plan that will include public input.

8. PETITIONERS

The Petitioners section was opened at 8:41 p.m.

Gwen Armstrong stated this is the 9th year of the Bible Reading Marathon. She invited Council to participate. She offered a prayer for the Council and the town.

Stephen Hood, 211 Wildman Street, NE. He stated that his sentiments regarding the proposed parking garage on the Pennington lot are representative of many of his neighbors. He requested that the Council work with the county to lower the profile of the parking garage to three levels, rather than four.

Ron Campbell, 812 Fort MacLeod Terrace. He discussed the school board boundary issue. He stated that it is important for the people to see their elected leadership take up the issue. He stated what happens with the children is of extreme value to everyone. Further, he stated this town did not become great overnight, but voices helped shape its greatness.

The Petitioners section was closed at 8:53 p.m.

9. APPROVAL OF THE CONSENT AGENDA

On a motion by Council Member Dunn, seconded by Council Member Gemmill, the following consent agenda was proposed:

- a. *Virginia Department of Transportation Revenue Sharing Agreement Extension*

RESOLUTION 2016043

Authorizing the Town Manager to Execute the Programmatic Project Administrative Agreement Extension for the Virginia Department of Transportation Revenue Sharing Program

- b. *Public Art Exhibit by Kenneth Garrett*

RESOLUTION 2016-044

Approval of a Public Art Exhibit at Town Hall by Kenneth Garrett

- c. *Reduction of the performance guarantee for public improvements installed at Oaklawn at Stratford-Landbay D (TLPF 2006-0018)*

RESOLUTION 2016-045

Making a Reduction of the Performance Guarantee for Public Improvements at Oaklawn at Stratford-LandbayD (TLPF 2006-0018)

- d. Performance Guarantee and Water and Sewer Extension Permits for Airport Commerce Park, Phase 2 (TLCD 2014-0008)

RESOLUTION 2016-046

Authorizing an Agreement and Approving a Performance Guarantee and Water and Sewer Extension Permits for Airport Commerce Park, Phase 2 (TLPF 2014-0008)

- e. Bicycle Mural in the Town Hall Parking Garage

RESOLUTION 2016-048

Approval of Bicycle Mural Art and Location in the Town Hall Parking Garage

- f. Fiscal Year 2017 Local Government Challenge Grant Application to Virginia Commission for the Arts

RESOLUTION 2016-049

Authorizing Staff to Apply for the Local Government Challenge Grant through the Virginia Commission for the Arts and Providing for the Distribution of Grant Funding and Town Matching Funds to Certain Independent Arts Organizations

- g. Raflo Park ArtsParks Project

RESOLUTION 2016-050

Approval of Sculpture Art for the Raflo Park ArtsParks Project for June 2016-2018

- h. Making an Appointment to the Technology and Communication Commission (Butler)

RESOLUTION 2016-051

Making an Appointment to the Technology and Communication Commission (Lillegard)

The Consent Agenda was approved by the following vote:

Aye: Burk, Dunn, Fox, Gemmill, Hammler, and Mayor Butler

Nay: None

Vote: 6-0-1 (Martinez absent)

10. PUBLIC HEARINGS

- a. Amendments to Chapter 34 of the Town Code regarding Utilities
The public hearing was opened at 9:04 p.m.

Amy Wyks presented the proposal to amend Chapter 34 to clarify various sections; establish a fat, oil and grease ordinance; align the town code with policy; and establish new fees and charges to offset the costs of the services provided. She reviewed each of the proposed amendments.

Council Comments/Questions:

- Fox: Stated she thinks amending the grace period will help alleviate some problems with bill delivery. Further, she stated her feeling that some of the fees are substantial.
- Hammler: Stated that this would have been a good opportunity to reconvene the Utility Rate Advisory Committee. She questioned the extent of notification to those who may be affected by the increased fees. Notar: Stated that these amendments were advertised as required by the state code.
- Burk: Questioned whether there are regulations on drycleaners to prevent them from dumping chemicals down the drain. Wyks: Stated that these fees would cover commercial establishments and include monitoring.
- Gemmill: Stated he was pleased to find out that most of the fees were associated with commercial uses, rather than residential uses; however, he was concerned about the impact to developers and attracting new business.
- Dunn: Questioned Section 34-69. Wyks: Stated this formalizes the process as currently exists, but is not laid out in the code. She stated it gives customers an explanation and predictability.

There were no members of the public wishing to address this public hearing.

The public hearing was closed at 9:39 p.m.

On a motion by Vice Mayor Burk, seconded by Mayor Butler, the following was proposed:

ORDINANCE 2016-O-008

Amending Chapter 34 (Utilities), Article II (Water System) and III (Sewers and Sewer Disposal) and Appendix B – Fee Schedule

Council Comments/Questions:

- Burk: Stated that these amendments are to bring the code into line with what the utility department already does.
- Butler: Stated that most of these are just clarifications of current practice and will help eliminate confusion and the majority of the fees are minor and those that are punitive are punitive for good reason.
- Dunn: Stated he would be willing to divide the question on a few items that he feels are necessary.
- Hammler: Raised the issue of whether the amount of employee time spent on an item that will bring a small return is worthwhile. Notar: Noted that this effort will improve the ability of the Utilities Department to comply with best practices to keep sewer lines free of grease clogs.

- Fox: Questioned whether this amendment will reduce the amount of effort spent on FOG compliance.
Notar: Stated that courtesy letters are often ignored, but a summons usually does the trick but cannot be issued unless the violation is included in the Code.
- Dunn: Questioned the section on availability fees.
Wyks: Stated that this applies to master meters and allows the town to charge for actual usage rather than a set minimum.
- Burk: Stated that these fees seem reasonable and not excessive.

Council Member Hammler offered a motion to table and send to a work session. The motion failed for lack of a second.

The original motion was approved by the following vote:

Aye: Burk, Fox, Hammler, and Mayor Butler

Nay: Dunn and Gemmill

Vote: 4-2-1 (Martinez absent)

11. RESOLUTIONS AND MOTIONS

- a. Approval to Issue Series 2016 General Obligation Refunding Bond with Virginia Resources Authority
On a motion by Council Member Hammler, seconded by Council Member Gemmill, the following was proposed:

RESOLUTION 2016-047

Providing for the Issuance and Sale of a General Obligation and Refunding Bond, Series 2016, of the Town of Leesburg, Virginia, Providing for the Form, Details and Payment Thereof, and Providing for Refunding of Certain Outstanding Bonds

Council Comments/Questions:

- Burk: Questioned how the savings will occur and whether the length of the obligation will increase.
Case: Stated that the savings is being distributed between two funds. He clarified that the expected rate is around 2.8 percent and the coupons are around 4-4.5 percent. He stated if there is not 3 percent savings, the town will not move forward.
- Dunn: Noted that the breakeven point is 10 years and the bond will mature in 24 years.

The motion was approved by the following vote:

Aye: Burk, Dunn, Fox, Gemmill, Hammler, and Mayor Butler

Nay: None.

Vote: 6-0-1 (Martinez absent)

- b. Initiating Amendments to the Noise Ordinance to Regulate Excessive Noise from Churches

Ms. Notar noted that this initiation is in response to some issues from the Elijah's Gate church on Harrison Street.

On a motion by Council Member Hammler, seconded by Vice Mayor Burk, the following was proposed:

RESOLUTION

Initiating Amendments to the Town Code's Noise Ordinance to Regulate Excessive Noise from Religious Services and Events

Council Comments/Questions:

- Fox: Questioned the number of complaints.
Markel: Stated three households have been impacted.
- Fox: Stated that Council should tread carefully before burdening the free exercise of religion. She stated it is not Council's purview to say how a group can worship. She expressed concern that a compelling interest is not a noise ordinance.
Notar: Stated that if this amendment is initiated, great care will be taken in writing the ordinance to comply with all federal regulations. Further, she noted that noise does come under health, safety and welfare.
- Dunn: Stated he would rather have staff gather more information before initiating this process. He expressed concern with regulating religious services.
- Butler: Stated that this is not a freedom of religion issue, but a noise ordinance issue and the current noise ordinance's exemption for religious services is indefensible in court as we are granting greater freedom for religious noises over other noises.
- Hammler: Requested further information, if this does not pass.

The motion failed by the following vote:

Aye: Burk, Hammler, and Mayor Butler

Nay: Dunn, Fox, and Gemmill

Vote: 3-3

12. ORDINANCES

a. None.

13. UNFINISHED BUSINESS

a. None.

14. NEW BUSINESS

a. None.

15. COUNCIL COMMENTS

None.

16. MAYOR'S COMMENTS

Mayor Butler had no comments.

17. MANAGER'S COMMENTS

Kaj Dentler had no comments.

18. CLOSED SESSION

On a motion by Council Member Hammler, seconded by Council Member Dunn, the following was proposed:

Pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, I move that the Leesburg Town Council convene in a closed meeting for the purpose of discussion and receiving information regarding:

- a. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made publicly initially, the financial interest of the town would be adversely affected.*

The motion was approved by the following vote:

Aye: Burk, Dunn, Fox, Gemmill, Hammler, and Mayor Butler

Nay: None.

Vote: 6-0-1 (Martinez absent)

Council Member Gemmill recused himself.

The Council convened in closed session at 10:27 p.m.

The Council reconvened in open session at 10:57 p.m.

On a motion by Council Member Fox, seconded by Council Member Dunn, the following was proposed:

In accordance with Section 2.2-3712 of the Code of Virginia, I move that Council certify that to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by Council.

The motion was approved by the following roll call vote:

Aye: Dunn, Fox, Hammler and Mayor Butler

Nay: None.

Vote: 4-0-2-1 (Martinez/Burk absent/Gemmill recused)

19. ADJOURNMENT

On a motion by Council Member Hammler, seconded by Mayor Butler, the meeting was adjourned at 10:57 p.m.

David S. Butler, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2016_tcm0329