

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, and Mayor Butler.

Council Members Absent: Marty Martinez.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, 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, Captain Carl Maupin, Public Information Officer Betsy Arnett, Airport Manager Scott Coffman, and Clerk of Council Lee Ann Green

AGENDA**ITEMS****1. Items for Discussion****a. Airport Commission Annual Report**

Dennis Boykin and Tom Toth presented the report on behalf of the Airport Commission.

Key Points:

- Leesburg Executive Airport is a General Aviation Reliever Airport.
- Over 250 based aircraft on any given day.
- Over 115,000 operations per year – second busiest in the Commonwealth.
- 105 hangars – 52 owned by the town/53 privately owned. No vacancies.
- FAA contributes 90 percent of project costs for all operations on “airside” with the exception of hangars and the terminal building.
- Master plan update includes forecasting 20 years of aviation demand and reviewing the airport layout plan.
- Final approvals are almost completed for the Customs office.
- Long waiting list for hangars.
- Would like to build out 25 T-hangars and 5 corporate hangars that would back up to Miller Drive.
- Extending the runway is a priority to attract more business.
- Despite debt service increases, the airport is still profitable.
- Would like to get Council direction to staff to move forward on airport priorities.

Council Comments/Questions:

- Hammler: Questioned what is the net income to Leesburg taxpayers?
Coffman: Stated he likes to use the \$87,000 number which is revenue minus expenses and debt service.
- Burk: Questioned why the debt service goes up so precipitously.
Dentler: Stated that the debt was structured this way years ago.
- Hammler: Questioned what caused the spike in debt service.

Dentler: Stated that staff can come back with that answer.

- Hammler: Questioned whether there are revenue estimates for additional hangars.

Boykin: Stated that a pro-forma has been distributed and asked for staff direction to move on this project.

- Dunn: Stated that there is a lot of debt service that needs to be retired over the next few years and without knowing what the return on investment will be, he is hesitant to move forward.

Dentler: Stated that staff does not feel that there is the debt capacity to take this project on at this time.

Boykin: Stated that they would like to study alternative funding options.

- Fox: Questioned what the alternative funding sources are.

Boykin: Stated that they will have to dig into that. Further, he added that an authority has never been done in the town, to his knowledge.

- Dunn: Suggested that since demand for hangar space is high and supply is low, that rates be increased.

Boykin: Stated that if you go too high, people will move out and you will develop a reputation for high rent.

- Gemmill: Questioned what would be a reasonable time period for Council to expect this information.

Dentler: Stated he would be more comfortable with September.

- Hammler: Questioned whether the County includes the airport in its marketing material.

Boykin: Stated he met with the Loudoun County Economic Development Director and they have been given all the airport marketing materials.

Further, he stated that Ms. Edwards has been including the airport in all the town's marketing materials.

- Fox: Stated that the airport is a unique amenity for the town and she has seen business being turned away because of lack of hangar space.

- Butler: Questioned what the difference in size is between Leesburg and Manassas.

Boykin: Stated that Manassas has two runways and a control tower but Leesburg's ground transportation access is superior.

b. Winter Storm Jonas After Action Report

Keith Markel gave a report on Winter Storm Jonas. He introduced representatives from the Virginia Department of Transportation and Loudoun County General Services.

Key Points:

- Governor declared a snow emergency on Thursday, January 21.
- Town Manager declared a snow emergency on Friday, January 22 as the first flakes began to fall.
- Declaration of a snow emergency gave the town manager more control as to how the storm was approached.
- Heaviest snows occurred on Saturday.

- Roughly 34 inches of snow – largest single snow event in the past 30 years.
- 175 continuous hours of operations.
- Town and County government opened on Wednesday with liberal leave in effect.
- Town’s trash contractor was unable to access all streets, so collection drop off points were set up.
- Major roads were cleared first.
- Using the same snow removal tools as in past years.
- Utilities crews stayed at the plants to ensure uninterrupted service.
- Interactive plowing map was available.
- Used a “snow boss” for leadership and critical decision making.
- Introduced a snow hotline which was available 24/7. Live assistance was available 24/7 for the first five days and then went to 12 hour shifts.
- Town staff, VDOT staff, and county staff participated in a joint press conference on the Tuesday after the snow.
- Police Department, Airport, Parks and Recreation, Public Works, and Utilities all contributed.
- Downtown streets were cleared early because of pedestrian safety concerns.
- The tennis bubble was cleared because of concerns that the weight of the snow could damage the bubble, possibly causing collapse.
- Second pass through the neighborhoods would have interfered with residents efforts to dig out their driveways.

Council Comments/Questions:

- Fox: Questioned whether there was a cost associated with the refuse drop off points.
Markel: Stated that the CSI contract was used and the town was charged for the waste containers.
- Fox: Questioned whether CSI could outfit their trash trucks with snow plow blades.
Lafollette: Stated that they do not have that type of equipment.
- Fox: Questioned why verbal, not written commitments were obtained from subcontractors.
Lafollette: Stated that they reached out to the entire list of contractors prior to the storm. She stated the town does not typically have pre-written contracts and two verbal commitments did not pan out so the town will not be having verbal commitments in the future.
- Fox: Questioned why a plow sat in the Senior Center parking lot all day.
Ernie Brown (LC General Services): Stated that the county does not work streets – that is either VDOT or the town. He stated that plow

was prioritized to deal with line of sight issues. He stated that some assets were redeployed to the town and the school board.

- Fox: Questioned whether when there is a state of emergency, whether VDOT can plow the major roads.

Sunil (VDOT): Stated that they pre-stage equipment for major roads so it can be deployed quickly. He stated that streets within the town are the town's responsibility. He stated that VDOT is willing to help in cases of emergency but in this case, VDOT did not have equipment available

- Hammler: Thanked everyone involved for their work during the storm. She questioned whether staff had prices for the equipment that would be needed to appropriately handle larger snowfalls.

Lafollette: Stated that the fleet manager is working on getting prices for some of the equipment that has been discussed. She noted that the V-plow would require a heavier dump truck.

- Hammler: Expressed gratitude for all the instances where neighbors helped each other out and questioned whether there is some way to formalize this type of volunteerism. She questioned whether there are specific policy recommendations for keeping roadways clear of cars and basketball hoops.

Markel: Stated that this can be done on a limited number of core snow emergency routes and an option could be to expand the number of snow emergency routes.

Lafollette: Stated that some common sense by residents to keep their cars off the street, if possible, would help plowing efforts.

- Hammler: Questioned when the town will find out what the reimbursement level will be from the state's snow emergency.

Lafollette: Stated the number she has heard is about the 75% level, but there is no timeline on that.

- Burk: Stated that one of the biggest complaints with the impassible streets for the first few days was that people could not get out in case of emergency.

Maupin: There were a few calls for service. These were routed through the snow boss and emergency equipment would be preceded by a plow.

- Burk: Stated that she heard a complaint that a number of plows were parked at the Comfort Inn.

Lafollette: Stated that the vehicles that were parked at the Comfort Inn where the crews were staying would have been the one ton pick up trucks that could not be used because of the depth of the snow. She stated they were used to get the crews to and from the hotel. She noted that in the same general area there were five VDOT contractor plows that were broken down or stuck. She stated the vehicles that could take a plow or a spreader were run 24 hours a day unless they were in the shop for broken parts.

Markel: Noted that the shop was also open 24 hours a day to keep the trucks up and running.

- Burk: With the number of very heavy storms that the area has experienced over the past 20 years, it seems difficult to say that the town should invest in new equipment and staff that would not be used every year.
Markel: Stated that some additional equipment such as dump trucks and bobcats could be justified as they can be used in other operations. Further, he noted an additional three man crew could be used year round.
Dentler: Noted that Leesburg was no different from the rest of the county, region, and state. He stated that Leesburg might have gotten the bullseye of unflattering media coverage, but the performance was the same all over. He stated that doing significantly better next time may require a financial investment that may not be necessary.
- Burk: Questioned what the county learned and what they would do differently.
Brown: Stated that it is difficult to financially staff or equip for. He stated that the county made the call too late to pull in help from areas outside the storm area. He stated if they had made the call earlier, they might have been able to get a handle on the storm. Further, he noted that they would be adding additional pieces of equipment that they can better deploy to ensure public safety.
- Burk: Expressed surprise that no one from Leesburg was at the Loudoun County Emergency Operations Center.
Dentler: Stated that while no one was there physically, the town was in very close communication with them. He stated the county was outstanding in the response to the town. He stated in the future, someone will be there.
- Gemmill: Stated that he has no complaints on how the town handled this storm. He stated there were inconveniences, but in the broad scheme of things, we are lucky to live in a great county, state and town that can handle these kinds of things. He suggested that the public access channel be used to give the citizens information.
Betsy Fields: Stated that the physical limitation right now with the public access channel is that the changes can only be made from within the building; however, they are working on updating the system to a web-based system so that the slideshow can be changed remotely.
- Dunn: Stated that no one ever has all the resources that they need. He commended the crews that worked on the storm and commended the public for being patient. He questioned why some sections of Rt. 15 are not VDOT maintained.
Lafollette: Stated that was an agreement that was entered into by the town in the early 80s as part of the annexation. She stated that the town agreed to take over the maintenance responsibilities for Rt. 15 within the corporate limits and 15 bypass north of Rt. 7 to the corporate limits.

- Dunn: Stated he did not have a problem with efforts during the storm. He stated he was concerned with how long it took after the end of the storm. He stated the crews stopped working too soon but were deployed for a storm that didn't happen. He stated he would be in support of allocating funds for proper snow removal.
Dentler: Stated there was no decision by staff to be budget conscious. He questioned what Council's expectations are.
 - Dunn: Suggested having sister cities not in the path of the storm to ask for help. Further, he suggested having standards for snow removal. He stated he drives all over the state for his work and other areas were cleared better than the town. He stated the attitude of letting nature take its course three weeks after the storm is unacceptable.
 - Butler: Stated he knows that the public was happy with the hotline and appreciative of it. He stated the dumpster idea was a fantastic idea and a lot of people took advantage of it. He stated he would like to meet with town staff to discuss the strategy of how to attack a big storm. He stated that the town has to figure out how to keep people from being trapped in their houses for five days.
- c. Final Legislative Wrap Up
Barbara Notar delivered a report on the most recent General Assembly session.

Key Points:

- City status bill – Delegate Minchew submitted a bill to provide an exception for the moratorium for towns with a population of at least 40,000 – this bill was withdrawn. Two separate bills were introduced in the senate and the house to extend the moratorium for six more years. A directive has been issued to the housing commission to study the moratorium. The report will be back no later than September 2018.
- Dam safety – which would get federal funds for dam remediation for dams such as the Exeter and Richmond Square dams. The bill was continued. Senator Wexton also submitted a budget request on the town's behalf.
- Drone bill – 14 bills were introduced and 13 failed. Only 17 states have been able to restrict drone usage for privacy purposes. Drone usage in Virginia is only regulated by federal law at this time.
- Fines and Forfeitures – Delegate Minchew's support of the bill to get local money back to localities was finally successful.
- Dooring statute – Requires that drivers wait a reasonable amount of time to assure safety when opening doors into traffic.
- Tree preservation – Localities may propose signs that notifies the public that an infill grading plan has been submitted.
- Line of Duty Act – Administration has been moved to VRS. Budget line item for this for the town is just over \$33,000.

- Publishing of legal notices – Would have allowed localities to publish advertisements online, rather than in print papers. Was not successful due to lobbying by the newspapers.
- Predatory lending – Bills to cap interest rates were defeated because of complaints that these bills are anti-consumer and reduce options for borrowers.
- Proffer bill – proffers will be deemed unreasonable unless they address impacts that are specifically attributable to proposed residential development. Work session discussion will occur on May 9 about the bill.
- Air BnB – Localities are limited from adopting ordinances regulating these.
- Non-partisan elections – Vetoed by the governor.

Council Comments:

- Hammler: Expressed the need to start thinking about working with NVRC and others on the subject of the proffer bill. She stated the loss of road maintenance funds was a huge hit.

2. **Additions to Future Council Meetings**

Council Member Dunn stated that the town has two major long-term financial goals – reducing debt and increasing the undesignated fund balance. He requested a work session to discuss memberships and publications used by Town Staff and the necessity of the truck GPS systems.

There was consensus to add this as a work session discussion.

Council Member Dunn requested a work session on Council rules regarding how things are put on agendas.

There was consensus to add this as a work session discussion.

Council Member Hammler requested looking at county capital intensity factor funds for the police department.

There was consensus to add this as a work session discussion prior to the next task force meeting.

Council Member Hammler stated that there has been a lot of negative feedback about the Lowenbach project. She stated she would like a debrief about the project to understand the project, how it was funded, and how it is going.

There was consensus to have an information memo on the Lowenbach project provided by staff.

Mayor Butler requested approval to send a letter of support for a bill in the Congress that would provide some funding to remediate problems with publicly owned high hazard dams.

There was not enough support for this letter.

Mayor Butler noted that Loudoun County has requested a letter in support of increasing the historic area of Balls Bluff Park.

There was not enough support for this letter.

Mayor Butler requested initiation of no-through truck traffic on Hope Parkway. Council Member Dunn requested a similar initiation for Battlefield Parkway.

There was support for initiation of two no-through truck designations for Hope Parkway and Battlefield Parkway.

On a motion by Council Member Dunn, seconded by Council Member Gemmill, the meeting was adjourned at 10:31 p.m.

Clerk of Council
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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 Martinez.

Staff Present: Town Manager Kaj Dentler, Town Attorney Barbara Notar, Deputy Town Manager Keith Markel, Assistant Town Manager Scott Parker, Director of Planning and Zoning Susan Berry Hill, Deputy Director of Planning and Zoning Brian Boucher, Assistant Zoning Administrator Brandon White, Land Acquisition Manager Keith Wilson, and Paralegal Carmen Smith.

AGENDA

ITEMS

1. **CALL TO ORDER**

2. **INVOCATION** was led by Vice Mayor Burk

3. **SALUTE TO THE FLAG** was led by Mayor Butler

4. **ROLL CALL** showing Council Member Martinez absent.

5. **MINUTES**

a. Special Meeting Minutes of March 31, 2016

On a motion by Council Member Hammler, seconded by Council Member Dunn, the special session minutes of March 31, 2016 were approved by a vote of 6-0-1 (Martinez absent) with a correction to the Council Members present.

b. Special Meeting Minutes of April 11, 2016

On a motion by Council Member Hammler, seconded by Council Member Dunn, the special session minutes of April 11, 2016 were approved by a vote of 6-0-1 (Martinezabsent) with a correction to the Council Members present.

c. Work Session Minutes of Work Session Minutes of April 11, 2016

On a motion by Council Member Gemmill, seconded by Council Member Fox, the work session minutes of April 11, 2016 were approved by a vote of 5-0-1-1 (Martinez absent / Hammler abstaining).

6. **ADOPTING THE MEETING AGENDA**

On a motion by Council Member Hammler, seconded by Council Member Fox, 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. Proclamation – Hunger Awareness Month

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

PROCLAMATION

Hunger Awareness Month

May 2016

WHEREAS, the citizens of this community have a longstanding tradition of humanitarian services, generosity, and voluntarily giving their own time and resources in order to make the Town of Leesburg and Loudoun County a better place to live; and

WHEREAS, the problem of “food insecurity” or hunger is one of the most disquieting conditions that impact us locally and globally; and

WHEREAS, in the same year Loudoun earned its “Wealthiest County” status, approximately 17,000 people in Loudoun County (or 4.7% percent of the population) were identified as “food insecure” or hungry; and out of Loudoun’s “food insecure” population, 69 percent do not qualify for government assistance; and

WHEREAS, local food pantries see a significant decrease in contributions over the summer months while needs increase as many families no longer have the security of school based food programs; and

WHEREAS, the “Love Your Neighbor, Feed Your Neighbor” campaign is in its fifth year and has truly brought various religious and secular groups around Loudoun County together under a single goal to help those suffering from food; and in 2015, volunteers from 25 denominations collected 90,000 pounds of food for seven food pantries across Loudoun County which is a 61% increase over 2012; and

WHEREAS, the Hunger Awareness Month initiative helps to send a message of support to those in need, raises awareness of this critical issue, and encourages our citizens to come together to lend a hand.

NOW, THEREFORE, the Town of Leesburg Council does hereby proclaim May 2016 as Town of Leesburg Hunger Awareness Month, and calls this observance to the attention of all Leesburg citizens.

PROCLAIMED this 26th day of April, 2016.

8. PETITIONERS

The Petitioners section was opened at 7:40 p.m.

Andrew Borgquist stated that one of his favorite sayings is that Hope Springs Eternal. He stated he has come to over 25 meetings and still hopes that something will happen. He stated there has been a large deviation from merit based employment practices in the Town. He stated management is not open to any reasonable discussion. He stated there appears to be a strong retaliatory nature of the actions that occurred. He stated he hopes that there will be some sign that he is being heard.

JD Norman, stated he is speaking on behalf of over 100 residents who have signed a petition opposing the construction of the Pennington garage. He stated as part

of the petition, they are asking the Council to consider any and all alternatives to removing the fourth floor of the garage. He asked that

John Burnham 114 Slack Lane, stated that a lot of good changes were incorporated into the plan for the courts expansion but the fourth level of the garage is unnecessary under any scenario. He asked that Council continue to work with the county and reconsider the parking estimates that require the fourth level.

The Petitioners section was closed at 7:50 p.m.

9. APPROVAL OF THE CONSENT AGENDA

On a motion by Council Member Hammler, seconded by Council Member Fox, the following consent agenda was proposed:

- a. *Performance Guarantee and Water Extension Permit for Poet's Walk at Oaklawn MUC-2 (TLCD 2015-0012)*

RESOLUTION 2016-058

Authorizing an Agreement and Approving a Performance Guarantee and a Water Extension Permit for Poet's Walk at Oaklawn MUC-2 (TLPF 2015-0012)

- b. *Tuscarora Creek Flood Mitigation and Stream Restoration Project Land Rights Acquisition Authorization*

RESOLUTION 2016-059

Declaring that a Public Necessity and Use Exists and Authorizing an Offer to Acquire Permanent and Temporary Easements for the Tuscarora Creek Flood Mitigation and Stream Restoration Project

- c. *Appropriation of Donation Check to Fiscal Year 2016 Police Department Budget*

RESOLUTION 2016-060

Approving a Supplemental Appropriation in the Amount of \$300 to the Fiscal Year 2016 General Fund Police Department Budget

- d. *Initiating Legislative Changes and Town Code Batch Amendments*

RESOLUTION 2016-051

Initiating Batch Amendments to the Town Code

- e. *Initiating Amendments to the Leesburg Town Plan for Telecommunication Facilities*

- f. *Initiating Town Code Amendments to Restrict "Through Trucks" on Hope Parkway*

RESOLUTION 2016-063

Initiating Town Code Amendments to Restrict “Through Trucks” on Hope Parkway.

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. Amending Article 18 of the Leesburg Zoning Ordinance
The public hearing was opened at 8:05 p.m.

Scott Parker gave a brief presentation regarding a proposed amendment to the Zoning Ordinance that would allow the consumption of food items within service stations.

Key Points:

- Amendment would amend the definition of “service station”.
- Change reflects current market trends for convenience/service station hybrid.
- Fuel sales are still the principal use.
- Food sales are an accessory use.
- Service stations existing prior to this date may add on-site dining as an accessory use provided no building expansion and parking requirements are satisfied.

Council Comments/Questions

- Burk: Questioned where the kitchen facilities will be.
Parker: Stated that when referring to by-right, only tables will be added to allow sit down dining of items already sold on premises.
- Fox: Questioned whether all service stations go through the special exception process. Further, she questioned whether this will have an impact on taxes.
Parker: Verified that all service stations go through the special exception process as part of development and that there will be a slight increase in meals taxes as a result of this amendment.
- Dunn: Questioned why tables and chairs need to be a special exception.
Parker: Stated as part of an original application, they would be part of the layout of the site that is approved during the special exception process.
- Dunn: Questioned whether 7-11s wanted to have tables for their patrons, would they fit under this category.
Parker: Stated that convenience stores have their own set of use standards. He noted that convenience food sales for service stations would be an accessory use.
- Dunn: Questioned why a service station with in-store dining would be a special exception.

Parker: Stated the service station use is the special exception use, not the in-store dining.

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

The public hearing was closed at 8:23 p.m.

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

ORDINANCE 2016-O-011

Amending Article 18, Definitions, of the Leesburg Zoning Ordinance to Permit On-Site Consumption of the Food Items within Service Stations

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. Amending Article 9 and Article 18 of the Leesburg Zoning Ordinance
The public hearing was opened at 8:24 p.m.

Brandon White gave a brief presentation on the proposal to establish regulations for temporary portable storage units.

Key Points

- Complaints occur when the storage unit is left in place for a long period of time.
- Definition was crafted to distinguish that this is a temporary storage unit.
- A temporary use permit would be required for storage longer than 14 days.
- Maximum size limitation of 120 square feet.
- Placement only on paved surfaces (driveways).
- Planning Commission recommended approval with conditions.

Council Comments/Questions:

- Burk: Questioned what the maximum time allowed would be.
White: Stated originally a 60 day maximum was proposed; however, the Planning Commission recommended leaving the maximum up to the discretion of the zoning administrator. He stated that staff prefers a maximum for the duration of the storage.
- Fox: Clarified that staff would prefer that a permit be drawn from day 1 so that the 14 days could be monitored.
- Gemmill: Stated he has a problem having a regulation for one violator.

- Butler: Stated that this would protect the neighbors from those who create unpleasant situations.
- Burk: Noted that there have been neighborhood confrontations.
- Dunn: Stated that other localities put Pods in the same category as sheds. He stated he is surprised it is allowed in a driveway since other localities have strict guidelines for where sheds can be located and their size. He stated he would rather have an established limit of time and then leave it up to the zoning administrator if it can be there longer.
- Fox: Clarified that pods are not allowed in public areas.
White: Stated there is an application that would allow placement on public property.
- Hammler: Questioned the language used in other municipalities.
White: Stated that they looked at the Town of Vienna, Town of Herndon, City of Winchester, Fairfax County, Loudoun County, and the Town of Lovettsville. He stated that Herndon and Loudoun County are the only jurisdictions that do not require a temporary use permit for temporary storage. He stated the duration and permitted size varies from one jurisdiction to another.
- Hammler: Questioned whether there will be penalties for violating this section.
White: Stated that standard zoning violation fees would be used.

John Bolton, 508 Clagett Street, SW, stated that his neighborhood has the situation with the pod. He stated that he and his wife have been working with the town on this pod that has been there for 14 months. He stated that the house is vacant and is deteriorating. He stated that the owner lives next door and the owner is unapproachable leaving the neighbors with the only recourse of addressing this with the town. He stated there are pods all over the town. He encouraged a limit to the length of time that a pod can be left.

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

ORDINANCE

Amending Leesburg Zoning Ordinance Article 9, Use Regulations, and Article 18, Definitions to Establish Regulations for Temporary Portable Storage Units

Council Comments:

- Burk: Stated this will be an important resource, particularly for those who do not live in HOA governed areas.
- Hammler: Stated she would like maximum time limit language and maximum number of units.
- Burk: Clarified that a maximum of 14 days of usage without a permit will be included and then 60 day maximum with the temporary use permit.

On a motion by Vice Mayor Burk, seconded by Council Member Hammler, the item was postponed to the next meeting to give staff time to edit the additional language.

The motion to postpone was approved by the following vote:

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

Nay: None

Vote: 6-0-1 (Martinez absent)

11. RESOLUTIONS AND MOTIONS

a. Initiating Town Code Amendments to Restrict “Through Trucks” on Battlefield Parkway

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

RESOLUTION 2016-064

Initiating Town Code Amendments to Restrict “Through Trucks” on Battlefield Parkway

Council Comments:

- Dunn: Stated that there are a lot of schools and day care centers along Battlefield Parkway. He stated this will better serve the citizens to not have trucks that are just passing through town in these residential neighborhoods.
- Burk: Stated that the reason she took it off consent was it came up rather quickly. She stated one of the arguments for the Battlefield Parkway construction was to take traffic out of the downtown. She questioned whether this will push traffic back downtown.
Notar: Stated it might and staff will recommend against it.
- Butler: Stated he cannot support this is because trucks sometimes have to travel on Battlefield. He stated it was built for trucks.

The motion was approved by the following vote:

Aye: Dunn, Fox, Gemmill, and Hammler

Nay: Burk and Mayor Butler

Vote: 4-2-1

b. Initiating Amendments to Zoning Ordinance for Consistency of Nonconforming Structures

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

RESOLUTION 2016-065

Initiating Amendments to the Leesburg Zoning Ordinance for the Purpose of Providing Consistency Regarding Treatment of Nonforming Structures

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)

12. ORDINANCES

a. None.

13. UNFINISHED BUSINESS

a. None.

14. NEW BUSINESS

a. None.

15. COUNCIL COMMENTS

Council Member Dunn questioned whether there was support from Council to give part time employees the same rights that full time employees have. He requested Council discussing this subject.

Vice Mayor Burk: Stated she attended a reception for welcoming the county's new director of mental health, substance abuse, and developmental services. She stated this is a wonderful group and congratulated Ms. Patriccio on her appointment. She congratulated Katrina Cole for being elected the president of Friends of Loudoun Mental Health. She stated the flower and garden show was spectacular. She thanked those that came out on the rainy morning to help clean up the African-American grave sites located on the town's property near the airport. She expressed sympathy to the Carroll family.

Council Member Hammler: thanked everyone for the wonderful flower and garden festival. She stated that if Council members are going to volunteer for Commission booths, they should use the same parameters for political endorsements as they do when sitting on the dais. She disclosed a conversation with Hobie Mitchell regarding the O'Connor property north of town. She thanked Mr. Burnham for his efforts with regards to the Pennington Parking Garage. She stated she will be attending the VML Executive Committee meeting in Blacksburg. She stated it is important to work on more legislation to help localities deal with blighted structures. She congratulated and thanked Tom Mason for his many decades of dedicated and effective public service.

Council Member Fox: Congratulated Tom Mason on his upcoming retirement. She stated she is happy the Town Council has proclaimed May as Hunger Awareness Month. She stated it is necessary and needed.

16. MAYOR'S COMMENTS

Mayor Butler noted that there was a lot of deer bones and tires at the African-American gravesite. He stated the flower and garden show was fantastic and enjoyed welcoming everyone and accepting the Tree City USA award, which is a testament to the town. He shared his condolences with the Carroll family and the family of Lieutenant Dube. He disclosed a conversation with Mike McLister about potential

activity downtown. He stated he met with Chairman Randall and some other officials related to the consideration of the acquisition of real property for parking.

17. MANAGER'S COMMENTS

Kaj Dentler had no comments.

18. CLOSED SESSION

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

MOTION 2016-007

Pursuant to Section 2.2-3711(A) (3) of the Code of Virginia, I move that the Leesburg Town Council convene in a closed meeting for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

The motion was approved by the following roll call vote:

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

Nay: None

Vote: 6-0-1 (Martinez absent)

The Council convened in closed session at 9:27 p.m.

The Council reconvened in open session at 10:14 p.m.

On the motion of Council Member Hammler, seconded by Council Member Fox, the following was proposed:

MOTION 2016-008

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

Nay: None.

Vote: 5-0-2 (Gemmill/Martinez absent)

19. ADJOURNMENT

On a motion by Council Member Hammler, seconded by Council Member Fox, the meeting was adjourned at 10:14 p.m.

David S. Butler, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2016_tcm0426

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 Hammler arrived at 7:45 p.m.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Chief of Police Vanessa Grigsby, Director of Capital Projects and Public Works Renee Lafollette, Director of Planning and Zoning Susan Berry Hill and Clerk of Council Lee Ann Green

AGENDA

ITEMS

1. **Items for Discussion**

a. Domestic Violence Protocols

Chief Grigsby introduced Nicole Acosta, the Executive Director of the Loudoun Abused Women's Shelter.

Key Points:

- Leesburg's Domestic Violence program officially began in 2001. Before that, the town followed state protocols.
- Stated that not all calls come in as domestic violence calls, but often are.
- Predominant aggressor is the most dangerous.
- Mandatory arrest ensures that more cases end up in court.
- All victims are provided with information about community services.
- Victims can be male or female and have the same rights.
- LAWS has a 12 bed shelter for victims fleeing domestic violence.

Council Comments/Questions:

- Fox: Questioned the protocol for protective order violations.
Grigsby: Stated that once the order has been served, arrest can be made on violations.
- Gemmill: Questioned whether more calls come in at certain times of the year.
Grigsby: Stated that the calls come in at the rate of about two per day.
- Dunn: Questioned the process that occurs when a protective order is violated.
Acosta: Stated that the most important intervention that can be provided is for the victim to engage in services.
- Hammler: Stated that LAWS is a tremendous organization. She stated that victims need to be willing to seek help. She questioned whether publicizing the names of those that commit domestic violence would help deter further escalation.
Acosta: Stated that in many cases children are involved so it might not be beneficial – it may be a deterrent for the victim to report.
- Burk: Questioned whether there are preventative programs.

Acosta: Stated that there was a prevention program that targeted young people with the goal of educating teenagers about healthy relationships and warning signs of abuse. She stated that program was cut in the last fiscal year but they are seeking additional funding to reprise this program.

- Martinez: Stated that this is a suffer in silence crimes that is difficult for others to understand. He stated that it is good to spread the word about the services available.

b. Opening of Kincaid Boulevard Extension – Request from County of Loudoun

Susan Glass, Loudoun County Department of Transportation, stated this is a follow-up on a letter sent to the Council by the Loudoun County Board of Supervisors in November 2015 requesting that the segment of Kincaid Boulevard that is currently barricaded be opened to connection with Crosstrail Boulevard. She noted that the county has completed the construction of Section A1, which is the section within Phil Bolen Park. Further, she stated that Section B is part of a proffer commitment by Tuscarora Crossing and the county is working through getting final plan approval. She requested, on behalf of the Board of Supervisors, that the Council allow the removal of the barricades that connect Kincaid Boulevard with Section A1 before the completion of Section B.

Council Comments:

- Dunn: Questioned how many citizens have requested removal of the barricades.
Glass: Stated she was unable to provide that information.
- Dunn: Stated that he does not see a need to open the road until the connection is made to Sycolin.
- Gemmill: Stated it would be courteous to at least answer the county. He stated he does not have a problem opening it up.
- Burk: Stated she was on the Board when it came forward the first time. She stated one of the ways that the community accepted the Tuscarora Crossing development was assurances that the barricades would not come down until Crosstrail was completed all the way to Wegmans. She stated the neighborhood is still in opposition of removal of the barricades.
- Hammler: Questioned when the final segment to Wegman's will be completed.
Glass: Stated that it is in the County's CIP in FY2020 although the developer has an obligation to have it completed prior to the issuance of the 289th building permit.
Lafollette: Noted that two lanes of Crosstrail have to be bonded by the time they get their 71st building permit by proffer and two lanes constructed by their 289th building permit and four lanes by build out.
- Hammler: Questioned why the Board of Supervisors is asking even though the decision was already made.

- Glass: Stated this is a new board.
- Fox: Questioned who placed the current barricades.
Glass: Stated that they were placed by the County's contractor.
 - Fox: Suggested that the town and county collaborate on a more secure barrier.
 - Butler: Clarified that even if the developer does nothing, having the funds in the current FY 2020 CIP, means that the road will be built.
 - Dunn: Suggested that the town put up jersey walls on the town's side.

There was consensus to pass a resolution indicating the Council's position at Tuesday night's meeting.

c. Council Rules of Procedure

Council Member Dunn stated that he would like to change the Council Rules of Procedure to address how items can come before Council.

Key Points:

- Section 8 – New Items calls for a unanimous vote of Council. He recommended that it be changed to a super majority.
- Section 12 – Items that are likely to be without controversy. He stated that is ambiguous and should be stricken or amended.
- Section 13 – Item Two – strike the words “majority of” and leave it “the Council shall...” and Item Three – strike the words “the next” and insert “a”. He stated it would give some flexibility for scheduling.

Council Comments:

- Butler: Clarified that this would change adding new business items during a meeting to a super majority, rather than a unanimous vote.
 - Dunn: Stated that there should only need to be one super majority vote to consider the new business, not a vote to suspend the rules as well as a vote to consider the new business.
 - Butler: Stated that adding New Items on the same day, it gives the public no time to consider or comment before discussion occurs.
 - Burk: Stated this would make it less transparent to the public and limit public input.
 - Dunn: Stated that this is not an issue of transparency because it could still be brought up as long as everyone agrees to it. He stated leaving it the way it is allows the majority to stifle the minority.
- Notar: Noted that Robert's Rules allows suspension of the Rules by majority, not a unanimous vote.

There was no consensus to amend this section.

Council Comments:

- Butler: Clarified that Section 12 states “As a guideline, additions to next day meetings should be limited to items requiring minimal staff time, and as there will be limited time to inform constituents, items that are likely to be without controversy.” He stated that it is a guideline.
- Gemmill: Stated that he does not see a reason to have rules that are more strict than Robert’s Rules of Order. He stated it does not hurt anyone to bring up an item for discussion if three members want it. He agreed with Council Member Dunn that “without controversy” is ambiguous.
- Martinez: Stated that Robert’s Rules is a guideline for how to run meetings. He stated that every organization has a set of rules that complement their mission and motives. He stated these rules came into being because Council members were bringing things up to be voted on either that night or the next night without the rest of Council and the public having an opportunity to review it.
- Butler: Noted that a single Council Member can bring up anything at a meeting two weeks away for vote. He stated you can add a memo or discussion if there is a majority.

There was no consensus to amend the language of Section 12.

Council Comments:

- Butler: Stated that Section 13 states “Any Council Member may request an item be placed on the agenda for a future work session. The majority of Council shall rule whether the item will be added as an information item, an item for discussion, or an item for discussion with potential action the following day.” He clarified that Council Member Dunn would like to strike “majority of”.
- Butler: Stated that majority of is implied.
Notar: Stated that there is no difference between “majority of Council” and just “Council”.
- Dunn: Stated that the ultimate goal is that it does not require a majority. He stated it could read that any council member can place an item on a future agenda or work session. He stated this rule allows Council to vote on stopping discussion of an item.
- Hammler: Stated that the balance that is trying to be achieved is for someone who is in the minority to be able to bring forward meaningful issues that Council may eventually decide not to address, but could be productive to review. However, she stated that staff only has so much time and Council must direct the priorities. She suggested creating limits to how many times a Council Member can bring something forward with only the approval of three members. She noted that generally items should be vetted with colleagues to ensure that there is interest in pursuing them.

- Burk: Stated her concern is that the staff would have to expend time working on things that are not top priorities for Council. She stated this is not an efficient way to conduct business.
- Butler: Stated that there are often items that come up where people don't actually support it, but they are willing to discuss it. He stated it has not been a burden to get four people to discuss things. He expressed his reluctance to allow items to be brought up by only three Council Members because of the potential to waste a lot of staff time.
- Martinez: Stated that this puts a burden on staff to decide whether to do their jobs or follow the direction of a minority of Council.
Dentler: Stated that these are Council's rules, but this will put additional pressure on staff to meet Council's expectations.
- Dunn: Stated that it is difficult to get both sides of the discussion out when some Council Members will vote against another Council Member just because of who he/she is.

There was consensus to bring options forward for consideration.

Council Comments:

- Butler: Stated that Section 13 – paragraph three – would give the Council some latitude as to which meeting an item is added to as long as the requester has the discretion.

There was consensus to bring this forward for amendment.

d. Fiscal Year 2017 Approved Budget: Organizational Memberships/Publications/GPS

Council Member Dunn requested deferring this to a future meeting for a vote as he stated he feels that the answers in the staff report differ from those given during the budget process.

Mr. Dentler stated that the information is the same information presented during the budget process.

Mayor Butler requested that Council Member Dunn make a list of specific items that he would like to delete so that Council can consider.

Council Comments/Questions:

- Fox: Noted that the Gang Task Force membership is reimbursed. She questioned how many of these memberships are reimbursed.
Grigsby: Stated that Asset Forfeitures and vehicle rentals are all reimbursed.

Staff will indicate which items are reimbursed.

2. Additions to Future Council Meetings

Council Member Dunn: Requested a look at reducing the funding for the Public Information Department, the GPS units in town vehicles, and reducing/waive the parking requirement for the county garage by 180 spaces, so the fourth level would be unnecessary.

The funding for the public information office and the GPS units in the town vehicles will be addressed in two weeks. The Town Manager was directed to talk to the county staff about whether or not the county would be willing to only build three floors of the parking garage, if the town did not require the additional spaces.

Mayor Butler requested a vote on the resolution about parking in two weeks.

On a motion by Council Member Fox, seconded by Council Member Dunn, the meeting was adjourned at 9:16 p.m.

Clerk of Council
2016_tcwsmin0510

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, Marty Martinez and Mayor Butler.

Council Members Absent: None.

Staff Present: Town Manager Kaj Dentler, Town Attorney Barbara Notar, Deputy Town Manager Keith Markel, Assistant Town Manager Scott Parker, Chief of Police Vanessa Grigsby and Paralegal Carmen Smith.

AGENDA ITEMS

1. CALL TO ORDER

2. INVOCATION was led by Council Member Hammler

3. SALUTE TO THE FLAG was led by Council Member Gemmill

4. ROLL CALL showing all members present.

5. MINUTES

a. Regular Session Minutes of April 12, 2016

On a motion by Council Member Gemmill, seconded by Council Member Hammler, the regular session minutes of April 12, 2016 were approved by a vote of 7-0.

6. ADOPTING THE MEETING AGENDA

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

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

Nay: None

Vote: 7-0

7. PRESENTATIONS

a. Certificates of Appreciation – Tree Commission Volunteers at Flower and Garden Show

On a motion by Council Member Hammler, seconded by Council Member Dunn

Certificates of Appreciation were presented to the following Tree Commission volunteers:

Pamela Butler

Ethan Gill

Darren Korch

Abby McKay

Natalie McDonald

Connor Shields

Ashlyn Gill

Walter Gill

Daniel Butler

Ann Stetford

Nicole Greco

b. Proclamation: National Nursing Home Week

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

PROCLAMATION
National Nursing Home Week
May 8 – 14, 2016

WHEREAS, we honor and respect our elders and citizens of any age with physical or intellectual disabilities who reside in skilled nursing care centers in Leesburg, Virginia; and

WHEREAS, skilled nursing care centers throughout our area are holding events in observance of National Nursing Home Week, May 8 to 14, using this year’s theme of “**It’s a Small World, with a Big Heart;**” and

WHEREAS, we urge all citizens to visit a loved one, family member or friend residing in any care setting and offer a kind word, a personal touch, and time spent participating in various activities as a way to help in all walks of life in need of our continuing love and support; and

WHEREAS, the Town of Leesburg is committed to quality health care, we take this moment to embrace the spirit of the theme “It’s a Small World, with a Big Heart.” Let’s join all residents, patients, caregivers, nurses, other staff, and visitors in celebrating their special week;”.

NOW, THEREFORE the Mayor and Council of the Town of Leesburg in Virginia hereby declare the week of May 8 to 14, 2016, as National Nursing Home Week, a week to honor our vulnerable citizens who receive care, or the dedicated ones giving care.

PROCLAIMED this 10th day of May, 2016.

c. Proclamation: Preservation Month

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

PROCLAMATION
National Preservation Month
May, 2016

WHEREAS, Leesburg is over 250 years old, and features historic resources that date from the earliest days of the town's founding; and

WHEREAS, the Town of Leesburg established the Old and Historic District in 1963; and

WHEREAS, historic and cultural resources are prevalent throughout the community including outside the boundaries of the Old and Historic District; and

WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and

WHEREAS, it is important to celebrate the role of history in our lives, and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped Leesburg; and

WHEREAS, historic preservation is relevant for communities across the nation both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds.

THEREFORE, the Mayor and Council of the Town of Leesburg in Virginia hereby proclaim May 2016 as National Preservation Month, and call upon the people of Leesburg to join their fellow citizens across the United States in recognizing and participating in this special observance.

PROCLAIMED this 10th day of May, 2016.

- d. Proclamation: Tourism Week
On a motion by Council Member Hammler, seconded by Council Member Dunn the following was proclaimed:

PROCLAMATION

National Travel & Tourism Week **May 1 – 7, 2016**

WHEREAS, the first full week in May is recognized as National Travel and Tourism Week to promote the tourism industry; and

WHEREAS in 2014 Virginia tourism revenues topped \$22.4 billion and generated 1.6 billion in travel spending just in Loudoun; and

WHEREAS, the travel and tourism industry consistently ranks among the top five largest private employers and in Loudoun supports more than 16,000 jobs; and

WHEREAS, the tourism industry contributes substantially to the Leesburg community's cultural and social wellbeing by way of the attractions, special events, arts, shopping and dining opportunities; and

WHEREAS, each Leesburg household receives more than \$630 annually in combined Town and County tax relief as a result of visitor spending; and

WHEREAS, the Visitor Center for Loudoun County is centrally located in Downtown Leesburg and attracts more than 1,000 visitors monthly; and

WHEREAS through travel and tourism stories in 2014, the town of Leesburg has garnered more than \$800,000 in media exposure and coverage across the country including Philadelphia Sunday Sun, New Jersey Star-Ledger, Washington Post and Fox 5.

THEREFORE, the Mayor and Council of the Town of Leesburg in Virginia hereby proclaim the first week in May 2016 as National Travel and Tourism week and call on the citizens of and visitors to Leesburg to be enjoy all that Leesburg has to offer.

PROCLAIMED this 10th day of May, 2016.

- e. Proclamation: Small Business Week
On a motion by Council Member Hammler, seconded by Council Member Dunn the following was proclaimed:

PROCLAMATION

SMALL BUSINESS WEEK

May 16 – May 22, 2016

WHEREAS, the growth of the Leesburg business community has been steady and successful in attracting and retaining a diversity of quality businesses that have proven their benefit to the Town's economy; and

WHEREAS, the Leesburg business climate is healthy in workforce, infrastructure and entrepreneurs; and

WHEREAS, Leesburg is a AAA community and home to more than 2,500 Businesses; and

WHEREAS, Leesburg's small businesses provide a tremendous resource to a variety of social and charitable causes that make a significant difference to the lives of Leesburg residents; and

WHEREAS, a vibrant, healthy economic environment is the cornerstone of a successful, thriving community where good jobs are easily accessible.

WHEREAS, Small Business Week gives small business operators the opportunity to make important contacts and learn valuable information at a number of events.

WHEREAS, Small Business Week is co-sponsored by Loudoun County Economic Development, Loudoun County Chamber of Commerce, Loudoun Workforce Development Center, Mason Enterprise Center, Northern Virginia Technology Council, and the Town of Leesburg.

THEREFORE, the Mayor and Town Council of the Town of Leesburg in Virginia hereby proclaim the week of May 16th through May 22nd as Small Business Week in the Town of Leesburg and urge the citizens of Leesburg to support our local business owners that do their part to create a vibrant, sustainable economic environment for the Town of Leesburg.

PROCLAIMED this 10th day of May, 2016.

f. **Proclamation: Lyme Disease Awareness Month**

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

PROCLAMATION

Lyme Disease Awareness Month May, 2016

WHEREAS, Lyme disease is an infectious disease caused by spirochetal bacteria, *Borrelia burgdorferi*, which is carried by deer ticks, and our understanding of these complex organisms is incomplete; and

WHEREAS, Lyme disease is the most common tick-borne disease in the United States; and

WHEREAS, if it is not treated early, Lyme disease can infect every part of the body and cause a wide variety of symptoms requiring medical practitioners to have familiarity with its various clinical presentations; and

WHEREAS, there are multiple protective and preventative actions that can be taken by individuals to reduce exposure and infection; and

WHEREAS, through public awareness and physician education, the Town of Leesburg seeks to minimize the devastating effects of Lyme disease among all of its citizens.

NOW, THEREFORE PROCLAIMED by the Mayor and Council of the Town of Leesburg in Virginia that the month of May, 2016 is Lyme Disease Awareness Month in the Town of Leesburg.

PROCLAIMED this 10th day of May, 2016.

h. Presentation: Keep Leesburg Beautiful – Golden Trash Can Winner
Keith Markel gave a presentation regarding the amounts of trash collected by Council and staff as part of the competition.

Council: 1520 pounds

Staff: 583 pounds

8. PETITIONERS

The Petitioners section was opened at 8:01 p.m.

Gwen Armstrong, Patterson Court, NW, stated the Bible Reading Marathon was wonderful and thanked those Council Members who participated.

Andrew Borgquist stated that he is trying to get some resolution to his situation. He stated that Town Manager Dentler talked to him about employees ineligible for re-employment. He stated that this is not addressed in the Personnel manual. He stated he felt tricked and mistreated by Director Rich Williams after his disagreement with the Leesburg Police officer. He requested that his situation be reviewed.

Ron Campbell, 812 Fort MacLeod Terrace, stated that sometimes Council members behave in imperfect ways. He thanked Council Member Hammler for her civil words. He stated that the Council needs to prepare prior to meetings so that they do not have to continually review things that have already been decided. He stated it is almost embarrassing to watch it break down every week.

Craig Lane, 613 Cobbler Terrace, SE, stated the community has been closely following the drama regarding the barricade at the end of Kincaid Boulevard. He thanked Council for the continued support of leaving the barricades in place. He stated they are concerned with the fact that the barricades belong to the county. He stated the residents would like something more substantial.

The Petitioners section was closed at 8:19 p.m.

9. APPROVAL OF THE CONSENT AGENDA

On a motion by Council Member Hammler, seconded by Council Member Fox, the following consent agenda was proposed:

- a. *Public Art Exhibit by Steven Heyl*

RESOLUTION 2016-066

Approval of a Public Art Exhibit at Town Hall by Steven Heyl

- b. *Authorizing the Mayor to Issue a Letter of Support to Northern Virginia Regional Transit Authority (NVRTA) to Request Funding for the Interchange at Route 7 East and Battlefield Parkway*

MOTION 2016-009

I authorize the Mayor to Issue a Letter of Support to Northern Virginia Regional Transit Authority (NVRTA) to Request Funding for the Interchange at Route 7 East and Battlefield Parkway

- c. *Donation of Surplus Police Vehicle to the Leesburg Police Citizens Support Team*

RESOLUTION 2016-067

Donation of an Out of Service Police Vehicle to the Leesburg Police Citizens Support Team for the Purpose of Continued Use

- d. Re-Affirming Town Council's Position to Delay the Opening of the Kincaid Boulevard Extension

RESOLUTION 2016-068

Re-Affirming Town Council's Position to Delay the Opening of the Kincaid Boulevard Extension

The Consent Agenda was approved by the following vote:

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

Nay: None

Vote: 7-0

10. PUBLIC HEARINGS

- a. Amending the Zoning Ordinance Regarding Noise in the R-1
The public hearing was opened at 8:21 p.m.

Scott Parker gave a brief presentation regarding a proposed amendment to the Zoning Ordinance that would provide consistency with Chapter 24 of the Town Code.

Key Points:

- Creates consistency between the Town Code and the Zoning Ordinance on how late noise can be generated.
- R-1 Zoning Districts are single family residential.
- Corrects 8 p.m. – 11 p.m. for indoor sound from 10 p.m. to 11 p.m.
- Planning Commission unanimously recommended approval.

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

The public hearing was closed at 8:27 p.m.

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

ORDINANCE 2016-O-012

Amending Article 9, Section 9.5.4D, Standards for Specific Uses, Fair in the R-1 District, to Provide Consistency with Town Code, Chapter 24

Council Comments:

- Hammler: Disclosed that her house backs up to Paxton and this amendment specifically supports Paxton's initiatives.
- Dunn: Questioned whether staff has looked at the number of events allowed at Paxton.

Parker: Stated the number of events allowed in the R-1 was increased as part of the batch amendments.

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

11. RESOLUTIONS AND MOTIONS

- a. Amending the Zoning Ordinance regarding Temporary Portable Storage Units

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

ORDINANCE 2016-O-013

Amending the Leesburg Zoning Ordinance Article 9, Use Regulations, and Article 18, Definitions to Establish Regulations for Temporary Portable Storage Units

Council Comments:

- Burk: Stated this ordinance will help neighborhoods that have no other recourse and help with quality of life issues.
- Dunn: Stated he would have rather had it be a certain time period. He stated having it in the driveway in front of the house for the length of time allowed is long. He stated he would rather not have them be able to extend the length of time, but have it treated as a shed.

The motion was approved by the following vote:

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

Nay: None

Vote: 6-0-1 (Gemmill abstaining)

12. ORDINANCES

- a. None.

13. UNFINISHED BUSINESS

- a. None.

14. NEW BUSINESS

- a. Request Review of Termination of Andrew Borgquist

Council Member Dunn stated he would like to direct the Town Manager to review the termination of Mr. Borgquist.

On a motion by Council Member Dunn, seconded by Council Member Gemmill, suspending the rules was not approved:

Aye: Dunn, Fox, Gemmill, and Hammler

Nay: Burk, Martinez, and Mayor Butler

Vote: 4-3 (must be unanimous)

15. COUNCIL COMMENTS

Council Member Fox congratulated Deputy Zoning Administrator Brandon White on his future employment plans. She stated she attended the National Day of Prayer and the Business Summit. She stated it was a very informative summit. She reiterated her feelings about the building of hangars at the airport. She stated there are businesses that want to come to town or expand at the airport.

Council Member Hammler: Stated that any discussions about Mr. Borgquist should be held in Closed Session. She stated that Custom Software cannot find space to expand. She stated HUBZone companies have needs for additional space.

Vice Mayor Burk: stated she attended the Tree Commission Arbor Day celebration at Frances Hazel Reid and each child got a small tree to plant. She stated the Ecology Club at Tuscarora High School planted 65 trees as partners with Journey through Hallowed Ground. She stated she rang the bell at the opening of the Farmer's Market at Virginia Village. She stated the variety of goods is great. She stated she attended the ribbon cutting at 27 South on S. King Street. She stated the Friends of Loudoun Mental Health had a fundraiser and they help those with mental health issues with a variety of issues.

Council Member Gemmill: Thanked Council for their efficiency completing the agenda.

Council Member Dunn: Stated he looks forward to future council member comments debating Mr. Campbell since he uses his citizen speaking time to make political speeches. He stated he will use Council Member Comments to counter his points and set the record straight.

16. MAYOR'S COMMENTS

Mayor Butler stated his tie symbolizes autism awareness. He stated that Tom Mason's retirement party was well put together and stated that Mr. Mason will be missed. He stated he attended the Oatlands Gala and Media Day at the Evergreen Sportsplex. He stated he opened the farmer's market on Saturday and rang the bell. He read several "If I were Mayor" essays from the Virginia Town and City (Virginia Municipal League) magazine. He stated the future of the Commonwealth is in good hands with these young people.

Council Member Hammler stated that many of the essays came from students in Loudoun County thanks to the Civics program with Morven Park.

17. MANAGER'S COMMENTS

Kaj Dentler congratulated Council on regaining ownership of the Golden Trash Can.

18. CLOSED SESSION

- a. None.

19. ADJOURNMENT

On a motion by Council Member Hammler, seconded by Council Member Fox, the meeting was adjourned at 8:57 p.m.

David S. Butler, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2016_tcm0510