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

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

Council Members Absent: None.

Staff Present: Town Manager Kaj Dentler, Town Attorney Barbara Notar, Deputy Town Manager Keith Markel, Director of Planning and Zoning Susan Berry Hill, Deputy Director of Planning Brian Boucher, and Paralegal Carmen Smith.

AGENDA ITEMS

1. Work Session Items for Discussion

a. New Proffer Bill

Barbara Notar stated that this is a new section of the Code of Virginia.

Key Points:

- Section15.2-2303.4
- Statute has/will caused significant work plan impact.
- State Code allows the town to have conditional zoning based on proffers.
- Proffer is a voluntary offer to contribute something to mitigate impacts caused by the rezoning by the applicant/landowner during the rezoning process.
- When accepted by the locality, the proffers become part of the zoning ordinance and are thus enforceable.
- Currently proffers need not be necessitated by the rezoning, but must be reasonable and voluntary.
- New statute allows the applicant to challenge the reasonableness of a proffer even if it is voluntarily submitted.
- New statute applies to any rezonings submitted after July 1.
- Proffers will be unreasonable unless they address an impact that is specifically attributable to the proposed residential development.
- Only the applicant/property owner may file suit after a denial.
- Presumption is that a denial occurred because of an applicant's refusal to provide an unreasonable proffer.
- Negatively impacts the "fairly debatable" standard, which has been favorable to the town.
- "Unreasonable" proffer can be struck by the court and allows the court to force the Town Council to approve the rezoning without the "unreasonable" proffer.
- Zoning Ordinance will need review to determine what requirements are no longer valid.

- Town Plan will need review as it was passed with the expectation of proffers.
- Train Planning Commissioners and Council Members on what can and cannot be said or done.
- Increase rezoning fees to pay for evaluation of impact studies.
- All proffers proposed by the town must be reviewed by legal.
- All proffers proposed by the applicant must be accompanied by a detailed analysis (impact study) that demonstrates the proffers are reasonable.

Council Comments:

- Burk: Stated that it makes it very difficult to deny a rezoning.
- Butler: Stated it is his understanding that the developer may sue over conditions even if the rezoning was approved.
- Burk: Questioned whether there can be a moratorium on accepting applications.
  Notar: Stated that we must accept applications as they are submitted. She stated that staff is planning to bring initiating resolutions forward at the next meeting.
- Butler: Stated that there is a good chance that many of the current cash proffers that are given such as for schools, fire and rescue, etc., will not be allowed. He stated that they will need case law to make the statute more clear.
- Burk: Questioned whether the General Assembly will look at this again.
  Notar: Stated there is a good chance that it will be reviewed. She requested that Council contact her if they get a request for a meeting with a developer.
- Fox: Questioned whether additional staff will be needed to handle this work load.
- Hammler: Stated that the town needs to have a very aggressive outreach back to the General Assembly to get amendments to this law.
- Martinez: Stated that everyone needs to work together to get this fixed. He requested more information on how the Council should communicate with developers.
  Berry Hill: Stated that staff will be working on training of that kind.
- Burk: Noted that there is no way all of these changes will be in effect before July 1 because of the time needed to accomplish these legislative changes. She stated that Council will have to make decisions based on things that have not yet been changed. Further, she noted that this will make the rezoning process longer and more complicated for developers.
- Hammler: Questioned who would decide who provides the fair market impact statements such as an independent organization.
  Boucher: Stated that if the town does not agree with the impact statement, then they have to be prepared to counter it with something.

- Gemmill: Stated that this is all brand new and a lot of hypotheticals have been tossed around. He questioned how a developer can voluntarily proffer something and then turn around and sue saying it is unreasonable.
  Boucher: Stated this is one of the big questions that need to be answered.
  Notar: Stated that currently proffers are voluntary; however, this may be used as an argument if the rezoning is denied.
- Dunn: Stated that a lot of this reads the way things should have been operating all along. He stated that the proffer system has become less voluntary and more of a demand process.
- Butler: Stated that in the Northern Virginia Regional Commission meeting, they discussed the phrase "no locality shall accept or request any unreasonable proffer as a condition of approval" and the concern was that developers could sue on approval if they thought there was an unreasonable proffer. He cited a Virginia Supreme Court case where a developer did sue on approval because they felt the Council had strong armed them into an unreasonable proffer.

b. Zoning Ordinance Advisory Group

Council Member Dunn stated that there is a group at the County level that gives community input on the County's zoning ordinances.

Susan Berry Hill stated there is some benefit from getting input from the building and development industry on things that would be helpful to include in the ordinance; however, it is being done on an informal basis at this time.

Council Comments/Questions:

- Dunn: Questioned what level of comment the county ZOAG had.
  Berry Hill: Stated she was never able to get that information but she knows that there is some collaboration that goes on between the ZOAG and staff. Further, she stated that the development community could be brought into the Batch amendment process.
- Gemmill: Stated it is an interesting concept as long as it does not add an extra burden on staff.
- Burk: Stated she is concerned about the additional work load since there is so much to be done with regards to the proffer bill.
- Fox: Questioned whether the ZOAG is a commission or a committee at the county level.
- Dunn: Stated he is uncertain of how they are formed.
  Berry Hill: Stated they are appointed by the Board of Supervisors to make recommendations to the Board.
- Fox: Questioned whether this would be helpful or hinder staff.
  Berry Hill: Stated she is concerned about having another commission/committee to have to provide a liaison for.

c. Outsourcing – Preliminary Report

Keith Markel stated that all the department directors went through and identified what is already being outsourced and what could be outsourced.

Key Points:

- Outsourcing can be done to make things more efficient.
- Quality of services to the customer should not decrease.
- Time sensitive services are less likely able to be outsourced.
- Staff needs direction as to what Council would like to achieve by outsourcing.

Council Comments/Questions:

- Fox: Questioned whether we can find a garbage collector who can outfit their trucks with plow blades.
  Markel: Stated that could be added to the next bid for trash services.
- Hammler: Stated that if Council wants to examine the costs – costs to manage contracts as well as costs to manage FTEs should be considered in the comparison.
- Martinez: Stated that Council's job is not to manage FTEs, but to listen to the residents, set a budget and tax rate, and set policy. He stated he has full faith in the town manager's ability to manage personnel.
- Gemmill: Stated he would like to look at the comparisons for outsourcing mowing.
- Dunn: Stated that the largest expense is staff. He stated that if a contractor does not do a good job, they may not have that contract next year; however, an employee who does a poor job may still be employed because it is difficult to get rid of a government employee. Further, he noted that some of the service level policies need to be reviewed because they haven't been reviewed for years. He stated that he would like to see staff maintain a useful service level rather than driving around looking for brush.
- Butler: Stated that technically it is not Council's function to determine whether something is outsourced or not. It is Council's function to set a budget and service level and however staff can manage to that. He stated this exercise is more of setting service levels rather than deciding what will be outsourced.
- Hammler: Requested that what is being outsourced in other jurisdictions be included in the September report.

There was consensus to look at mowing, leaf/brush pickup, snow removal and public information for possible outsourcing.

2. Additions to Future Council Meetings

Dunn: Stated he asked for Town Manager review of Mr. Borgquist's situation but did not have support. He stated he would like to have a closed session on this topic because other personnel are involved.

Notar: Stated the Town Council is unauthorized to go into closed session to discuss an employee who they are not supervisors of. She stated they can go into closed session to discuss the Town Manager or the Town Attorney.

Butler: Stated this is not the Town Council's purview.

Dunn: Stated he would like to discuss some of the provisions of the employee manual, such as conditions under which an employee can be terminated. He questioned what constitutes a "serious misdemeanor" as he feels the term is arbitrary.

Notar: Stated that the term is not arbitrary and is used to allow the supervisor discretion in order to terminate. She reminded the Council that Virginia is an at will employment state.

Dunn: Clarified that he would like a briefing on whether an employee can be terminated for lack of a conciliatory manner.

Butler: Clarified that the briefing would be on what are the grounds for termination of an employee.

There was no consensus to add this to a future agenda.

Dunn: Stated he will bring a resolution forward in two weeks on grounds for dismissal. Further, he stated he requested a resolution seeking county's desire should we come up with a reduction in the parking requirement for courthouses that the council send a resolution to the Board of Supervisors letting them know that we are desirous of changing the requirements.

Butler: Stated that the County is in the process of determining what their parking requirements would be regardless of what the town's requirements are. He stated if the number is low enough to preclude the need for the fourth floor, then staff will provide information on what legislative process will need to occur. He agreed to wait two weeks.

Burk: Questioned the status of the parking app.

Dentler: Stated that the Finance Department is working with staff on an outside vendor to make that happen.

Martinez: Requested remote participation for the next Council meeting.

Hammler: Stated she would like to ask for initiation of a Town Plan amendment to remove the Miller Drive extension.

There was agreement to put this on the agenda in two weeks.

Hammler: Stated she would like a memo on the status of the former CEO of Virginia Regional Transit.

There was no consensus on this item.

Butler: Requested that Item 11b on Tuesday's agenda be postponed until after the county returns with their information.

3. Adjournment

The meeting was adjourned at 10:07 p.m.

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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, Marty Martinez and Mayor Butler.

Council Members Absent: None.

Staff Present: Town Manager Kaj Dentler, Town Attorney Barbara Notar, Deputy Town Manager Keith Markel, Director of Planning and Zoning Susan Berry Hill, Director of Plan Review Bill Ackman, Director of Capital Projects and Public Works Renee Lafollette, Deputy Director of Planning and Zoning Brian Boucher, Planning and Zoning Assistant Debi Parry and Clerk of Council Lee Ann Green.

AGENDA ITEMS

1. CALL TO ORDER

2. INVOCATION was led by Council Member Dunn

3. SALUTE TO THE FLAG was led by Boy Scout Troop 1550.

4. ROLL CALL showing all members present.

5. MINUTES

a. Work Session Minutes of April 25, 2016

On a motion by Council Member Hammler, seconded by Council Member Fox, the work session minutes of April 25, 2016 were approved by a vote of 6-0-1 (Martinez abstaining).

b. Regular Session Minutes of April 26, 2016

On a motion by Council Member Hammler, seconded by Council Member Dunn, the regular session minutes of April 26, 2016 were approved by a vote of 6-0-1 (Martinez abstaining).

c. Work Session Minutes of May 9, 2016

On a motion by Council Member Hammler, seconded by Council Member Fox, the work session minutes of May 9, 2016 were approved by a vote of 7-0.

d. Regular Session Minutes of May 10, 2016

On a motion by Council Member Hammler, seconded by Council Member Fox, the work session minutes of May 9, 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 Fox, 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. Interactive Zoning Map

Debi Parry gave a brief presentation on the latest tool in the Planning and Zoning Department's Interactive Toolkit.

8. PETITIONERS

The Petitioners section was opened at 7:42 p.m.

Gwen Armstrong, Patterson Court, NW, offered a prayer for the Council.

Andrew Borgquist stated there is more research that he needs to do about the most productive method to bring his petition forward. He stated that the Council sets the policy with the idea that it affects day to day procedures. He stated that Council needs to look at whether the day to day meets the policy. He stated that the actions of management can put the town at legal risk. Further, he discussed the fact that skateboarders don't want to wear helmets at skateparks.

Tom O'Neil, stated he is the chair of the Commission on Public Art and is here to speak about the resolution for funding for the Loudoun Chorale and the Loudoun Lyric Opera. He stated that for the last several years, the commission has evaluated grant applications for the matching grant from the state. He stated there were issues with those two organizations successfully completing the application. He stated if the applications had been successfully submitted, they would have received funding as they have in the past.

Sarah Richardson, 349 Shenandoah Street, SE. She stated her home will abut the Crescent Parke development should it be approved as requested. She listed the issues of increased congestion, stormwater management/flood mitigation, buffer for the Dulles Greenway, loss of animal habit and impervious surfaces. She stated many issues with regards to this development are complex. She requested that the public hearing remain open throughout the process.

The Petitioners section was closed at 7:55 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. Awarding the Contract for the Town Council Chamber Audio-Video Equipment Upgrade Project to VIcom in the Amount of $126,046.52

RESOLUTION 2016-070

Awarding the Contract for the Town Council Chamber Audio-Video Equipment Upgrade to VIcom

b. *Appropriation to Fiscal Year 2016 Police Department Budget*

RESOLUTION 2016-069
Approving a Supplemental Appropriation in the Amount of $9,189 to the Fiscal year 2016 General Fund Police Department Budget

c. *Virginia Municipal League Insurance Payments*

RESOLUTION 2016-071
Amending the Fiscal Year 2016 General Fund Budget and Making a Supplemental Appropriation in the Amount of $27,908.05 From Insurance Payments from Virginia Municipal League for the Repair of Town Property

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. Town Manager's Public Hearing – Slack Lane Residential Permit Parking
The public hearing was opened at 7:57 p.m.

Calvin Grow stated that the residents of the Exeter Square Subdivision have requested residential permit parking on Slack Lane, N.E.

Key Points:

- Lack of on-street parking between the hours of 9 a.m. – 5 p.m.
- Survey revealed that permit parking is warranted.
- Community will be notified by letter, if approved.
- Parking materials will be distributed by the Finance and Administrative Services department.

John Burnham, 114 Slack Lane, N.E., stated he is the president of Exeter Square HOA. He stated he appreciates the town looking into this request that was signed by 100 percent of HOA members. He stated their concern that once construction begins on the Courthouse expansion, the Semones lot will be closed which will create more problems with parking.

The public hearing was closed at 8:01 p.m.

b. Legislative Changes and Town Code Batch Amendments
The public hearing was opened at 8:02 p.m.

Barbara Notar gave a brief presentation on the proposed amendments to the Town Code.

Key Points:

- Changes to the Town Code required by new statutes passed by the General Assembly.
- Extension of Declaration of Emergency from 14 to 45 days.
- Removal of prohibition for jake or engine brakes because there is no enabling legislation.
- Create a parking infraction when parking across the line in the parking garage. To make the infractions consistent, the fine for violation in the garage and on the street to be amended.
- All localities must have a cap on fees allowed by towing companies.
- Amending the BPOL licenses for restaurants having a seating capacity of 1-50 persons. Three restaurants will be affected by this.

Council Comments/Questions:

- Burk: Stated she is pleased to see the changes with regards to predatory towing.
- Hammler: Questioned whether the restaurants were notified that this was coming up for public hearing.
  Notar: Stated that they were not notified.

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

The public hearing was closed at 8:12 p.m.

There was consensus to remove the item regarding Appendix B.

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

ORDINANCE 2016-O-014
To Amend the Town Code

Chapter 12 (Emergency Management and Emergency Services), Section 12-3 (Declaration of Emergencies);

Chapter 32 (Traffic and Vehicles), Article V. (Stopping, Standing and Parking), Division 1 (Generally), Section 32-141 (Parking Prohibited in Specific Places: Fine Schedule and Settlement of Parking Violations);

Chapter 32 (Traffic and Vehicles), Article V. (Stopping, Standing and Parking), Division 1 (Generally), Section 32-141 (Parking Prohibited in Specific Places; Fine Schedule and Settlement of Parking Violations);

Chapter 32 (Traffic and Vehicles), Article V. (Stopping, Standing, and Parking), Division 1 (Generally), Section 32-148 (Removal and Disposition of Vehicles Unlawfully Parked).

Council Comments:

- Hammler: Stated she would appreciate it if staff would call the three restaurants in question.
- Gemmill: Stated he wanted to pull Appendix B for the same reason.
- Dunn: Questioned whether the state set the dollar amount with respect to towing charges.
  Notar: Confirmed that the state set the dollar amount.

The motion was approved by the following vote:
Aye: Burk, Dunn, Fox, Gemmill, Hammler, Martinez and Mayor Butler
Nay: None
Vote: 7-0

c. Crescent Parke Rezoning Application

The public hearing was opened at 8:15 p.m.

Michael Watkins gave a presentation on the rezoning request.

Key Points:

- Rezone portions of the property from Crescent District Commercial, Crescent District Mixed Use Option, Crescent District Open Space to Crescent District Residential High Density.
- Town Plan Amendment to reclassify Gateway Drive was approved.
- Gateway Drive will have two travel lanes and on-street parking.
- Greenway Extension reservation is shown on the plans with a 21 year reservation – removal would require several legislative steps and studies.
- Shared parking requirements have been requested.
- Staff encourages the applicant to find alternate layouts.
- Surface parking does not support the density shown on the plans.
- Izaak Walton Park property is subject to a lease that expires July 2030.
- Ownership of the property will require some improvements to be made.

Council Comments/Questions:

- Gemmill: Clarified that the minimum requirements of the state with respect to stormwater management will be enough.
  Watkins: Stated that the concern is protection of the downstream owners and the town's investment in the stream restoration project.
- Burk: Asked for clarification that there is no phasing in the plan.
  Watkins: Stated that the applicant's only phasing is the transportation improvements, which will be built first.
- Burk: Questioned the amount of tree save and open space.
  Watkins: Stated that the layout was revised so that there are increased tree save areas. Further, he stated that because of the amount of flood plain on the property, they actually exceed open space requirements.

- Martinez: Are there requirements to start improvements to the park property prior to ownership?
  Watkins: No, but once it transfers to the town, improvements will have to be made.
- Fox: Questioned the size of the site of the 294 residential units. She asked for a comparison with Crescent Place.
  Watkins: Stated that it is on 28.98 acres. He stated he would provide the density calculations for Crescent Place.
- Butler: Questioned why town staff recommends approval.
  Watkins: Stated they technically meet all the standards for approval; however, there are other things that the Council should look at that are outside the zoning code.
- Butler: Stated that there appears to be a requirement to spend money if the town takes ownership of the park; however, other than the ADA accessibility, everything else would need to be done anyway and be the town's responsibility.
- Fox: Questioned whether money is proffered to bring the road inside the park up to current standards.
  Watkins: Stated that the purpose and intent of proffers under Appendix B is to mitigate traffic impacts off-site, not access.
- Martinez: Confirmed that the town is currently using the property under a lease agreement and will be required to bring the building up to current standards, if owned. Further, he noted that the town can choose not to renew the lease if there are repairs that need to be made.

Christine Gleckner, Walsh Colucci, represented the applicant.

Key Points:

- Well thought out mixed use community that will enhance the Crescent Design District and serve as a catalyst to other projects nearby.
- Davis Court will be relocated so that the entrance aligns with the Food Lion entrance.
- Dedication of the Izaak Walton Park to the town has a significant cost to the applicant.
- Proposed residential units have declined since the first submission.
- No phasing, but in order to build the mixed use option, the commercial on the ground floor must be constructed.

Council Comments/Questions:

- Fox: Disclosed a meeting with Walsh Colucci and Hobie Mitchell. She stated she is worried about transportation impacts with this density. She stated that the applicant has made assertions that the transportation impacts are less with this development. She asked for clarification of this statement.
  Gleckner: Stated that the property is zoned and could be used for commercial uses that could have traffic generation.

- Hammler: Questioned whether the amount proffered for schools reflects the recently lowered amount requested by Loudoun County.
  Gleckner: Stated that the proffered amount is the new lowered number that was also adopted by the town.
- Hammler: Stated she would like to further discuss the C1 building at the work session because there is an increasing demand for office space in Leesburg.
- Martinez: Stated he would like more information about how the applicant is reaching out to the community to address their concerns.
- Burk: Questioned what happens when the community room that is in the commercial area is not constructed for many years.
  Gleckner: Stated that if the building is not constructed when the HOA needs to start meetings, they can do whatever other HOAs that do not have community rooms do – book space at town hall or a library.
- Gemmill: Stated he has expressed his concerns to the applicant about density, stormwater management and impacts to the nearby neighborhoods. He stated he looks forward to discussing these issues at the upcoming work session.
- Dunn: Confirmed that the school impacts and the numbers that the county is currently using were what were used when determining the proffer for this project. He asked staff to research whether the county had considered this project when they revised their numbers.
  Gleckner: Stated they based their proffer on the town's resolution of September 2015 when the town amended their school proffer policy based on the revised county numbers.
- Dunn: Asked for trip counts for various intersections.
  Traffic engineer: Stated that total trip counts for the project are 540 vehicles per day between Sycolin and Harrison, 694 between Davis and Harrison.
- Dunn: Stated that whatever estimates were presented for improvements to Izaak Walton Park, they are only about 50% of what the actual cost will be.
- Butler: Asked for clarification of whether the applicant is meeting the 100 or the 25 year flood.
  Applicant representative: Stated that the plan shows the 100 year flood; however, he believes that a lesser designed storm would be more beneficial to the downstream property owners because the watershed is large and this will make the situation worse.
- Burk: Questioned why there is a disagreement between the applicant's engineers and staff.
  Ackman: Stated that the stormwater management plan shows that the 100 year storm is a problem for that area. He stated the town created an enhanced 25 year storm for the area. He stated that everything north of Town Branch was the area earmarked in the study to retain more than the standard storms.

Bettina Guerre, 729 Vanderbilt Terrace, SE, stated she is directly adjacent to Gateway Drive. She stated the neighborhood will be adversely impacted by the increased traffic flow on Gateway, loss of the old growth forest, decreased availability of parking.

Donna Darnes, 799 Vanderbilt Terrace, SE, stated she is a 20 year resident of the Townes of Vanderbilt townhouse community. She asked the Council to heed the advice of the Planning Commission and staff and not be swayed by proffers. She requested that the Council do what is best for the town.

Carolyn Young, 345 Shenandoah Street, SE, stated she is a non-resident property owner and purchased the property because it backs to trees which gives it privacy. She stated she does not want that to be destroyed by the Greenway extension.

John Burnham, 114 Slack Lane, NE, stated he is not a resident of the development, but he has two primary concerns about this development. He stated the change in status from boulevard to city street is passing up on the opportunity to have a wide street, which is needed for public transportation. He stated his other concern is for adequate parking. He stated that real estate values go down when there is not enough parking.

Tom Jewell, 114 Chesterfield Place, stated he is the real estate broker who represents the owners of the property. He stated when a church was attempting to purchase the property, they talked to the Corps of Engineers and their assessment was that that dam is truly ugly, but if it can survive an Agnes, they would not make an issue of it. He asked that Council get the toll road extension off the plans.

Tom Chambers, 1451 Hague Drive, SW, stated he is impressed with the level of review that is being performed on this development. He stated that it is difficult for a developer to proffer more and give less density from an economic standpoint. He stated that decisions have to be made, not just from the standpoint of the adjacent neighbors, but from the entire town. He stated the question has to be asked whether the long term economic benefit has to be considered.

Ralph Ferraiolo, 216 Edwards Ferry Road, NE, stated he loves Leesburg because of the type of thing that this development represents – smart progress. He stated that he supports Crescent Parke and that it is an investment in the community.

Russell Yergin, stated he is president of the Virginia Knolls Community Association. He stated he is concerned about traffic and run off. He requested that the public hearing be kept open to allow public commentary.

Victoria Yergin, stated she is the secretary of the Virginia Knolls Community Association. She asked that her comments be included in the record, as follows: "There has been no opportunity to review the current staff report on this application. As such staff reports and Council work sessions will bring to light various concerns of staff as well as Council. Closing the public hearings this evening would prohibit the community from oversight of both staff commentary and Council work sessions. We request the public hearings remain open throughout the process to enable issues that arise from the process itself be evaluated by the public.

The issue of water mitigation is upon us again. The applicant states in their proffer the continuous desire to mitigate or detain to the 100 year flood. Unfortunately the language referenced for this proffer on Page 14, Note 8 actually proffers to detain to the 25 year flood. One of the things the applicant wishes to pursue in this regard is an engineering analysis of the 5,000 acre watershed and how it may or may not impact Tuscarora Creek. This engineering has as it's goal mathematical proof that detaining to a 100 year flood event would actually be detrimental rather than helpful or even wanted. We support this endeavor as long as it meets sound engineering practice and as long as staff concurs with the findings and signs off on the proposal. If the analysis cannot prove the hypothesis, we would like clear language and a written proffer the project will detain or mitigate to a 100 year flood event.

The reserve area is extremely problematic. The proffer clearly states the original 90' reserve area with another 10 or so feet added in the form of a trail amenity of the project. Continuous commentary states the Dulles Greenway will never be built. Yet it remains on the Town Plan and we are unaware of any attempt to have it removed. This roadway would be installed on a zero clearance from the rear fence lines of existing townhome property. There is incredible anxiety, not only relative to this proposed roadway, but to the proximity of the applicant's development. The Town of Leesburg cannot guarantee a roadway will not be built on this reserve area. In the absence of any such guarantee, something substantial must be done with this totally unacceptable position in which current homeowner's find themselves. There are only two alternatives. Have the roadway removed from the Town Plan, or widen the reserve area to a reasonable and acceptable distance from existing residences. Nobody should have to fight for the right to have a two lane on/off ramp to a substantial highway pushed more than 20 feet from their bedroom windows. Yet we find ourselves here fighting for justifiable relief from an absolutely absurd situation.

The intersection of Gateway Drive and Sycolin Road is currently a traffic nightmare. Since the completion of the Sycolin Road overpass, traffic has increased dramatically in this area. More importantly, the sight lines remain from the existing sight lines prior to completion of the overpass. We have been advised by staff that the sight lines are mathematically accurate for the distance they cover, however, the sight lines are totally irrelevant when the speed of a vehicle essentially cuts the math in two. For any motorist attempting to turn left

or right from Gateway Drive onto Sycolin Road/Plaza Street, the speed at which cars are coming around the sight lines, render the currently acceptable distances useless. The applicant has a relatively substantial transportation proffer as part of the application. It is imperative this proffer be used to install safe and appropriate signaling at the intersection of Gateway Drive and Sycolin Road."

The public hearing remains open.

11. RESOLUTIONS AND MOTIONS

a. Fiscal Year 2017 Funding Request for Loudoun Chorale and Loudoun Lyric Opera

Anne Geiger stated this is a request to provide funding in the amount of $5,000 for Loudoun Chorale and the Loudoun Lyric Opera. She stated earlier in the year, the Council approved a match for the Virginia Commission on the Arts grant. She stated that the application process was online this year and the Commission on Public Art forwarded recommendations from those organizations that applied. The two groups in question did not complete the online application process, although they thought they had.

Council Comments/Questions:

- Gemmill: Questioned whether the switch to online application was advertised.
  Geiger: Stated that it was and that both organizations contend that they applied, but no application was ultimately received.
- Dunn: Questioned if there was a limit for funds provided to commissions.
  Geiger: Stated that commissions have a budget but this is over and above the budget amount.
- Dunn: Clarified that if the organization had met the timely application process they were still not guaranteed to be granted the funds.
  Geiger: Confirmed that there would have been no guarantee; however, they had been found eligible and received funds in the past.
- Fox: Stated she did not realize that funds flowed from COPA to FOLPA.
  Geiger: Stated that FOLPA is a nonprofit and can apply for any grant that they want.
- Hammler: Questioned whether they would have a record of completing the application.
  Geiger: Stated the process does have the option of putting in an email address to get a receipt but none of the organizations did this.
- Hammler: Stated that normally when an organization is seeking a grant, they go to the meeting when it will be discussed. She stated it is an unfortunate situation, but it does not warrant redirection of funds.
- Burk: Stated she would like to see the amount increased in support of the arts since the $5,000 match for the Virginia Arts Grant is the extent of the town's support of the arts.
- Martinez: Stated he will support any organization that comes forward to provide arts and culture for the town.

- Fox: Stated that there were seven successful submissions and if the Council approves the additional funds tonight, the four organizations that did not get any funds even though they successfully turned their applications in. She stated that does not seem fair.
  Geiger: Stated that COPA had reasons for not funding those four organizations. She stated that since these two organizations had received funds in the past, they probably would have received funds this time.

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

RESOLUTION
Authorizing Staff to Appropriate $3,000 to Loudoun Lyric Opera and $2,000 for Loudoun Chorale for Fiscal Year 2017

Council Comments:

- Dunn: Stated that a previous Council made the decision not to donate to nonprofits with tax dollars. He stated it would not be fair to the other groups that did not receive funds to give funds to groups that did not complete the process.
- Gemmill: Stated that the process was not followed and it would be unfair to say just because they were granted funds in previous years that they should be granted funds now.
- Martinez: Stated he is willing to give support since it was endorsed by the Commission on Public Art.

The motion failed by the following vote:
Aye: Burk and Martinez
Nay: Dunn, Fox, Gemmill and Hammler
Vote: 2-4-1 (Butler abstaining)

b. Amendments to the Adopted Fiscal year 2017 General Fund Budget

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

RESOLUTION
Amending the Adopted Fiscal Year 2017 General Fund Budget

Council Comments:

- Dunn: Stated that the items he has proposed are the results of many questions to staff. He stated that unused funds will go to debt service and anything that can be done to speed the process of paying down debt would be beneficial. He stated that total funding for the public information office could be reallocated to meeting the town's overall goals. Further, he stated his belief that the GPS units are not needed.

- Gemmill: Stated that he feels that looking at individual costs is Council's oversight responsibility.
- Butler: Stated that the budget was passed unanimously and there were many opportunities to bring up amendments. He stated continuing to change the budget is disruptive to staff and the residents. He stated that changes should be made only if there is a compelling reason.
- Burk: Stated that a decision was made on the budget a couple of months ago and it is not good business to continually review the same items.
- Martinez: Stated he agrees with the Mayor and Vice Mayor on redoing the same thing; however, he does agree that places where staff can be more efficient and productive should be continually reviewed. He stated it would be a good idea for the Town Manager to keep Council briefed on efficiency measures that are being undertaken.
- Hammler: Stated that the biggest line item will be addressed with the outsourcing study. She stated that it could be better shared with Council how staff finds value in particular memberships through networking and training that could be better communicated so that Council understands the return on investment for taxpayer dollars.
- Fox: Stated she understands why the GPS units were requested; however, she stated that Council Member Dunn may be correct on some of the memberships and publications. She stated these things need to be looked at and staff should justify.
- Dunn: Stated the budget is often changed once it has been established. He stated the public was notified that he would be making suggestions for cuts. He noted that the undesignated fund balance is the result of overestimating line items in the budget. He stated some of the memberships are not required for employment but are "nice to have".

The motion failed by the following vote:
Aye: Dunn and Gemmill
Nay: Burk, Fox, Hammler, Martinez and Mayor Butler
Vote: 2-5

c. Town Council Meetings – Rules of Procedure

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

RESOLUTION
Amending the Council Rules of Procedure

Council Comments:

- Butler: Clarified that the two changes would be to allow three members of Council to bring an item forward for potential action the following day and the allows an item to be put on a regularly scheduled meeting rather than the next scheduled meeting.

- Hammler: Stated her recollection is that three persons moving forward an agenda item would be limited to a certain number of times per year.
- Dunn: Stated that managing that would be problematic.
- Burk: Stated she does not see a reason to change the rules of order.
- Butler: Stated he feels that Council requests too many information items now. Further, he stated it is not hard to get four people to agree to discuss an item at a work session. He stated concern for staff's work load, but adding an item to the agenda for the next day affects the public significantly.
- Dunn: Stated the original effort that he brought forward on Item #2 was to go back to where any Council Member could bring an item up for consideration. He stated that he compromised with three members. He stated Item #3 is to not allow someone to make a recommendation during a work session and have it go to the Council meeting the next evening.

The motion failed by the following vote:
Aye: Dunn, Fox and Gemmill
Nay: Burk, Hammler, Martinez and Mayor Butler
Vote: 3-4

12. ORDINANCES

a. None.

13. UNFINISHED BUSINESS

a. None.

14. NEW BUSINESS

a. None.

15. COUNCIL COMMENTS

Council Member Dunn disclosed a meeting with Mr. Mitchell in reference to Crescent Parke.

Vice Mayor Burk stated she does not have any disclosures. She thanked Mabel Costello from the INOVA nursing home for inviting her to the events during the week. She thanked Stilson Greene and Cerphe Caldwell for organizing the Musicians for Cancer Can Rock fundraiser. She stated this is a great event that tries to help those who have been touched by cancer. She congratulated the Economic Development Department for the successful Small Business awards event and congratulated all the winners and nominees. She thanked the Salvation Army for their luncheon. She stated this organization helps over 3,000 families pay rent, buy groceries and pay their bills. She thanked Michelle Johnson and their volunteers for their 19 years of Relay for Life. She stated it was moved indoors because of the weather, but it hardly dampened their spirits. She welcomed the Piano Company to their new home in downtown Leesburg. She expressed sympathy to the families of Betty Hatrick and Fred Morefield, both long

time residents who contributed a great deal to Leesburg and Loudoun County's history and quality of life.

Council Member Martinez: Also expressed condolences to the families of Betty Hatrick and Fred Morefield. He stated Relay for Life was delightful and he was happy to see so many young people involved. He noted that the Town of Leesburg's population is now over 50,000 and staff has 10-15 percent less employees than when he first came on Council. He stated that staff is doing a phenomenal job of keeping the level of service high and the quality of life great. He cited the parades, movies on the lawn, and summer concerts, as examples of the wonderful activities available to citizens. He stated he would need to be allowed to participate electronically at the next meeting.

Council Member Hammler: Disclosed a conversation with Hobie Mitchell in the morning. She stated she ran into a couple of representatives of the St. John's property at the business awards and got a subsequent call on the 19th from Bob Sevila about that property. She stated the Leesburg Business Awards was a wonderful event with the transformation of the lower level of Ida Lee with a red carpet and beautiful works of art. She stated the town has so many incredibly talented people. She congratulated all the winners and nominees. She noted the grand opening of B3. She stated companies have graduated from Mason Enterprise Center and they worry they will not be able to find a large enough space to occupy within the town. She commended Keith Wilson, Barbara Notar and Tom Brandon for their work with Ms. Butler to come to agreement on property rights for the last part of Battlefield Parkway. She thanked Principal Runfola at Simpson Middle School for their achievement of "School to Watch". She stated the Youth in Local Government program was a huge team effort and she looks forward to the next year of this project. She stated she will be bringing up removing the Greenway extension for a future meeting. She requested a press release about the NVTA public hearing so that citizens will be able to come out to get support for the Route 7/Battlefield interchange. She stated she looks forward to the Memorial Day ceremony on Monday. She expressed her condolences to Dr. Hatrick on the death of his wife.

Council Member Fox expressed her condolences to Dr. Hatrick on the death of his wife. She thanked the Economic Development Commission for the excellent Small Business Awards.

16. MAYOR'S COMMENTS

Mayor Butler disclosed a meeting and phone call with Hobie Mitchell, Lansdowne Development Group. He stated he talked to Bob Sevila. He stated he is looking forward to the Memorial Day ceremony and noted the B3 ribbon cutting. He stated the Small Business Awards was wonderful. He expressed his condolences to Dr. Hatrick. He stated he attended the Relay for Life event as both of his parents are cancer survivors and noted at separate times during the event, both he and Council Member Martinez were "jailed" and had to buy their way out.

17. MANAGER'S COMMENTS

Mr. Dentler had no comments.

18. CLOSED SESSION

a. None.

19. ADJOURNMENT

On a motion by Council Member Dunn, seconded by Council Member Gemmill, the meeting was adjourned at 11:22 p.m.

_____
David S. Butler, Mayor
Town of Leesburg

ATTEST:

_____
Clerk of Council
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