

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, and Mayor Butler.

Council Members Absent: Marty Martinez.

Staff Present: Town Attorney Barbara Notar, Deputy Town Manager Keith Markel, Director of Planning and Zoning Susan Berry Hill, Director of Capital Projects and Public Works Renee Lafollette, Chief of Police Vanessa Grigsby, IT Project Manager John Callahan, Preservation Planner Tom Scofield, and Paralegal Carmen Smith.

AGENDA**ITEMS****1. Items for Discussion****a. Outsourcing Final Report**

Keith Markel presented Council with the results of the investigation into outsourcing.

Key Points:

- Every town department outsources some functions of their operations.
- Departments rely significantly on the services of outside consultants, engineer and software systems to manage daily workload.
- Continued growth means that town staff will need to rely more on outside firms to provide service or hire more employees.
- During the growing season, public works crews spend a significant amount of time moving public right-of-way, town facilities and parks.
- Crews are cross-trained to provide other services when not mowing.
- The Town's population has grown 133 percent since 1996, but the public works streets/fleets/inspections division has only grown 68 percent in the same period.
- Mowing has a small delta between what it costs the town to do internally versus having an outside firm provide the service.
- Outsourcing mowing would free up staff to perform tasks that are more expensive to outsource.
- No localities in Virginia have outsourced their Public Information Office (PIO) duties.
- Keeping PIO functions in-house ensures that the highest quality information gets pushed to the public.
- Financially and logistically, outsourcing PIO services is less efficient than performing the duties in-house.

Council Comments/Questions:

- Dunn: Questioned whether benefits and equipment costs were considered when looking at in-house costs.

Markel: Stated that both were included in the calculations.

- Gemmill: Stated he likes the ability to utilize employee efforts in other areas. He stated it is his personal feeling that staff should proceed.
- Martinez: Expressed that this was a waste of staff time.
- Hammler: Stated she assumed that one of the goals of this was a net savings. She cautioned there could be a net increase to add outsourcing funds. She stated that the costs associated with TMDLs need to be carefully tracked so that it can be articulated from a legislative perspective. Further, she noted that there is a tremendous amount of trash that keeps building up despite the Keep Leesburg Beautiful efforts in April. She stated that some of the PIO efforts are outsourced, such as the design of the website.
- Fox: Stated she agrees with the staff recommendations.
- Butler: Clarified that using outsourced labor for mowing could be looked at during the budget deliberations.

b. Board of Architectural Review Recommendations for Master Plan – Garage and Open Areas

Paul Reimers, Chair of the Board of Architectural Review was present to answer questions.

Council Comments/Questions:

- Fox: Questioned whether all property owners are requested to submit a master plan.
Reimers: Stated in a large project, such as the Courthouse expansion, a master plan would be requested.
- Hammler: Questioned whether a master plan can be done in house.
Reimers: Stated that he believes it can be done in-house.
- Hammler: Encouraged the inclusion of the Economic Development Commission in the process.
Reimers: Added that what happens to the space during the winter months needs to be identified.
- Martinez: Questioned what a Master Plan would allow and how long it would take.
Reimers: Stated it would allow everyone to go through the process and look at all aspects of the site.
FERENCE: Stated it would take a few months.
- Burk: Questioned whether there is a master plan for the parks in the town.
FERENCE: Stated that the master plan is due for updating, probably within the next calendar year and there are individual master plans for the town's 16 parks. He stated they do not have a master plan for this area.
- Burk: Questioned what areas would be included in the master plan.
Reimers: Stated the two plots on either side of the garage and the Rose Garden.

- Martinez: Stated that a park that is used by families would need restroom facilities.
- Gemmill: Stated that if it can be done in house, it makes sense.
- Dunn: Stated the BAR does a great job in stewardship of the historic downtown. Further, he stated the town is overspending by putting anything in this location as it is not befitting of the historic downtown.
- Butler: Stated he understands the BAR's position. He stated his opinion that a master plan will be at least a two to three year process. He stated his concern that developing a master plan involving so many organizations it will be difficult to come to consensus. He stated his enthusiasm for a master plan is low. He stated it would be more appropriate for the BAR to reject the splash pad and then the Master Plan could start with a clean slate.
- Hammler: Suggested that this be on tomorrow night's agenda and a decision be made at that time.

There was consensus to add this to tomorrow night's agenda for decision.

c. Fiscal Year 2018 Funding Request Submission to the County of Loudoun

Jason Cournoyer presented the item to finalize the annual funding request to the County.

Key Points:

- No gasoline tax this year.
- This covers transit and transportation capital funding and projects that are associated with the county facilities within the town to be included in their CIP.
- A continued funding partnership for the school resource officer program is also included.
- Items that are shown in both the Transportation funding and the county facilities CIP have been included twice in hopes that if funding is not provided under one, it will be provided under the other.

Council Comments/Questions:

- Dunn: Stated that the consistent message from the County on the SROs is that the County will take it over and replace the Town's officers with Sheriff's deputies if the Town pushes for 100 percent funding. He stated there appears to be come disparity with what the SROs are doing during the summer. He suggested an 85/15 split with the county since it is more equitable with what the officers are actually doing during the summer.
- Hammler: Stated her agreement with Council Member Dunn's statement. She stated that Council will need an update on how the SRO at Douglass School, who is a Sheriff's Deputy, is working. She

stated Council will have to decide if they want to pay the differential to be able to keep Leesburg officers as SROs, or if they are comfortable saving that money and having Sheriff's take over the SRO function. She stated it was alluded during the meeting that summer time is when the officers take vacation or training that is necessary for the SRO program.

- Dunn: Stated that he suggested 15 percent because summer is not one third of the year – it is only about 10 weeks.
- Burk: Questioned when the application to the county is due.
Cournoyer: Stated it is due September 30. He noted that School Resource officers are at the schools more than the students as there is a lot of preparation, certification and training that go into getting ready for the school year. He stated if it is the Council's wish to look at and present more analytically the numbers of what is school related and what is not, that information is due October 21.
- Burk: Questioned whether there will be anymore task force meetings.
Cournoyer: Stated that the task force agreed unanimously to dissolve.
Markel: Stated that staff feels comfortable with the 70 percent number based on how much utilization the town receives from these officers during the summer months.
- Burk: Stated she is not aware of a lot of time spent preparing for the school year by SROs. She questioned what the officers are doing during school holidays.
Grigsby: Stated the officers are back at the Police headquarters and can be working on cases generated during the year, or they could be on annual leave or supplemented patrol.
- Dunn: Stated his belief that Leesburg officers are permanently assigned to a specific school whereas Sheriff's deputies rotate from school to school.
Grigsby: Stated that the Sheriff's Deputies are assigned.
- Martinez: Questioned the request for transportation funding for Safe-T-Ride.
Cournoyer: Stated in FY2017, it is about \$292,000. He stated that \$300,000 should offset any increase in cost. He stated the exact numbers are not available yet. He stated that the town staff will need direction from Council as to any supplemental routes that they would like to add but the county will update baseline service provided within the town.
- Martinez: Noted that the new development on the other side of the airport as well as the move of Walmart will require that section of town to be served. He questioned the transportation project funding.
Lafollette: Stated that the section of Evergreen Mill Road runs from Battlefield Parkway to Rt. 15, but the section in front of Heritage High School is a county responsibility. She added that Battlefield Parkway is a \$1 million that the county put in the 2018 CIP that is gap funding to ensure there is enough funding in the project to cover the cost of

construction. She stated this is what used to be called “gas tax”, but is now being called transportation funding. Further, she noted the Sycolin Road project is from the Dominion Power building just south of Tolbert Lane all the way to the corporate limits.

- Martinez: Expressed his support for keeping town officers in town schools as SROs.
- Hammler: Thanked the county for their support in getting NVTAs funding for the East Market Street/Battlefield Parkway interchange. She questioned how town residents will be able to get to the new metro station.
Lafollette: Stated the Loudoun County Commuter Bus service has a route that runs to the westernmost station.
- Hammler: Stated that if the town did not have a police force, the county would be paying a lot more to provide a basic level of police service within the town. She stated she supports saving the money and allowing the county to provide the SROs because growth has created other pressing needs.
- Fox: Questioned whether the county pays for Safe-T-Ride service.
Counoyer: Stated that the county took over responsibility for basic levels of service within the town two years ago and the Council approved the additional funds for the Safe-T-Ride service to supplement the basic service.
- Fox: Expressed her comfort with having the Sheriff’s office take over the SRO duties for the town.
- Butler: Stated that it appears that the Council would like to ask for the entire amount to fund the SROs and see what happens.

2. Additions to Future Council Meetings

Dunn: Requested a work session discussion to review the changes that Crescent Parke is offering before deciding to rescind the vote on the application.

The Chair ruled this request was out of order and will not be entertained. The Chair’s ruling was not overturned by a vote of 4-3.

Gemmill: Requested that a vote to rescind the Crescent Parke application decision and to direct staff to direct the appropriate resolution to hold a public hearing on October 25.

There was consensus to place this item on the agenda for tomorrow night for action.

Burk: Requested a discussion regarding alternatives to the herbicides applied by town staff to areas surrounding creeks and streams.

There was consensus to place this on a work session agenda.

Burk: Requested a proclamation to acknowledge the 20th Anniversary of Middleburg Bank's operations in Leesburg. She also requested some information from the Chamber regarding AirBnB.

There was consensus to add these items to a future meeting.

Martinez: Suggested that the new skatepark be named after Eric Brown, who spearheaded the movement to fund the Catoctin Skatepark.

Hammler: Requested a work session, prior to the public hearing for Crescent Parke. Staff will add this to the draft resolution.

Butler: Stated there is a parking problem on Meadows Lane and suggested that the Meadows Lane loop be made one way so that additional parking could be added. He requested an informational memo.

Further, he noted that the Korean Tae Kwon Do group will be in Leesburg in October and asked that their visit be coordinated.

There was consensus to add these items.

3. Adjournment

On a motion by Council Member Gemmill, seconded by Council Member Fox, the meeting was adjourned at 9:19 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, Marty Martinez and Mayor Butler.

Council Members Absent: Council Member Hammler arrived at 7:39 p.m.

Staff Present: Town Attorney Barbara Notar, Deputy Town Manager Keith Markel, Director of Economic Development Marantha Edwards, Director of Capital Projects and Public Works Renee Lafollette, Director of Planning and Zoning Susan Berry Hill, Human Resources Manager Mark Hauer, Interim Chief of Police Vanessa Grigsby, IT Project Manager John Callahan, Senior Management Analyst Jason Cournoyer and Clerk of Council Lee Ann Green.

AGENDA **ITEMS**

1. CALL TO ORDER

2. INVOCATION was given by Mayor Butler

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

4. ROLL CALL

a. Roll Call showing Council Member Hammler absent (arrived at 7:39 p.m.)

5. MINUTES

a. Work Session Minutes of September 12, 2016.

On a motion by Council Member Dunn, seconded by Council Member Fox, the work session minutes of September 12, 2016 were approved by a vote of 6-0-1 (Hammler absent).

b. Regular Session Minutes of September 13, 2016.

On a motion by Council Member Gemmill, seconded by Council Member Dunn, the regular session minutes of September 13, 2016 were approved by a vote of 6-0-1 (Hammler absent).

6. ADOPTING THE MEETING AGENDA

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

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

Nay: None

Vote: 6-0-1 (Hammler absent)

7. PRESENTATIONS

a. Proclamation – National Customer Service Week

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

PROCLAMATION

National Customer Service Week

October 3-7, 2016

WHEREAS, National Customer Service Week was established by the International Customer Service Association (ICSA) in 1984 and proclaimed a national event by the U.S. Congress in 1992; and

WHEREAS, this year's theme is One Goal, One Team, No Limits; and

WHEREAS, the Town of Leesburg's Council and staff are dedicated to providing excellent and timely customer service to all its customers; and

WHEREAS, the Town of Leesburg's Customer Service team has developed a Customer Service Policy that follows the acronym L.E.A.D. – Leadership, Excellence, Accountability, and Dedication as a reminder of its core commitment to not only meeting, but exceeding customer expectations.

THEREFORE, PROCLAIMED, by the Council of the Town of Leesburg in Virginia, that October 3-7, 2016 is National Customer Service Week in the Town of Leesburg and all staff are reminded of their role in ensuring that the Town of Leesburg is an ideal community in which to live, work and play.

PROCLAIMED this 27th day of September, 2016.

b. **Proclamation – Middleburg Bank**

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

PROCLAMATION

Congratulating Middleburg Bank on 20 Years of Service to the Town of Leesburg

September 30, 2016

WHEREAS, Middleburg Bank opened its first Leesburg branch 20 years ago; and

WHEREAS, Middleburg Bank has located its Corporate Operations Center in Leesburg creating approximately 70 jobs; and

WHEREAS, Middleburg Bank is proud to support the community by sponsoring many community events such as the Youth Job Fair and the Airshow; and

WHEREAS, Middleburg Bank contributes to many community projects that enhance the quality of life for Leesburg residents such as the sculpture garden in Raflo Park.

THEREFORE, PROCLAIMED, by the Council of the Town of Leesburg in Virginia, that Middleburg Bank is congratulated on 20 years of service to the Leesburg community.

PROCLAIMED this 27th day of September, 2016.

c. Certificate of Recognition – FedBiz

The Council presented a Certificate of Recognition to Don and Nina Tiaga in recognition of the achievements of their company, FedBiz.

d. Certificate of Recognition – Habitat for Humanity

The Council presented a Certificate of Recognition to Kari Murphy on behalf of Loudoun Habitat in recognition of the work the organization does to provide homes for Loudoun citizens.

e. Certificate of Appreciation – Team Mathias

The Council presented a Certificate of Appreciation to Linda Long and Roya Giordano for the work that Team Mathias does to bring awareness of pediatric cancers to town citizens by placing yellow ribbons on the downtown parking meters.

8. PETITIONERS

The Petitioners section was opened at 7:51 p.m.

Minu Beijan, 126 Governors Drive, SW, stated that people should consent to having the toxic chemical, fluoride, in their water. She stated that despite the fact that it has been recommended by the American Dental Association, the chemical in the water goes into the body and should be approved by the American Medical Association as well. She listed the organs that are adversely affected by fluoride in the water.

Gwen Armstrong, 304 Patterson Court, NW, read an excerpt from the U.S. Constitution to Council and offered a prayer for Council.

Gem Bingol, 1508 Shields Terrace, NE, expressed her dissatisfaction that the Council may take up a vote to rescind the Crescent Parke decision. She questioned whether it is an example of good governance or showing moral responsibility to the citizens of Leesburg. She stated that the Leesburg residents deserve more from their officials. She questioned what guidelines allow them to reverse a decision. She asked them to rethink their decision to rescind.

The Petitioners section was closed at 8:05 p.m.

9. APPROVAL OF THE CONSENT AGENDA

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

- a. *Remote Participation in Public Body Meetings*

RESOLUTION 2016-121

Remote Participation Policy for Town of Leesburg Public Body Meetings

- b. *TLCP 2016-0001, Milestone Communications*

RESOLUTION 2016-122

Approving an Additional (3rd) 120-Day Time Extension for the Review of Commission Permit Application TLCP 2016-0001, Milestone Communications

- c. *Virginia Department of Transportation SMART Scale Applications*

RESOLUTION 2016-123

Endorsing SMART Scale Applications to the Virginia Department of Transportation

- d. *Performance Guarantee: Edwards Ferry Road Retail (TLPF 2015-0001)*

RESOLUTION 2016-124

Authorizing and Agreement and Approving a Performance Guarantee, a Waterworks Extension Permit and a Sewer Extension Permit for Edwards Ferry Road Retail (TLPF 2015-0001)

- e. *Public Improvements at Oaklawn Landbay C – Gas Station (TLPF 2013-0021)*

RESOLUTION 2016-125

Accepting the Public Improvements, Releasing the Performance Guarantee and Approving a Maintenance Guarantee for Oaklawn Landbay C – Gas Station (TLPF 2013-0021)

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. Telecommunications Zoning Ordinance and Town Plan Amendment

The public hearing was opened at 8:06 p.m.

Susan Berry Hill gave a brief presentation on the Town Plan Amendment.

Key Points:

- Will re-note that telecom facilities should be co-located on existing facilities.
- Notes locational preferences for telecom facilities.
- Provides guidance on when commission permits are necessary.
- Addresses general performance standards for telecom facilities.
- Distributed antenna systems and small cell facilities are smaller facilities that can be fixed to poles or buildings and help distribute broadband.
- Will encourage the minimization of the need for new towers or monopoles through the use of small scale technology.
- No commission permit will be necessary when performance standards are met.
- The Planning Commission and the Technology and Communication Commission have both reviewed and recommend approval of the proposed amendments.

Chris Murphy gave a brief presentation on the Zoning text amendments.

Key Points:

- Will expand the permissible types of telecommunication facilities and the districts in which such facilities will be permitted.
- Will streamline the review process for certain types of facilities, their use and performance standards.
- Planning Commission and staff recommend approval of the proposed amendments.
- The telecommunications industry is looking to expand their systems to accommodate the growth of smart phones and other devices that depend on the wireless network.
- Small cells take the burden off a macro system.
- Noted that there were several errors in the ordinance that was presented.

Council Comments/Questions:

- Gemmill: Questioned whether there would be any cost outlay for the town. He questioned whether this will improve cell service during catastrophic events.

Murphy: Stated the town may get some permit fees, but there will be no cost. Further, he surmised that with the small cell deployments, there will be less chance of dropped calls.

- Martinez: Noted that with a distributed system, there is not a single point for failure.

Frank Stearns, stated he was speaking on behalf of the telecommunications industry. He stated that it is very important to have quality coverage. He stated that the equipment at the base of the pole should not be prohibited in stealth applications.

Zachariah Ingalls, 207 Meadows Lane, NE, stated that the free reign to deploy these systems is concerning. He stated it may cause devaluation if they are visible in residential neighborhoods. He requested some restraints in residential districts to protect property values.

Council Comments/Questions:

- Fox: Questioned what oversight will be provided.
- Murphy: Stated that if it meets the minimum use standards, it is a zoning permit review.

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

ORDINANCE 2016-O-021

Amending Zoning Ordinance Articles 5, 6, 7, 8, 9 and 18 to Establish Definitions for and Use Regulations Relating to the Telecommunications Systems Types Known as Distributed Antenna Systems (DAS), Small Cells and Power Mount Facilities on Existing Electrical Transmission Towers

She noted the following corrections to the draft ordinance:

1. *Strike “such antenna and any associated building structure, utility pole, or light standard mounted equipment cabinets shall not exceed 20 cubic feet and shall be of a material/color which closely matches and blends with the associated building structure, utility pole or light standard.*
2. *Strike “appropriateness from the Board of Architectural Review (BAR). No ground mounted equipment shall be permitted anywhere within the H-1 overlay district.*

Council Member Comments:

- Fox: Stated she feels that moving this forward is part of important infrastructure.
- Hammler: Stated she feels that Mr. Ingall’s concern was addressed by staff. She clarified that stealth bases would not be considered ground mounted.

Murphy: Stated that the language in question states that ground mounted stealth equipment is allowed and has been clarified to ensure that stealth equipment that is in the base, is considered ground mounted and not pole mounted.

Stearns: Stated that the current language states that no ground mounted antenna equipment shall be permitted on the property or right of way in front of a residential use. He requested that if a stealth design on a light pole base is used in a residential area, that it be permitted.

- Hammler: Agreed that with the number of cell phones predicted in the coming years, that the infrastructure needs to be as camouflaged as possible moving forward.
- Martinez: Questioned the power in and out of these antennas. He expressed his comfort with the proposed language concerning the stealth application.

Murphy: Stated he does not have that information, but he understands the power use and generation is low.

- Martinez: Stated he is aware that some larger companies have indoor distributed systems.

Murphy: Stated the iDAS is the indoor application and is not meant to serve outside the building and those applications are byright.

- Dunn: Stated that 20 cubic feet sounds large. He confirmed that the language on 7a is being left in the ordinance.
- Fox: Stated this is part of the 21st century infrastructure and will be very important moving forward.

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

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

RESOLUTION 2016-126

Adopting Town Plan Amendments through TLTA 2016-0001, Amending Town Plan Policy Language for Chapter 10 Community Facilities and Services to Update the Telecommunications Policies

Council Comments:

- Hammler: Thanked everyone for putting this together.

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

b. Town Manager's Public Hearing – Residential Permit Parking Zone (300 Block of Cherry Lane, NE)

The public hearing was opened at 9:03 p.m.

Calvin Grow gave a presentation on the request by the residents of the 300 block of Cherry Lane, NE, for a residential permit parking zone.

Key Points:

- Residents are concerned over lack of parking caused by the apartment complexes nearby.
- Survey shows over 75 percent of the available parking taken up on this block with 25 percent of those parking in the neighborhood are not residents of the area.
- Staff will receive comments and make a recommendation to the Town Manager.
- If approved, each household will receive a permit for each registered vehicle and two visitor's passes.
- Vehicles parked in the designated permit area without a permit will be subject to ticketing, fines and towing.

Council Comments/Questions:

- Burk: Questioned whether this will just push the parking problem into another neighborhood by not looking at the parking in that area as whole. Grow: Stated that the parking problem has been block by block and will move to another street.
- Burk: Suggested that the SRTC look at parking options for this area.
- Fox: Questioned how staff determined which cars did not belong to residents of the area. She questioned whether the houses in this area have driveways. Grow: Stated that the inspector recorded the license plate numbers and worked closely with police to determine which vehicles were registered to addresses in the neighborhood. He stated that there is only one residence on the 300 block of Cherry Lane, but the surrounding neighbors could have permits, if desired.
- Hammler: Questioned why out of area residents are parking on that street and whether the owners of the vehicles have been surveyed to find out why they are doing this. Grow: Stated that people are storing their vehicles there and going somewhere else. He added that the owners have not been questioned.

Wayne and Julie Cooper, 303 Cherry Lane, NE, stated they are the only house on this section of Cherry Lane. She stated that there are out of state vehicles that park there, sometimes for long periods of time. She stated that people even park in their driveway. They expressed that a lot of the vehicles are from sub-renters in the apartments or in Heritage Square and they are tired of cleaning up debris left from the owners of the vehicles.

Vicki Smith, 101 Birch Street, NE, stated that she lives on the corner of Birch and Cherry. She stated that the trash left behind by those parking is disgusting. She stated that the vehicles stay parked for a long period of time. She stated that Birch Street will be the next parking lot if Cherry Lane gets the permit parking zone. She stated that they no longer know who is in their neighborhood and they want their neighborhood back. Further, she stated that the neighborhood has signed a petition asking for a permit parking zone.

Zachariah Ingalls, 207 Meadows Lane, NE, stated that this neighborhood has the same issue that the Meadows Lane neighborhood has. He stated that he has issues to address the core issue causing the parking situation. He suggested that those residences that have property abutting a public road have dedicated on-street parking.

The public hearing was closed at 9:27 p.m.

c. Town Manager's Public Hearing – Residential Permit Parking Zone (Meadows Lane, NE)

The public hearing was opened at 9:28 p.m.

Calvin Grow gave a brief presentation on the request for a permit parking zone on Meadows Lane, N.E.

Key Points:

- Same basic complaints as made on Cherry Lane due to lack of available parking.

Council Comments/Questions:

- Martinez: Stated that every time Council approves one of these, the parking problem moves to the next street. He stated he supports permit parking, but options for overflow parking needs to be explored. He suggested businesses that are not open at night to relieve the congestion on neighborhood streets. He stated that when his children were younger and lived at home, they had six cars.
- Dunn: Stated this is not a parking problem, but has been created by multiple families living in single family units. He stated that in the past 15 years, the town has added over 15,000 people to the population and only 1000 homes. He stated that the Town Manager told him that the town does not have the manpower to investigate all the over-crowding complaints.
- Butler: Stated that staff is looking at a suggestion to make Meadows Lane be a one-way loop and have angled parking on one side of the street.

Jaime Van Antwerp, 205 Meadows Lane, NE, stated she just moved into the neighborhood and feels that most of the overcrowding is related to the apartment complexes. She stated that there is a courtesy policy with the

neighbors to leave a spot in front of each other's homes, but she still has to pick and choose the times she leaves the house. She stated that the trash issues exists in her neighborhood as well, nor does she feel safe in the neighborhood because they do not know who is in the neighborhood.

Joshua Gray, 205 Meadows Lane, NE, stated he does not sleep well at night so he is always out walking around the neighborhood at night. He stated that people are walking through their neighborhood to park. He stated he understands that the town cannot control the HOA parking lots, but a permit parking zone would alleviate the on-street issue so that people could park in front of their homes.

April Grant, 163 Meadows Lane, NE, stated she is being confronted by neighbors who are upset about where she parks because she was not aware of the polite policy to allow people to park in front of their homes. She stated she has to be rude to her neighbors or park in the parking lot and haul her children and belongings down the street. She stated the trash is also a problem.

Zachariah Ingalls, 207 Meadows Lane, NE, stated that the HOA can bind the owners to allowing each owner to park in front of their homes which would provide two spaces per home in the community. Further, he stated that the few owners that face Fort Evans Road will also need a permit parking zone. He stated he has been confronted by angry space savers when their cones are moved so he does not feel safe leaving the house unarmed.

John Ecker, 143 Meadows Lane, NE, stated that the non-resident parking in the neighborhood has pitted neighbor against neighbor. He stated that the residential permit parking will relieve the on-street overcrowding during the overnight hours.

The public hearing was closed at 9:54 p.m.

Council Comments/Questions:

- Hammler: Encouraged residents to report overcrowding whenever they see it.
- Dunn: Stated the Cedarwalk neighborhood will have the same issues. He stated family members can live in the same home. He stated unrelated people living in the same home is what is causing the problems.

11. RESOLUTIONS AND MOTIONS

- a. Fiscal Year 2018 Funding Request Submission to the County of Loudoun
On a motion by Council Member Hammler, seconded by Council Member Dunn, the following was proposed clarifying that full funding of the School Resource Officer program is being requested:

RESOLUTION 2016-127*Request for Funding from the County of Loudoun for Fiscal Year 2018*

Council Comments/Questions:

- Hammler: Stated her appreciation for the county's support for capital projects and obtaining NVTA funds. She stated she appreciates the county providing full funding to allow Leesburg Police officers to do community policing as school resource officers and she urges Supervisor Umstatted to actively lobby on behalf of the town for full funding.
- Dunn: Stated that town residents pay full county taxes for full sheriff's department protection.
- Burk: Stated she cannot support this because Council has not discussed whether they want Leesburg police officers in place. She stated that the County will make the decision for the town and that would be shortsighted.
- Hammler: Stated that County Administrator Hemstreet is putting the full amount into his budget and will be recommending to the Board that they consider having sheriff's provide the service; however, the Board can make the decision to fund the town's officers.

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

b. Board of Architectural Review Recommendation for Master Plan – Garage and Open Space Areas

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

MOTION 2016-022

Referencing the staff memo to Town Council dated September 27, 2016, entitled, "Options for Council Action on BAR recommendation for Master Plan" I move to recommend that Town Council adopt Option 1 (Recommend that the BAR take action on the application on October 3, 2016) from Group 1 and Option 1 (Recommend that a master plan be initiated and that staff and BAR prepare a schedule and timeframe for doing the master plan and come back to Town Council for a work session to discuss) from Group 2.

Council Comments/Questions:

- Hammler: Stated that it is important for Council to get a recommendation on the existing application and not withdraw that. She stated that the recommendation can be made part of the master plan. She stated she is open to other options.
- Dunn: Stated he is not thrilled about the master plan process, but if the BAR would rather do that, he is willing despite the extra work. He stated

he is hoping for either a scaled down version or elimination of the water feature.

- Hammler: Thanked the BAR in advance. She requested that all of Council's comments be made available to the BAR including that the master plan process include the EDC as a stakeholder commission and that there will be no cost to the town other than staff time.

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

c. Emergency Snow Route Expansion

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

RESOLUTION 2016-128

Initiating an Amendment to the Town Code to Expand Snow Emergency Routes in the Town of Leesburg

Council Comments/Questions:

- Dunn: Stated that this is designating additional snow emergency routes. He stated that the list seems reasonable.
- Fox: Questioned the inclusion of the area between South King and Dry Mill as the townhome residents will need a place to park.
Lafollette: Stated that the townhomes fronting Catocin Circle have adequate parking in the parking lots behind them.
- Martinez: Questioned what the cost to the town will be to add these additional snow emergency routes. He stated that there has been discussion at the Diversity Commission about enforcement of sidewalk snow removal.
Markel: Stated the cost is minimal but the main cost will be signage and enforcement.

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

12. ORDINANCES

- a. None.

13. UNFINISHED BUSINESS

- a. None.

14. NEW BUSINESSa. TLZM 2013-0006, Crescent Parke

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

MOTION 2016-023

I move to rescind the vote to not approve rezoning application TLZM 2013-0006, Crescent Parke

Council Comments/Questions:

- Gemmill: Stated that there have been substantial changes to the proffers since the July 26 meeting and the public deserves the right to see the changes and how they benefit the town.
- Hammler: Stated she appreciates the compromise of having a work session before the meeting. She stated it is an unusual year given the proffer bill passed by the General Assembly. She stated she rarely supports sprawling residential rezonings; however, some of the things that have been offered will not be possible now because of the proffer bill.

Council Member Dunn offered a friendly amendment to use the words “I move to rescind denial of rezoning application...” The amendment was accepted as friendly.

- Dunn: Stated his feeling that the process is out of order. He stated that the reconsideration process is much stronger in making sure that the decision of a public body stays firm. He stated rescission is generally not used in rezoning applications. He stated this opens up the entire application and puts everything back as if the July vote never happened.
- Burk: Stated she is disappointed with this motion as it is a poor way to do the business of the people. She stated that this breaks the trust with the public and tells them that their voice does not matter.
- Martinez: Stated when he is on the losing side, he does not try to think of a way to bring it back.
- Fox: Stated she thought this was a good application and believes the application is good for Leesburg. She stated she is tired of being associated with being in the pocket of a developer because she likes an application. She stated if there is new information that would be good for the town, she is open to hearing it.

The motion to rescind the denial of Crescent Parke was approved by the following vote:

Aye: Fox, Gemmill, Hammler, and Mayor Butler

Nay: Burk, Dunn and Martinez

Vote: 4-3

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

RESOLUTION 2016-129

Directing Town Staff to Accept Revised Proffers and Concept Plan and to Advertise a Public Hearing to Consider Rezoning Application TLZM 2013-0006 (Crescent Parke)

Mayor Butler stated that the public hearing will be scheduled for October 25, which is the earliest that it can be held based on advertising requirements.

Council Comments/Questions:

- Hammler: Stated that she had no further discussions about Crescent Parke. She agreed that this is about what is best for the Town of Leesburg for wanting to look at additional information in a fully transparent public forum. She stated this is about what is best for those who will be the most impacted.
- Fox: Stated that people need the chance to consider the additional information, whatever that may be.
- Martinez: Stated he respects Council Members Hammler and Fox for standing by their vote.
- Burk: Stated this should be sent back to the Planning Commission for their review.
- Dunn: Stated the resolution is insulting to the process as a whole, in particular the Planning Commission. He stated that the revised proffers do not take away the traffic issues.
- Hammler: Stated she would be more than happy to amend the resolution to strike #4 and amend #3 to schedule the Crescent Parke application to be discussed at a joint Council and Planning Commission public hearing.
- Gemmill: Did not accept the amendment as friendly.
- Butler: Stated the town took great pains to make sure that this follows all applicable rules and law and the Council has never sent something back to Planning Commission for a proffer change.
- Gemmill: Stated he looks forward to seeing the additional proffers and review at the work session.

The motion was approved by the following vote:

Aye: Fox, Gemmill, Hammler, and Mayor Butler

Nay: Burk and Martinez

Vote: 4-2-1 (Dunn abstaining)

15. COUNCIL COMMENTS

Dunn: Stated he appreciates the Mayor's spinning of this over the past two nights but there are rules and then there is right. He stated Council can do what the developer and his attorney suggested. He suggested rescinding the vote on interim mayor and council member. He stated bringing something back to take another vote is not fair to the citizens. He stated he has always gone by one rule – you get once chance to give people your best offer and that did not happen and still has not happened. He noted this application was sent back to the Planning Commission in the past.

Gemmill: Stated he looks forward to a full public hearing so that everyone can see what is being discussed. He disclosed a meeting with Mr. Mitchel on September 23 and received and discussed the application with him on the telephone five times in September.

Burk: Stated that she attended the opening of Lowe's and they will be a community asset. She stated she attended the Preservation Society where they presented their awards and the group reminds us that it is important to remember our history and preserve what we can. She stated she attended the Bluemont Concert Series and congratulated the Downtown Business Association for their family day. She stated she attended the Chef's Table at the National Conference Center. She stated the Airshow was fantastic and the Art Show was better. She thanked Stilson Greene for organizing the Kick Cancer Event at Shenanigans. She stated that the Loudoun International Festival was a big success. She stated she attended the goodbye party for the skatepark and was struck by the number of adult men who came back. She stated she attended the Shocktober event at Paxton and it is phenomenal.

Martinez: Stated that the town has reconsidered other applications, but not over two months after denial. He stated the town has had the Planning Commission review and go back over some applications. He stated he is excited about the skatepark and expressed his desire to see it named after Eric Brown. He stated he could not make some events because he was sick over the weekend. He stated his son proposed to his girlfriend in Paris over the weekend.

Hammler: Stated that she wished the Council had anticipated that there would be more citizens present to speak to the permit parking public hearings than the telecommunication public hearing. She stated that she has heard of situations in Virginia where a developer has tried to give cash to elected officials so it is unfortunate to use the word corrupt in this process.

Fox: Stated she takes issue with the characterization and adjectives that are being thrown around about people who agree with the developer on this application. She stated she has heard all kinds of talk about developers. She stated she attended the Lowe's ribbon cutting and is glad that they are here. She stated she does not know Eric Brown, but does know what his accomplishment was; however, she does not feel that the skatepark should be named after a living being. She stated there is a county wide effort to collect furniture, appliances and clothing for the victims of the floods in West Virginia.

16. MAYOR'S COMMENTS

Mayor Butler stated that the Mayor's appointment is not rescindable because there has been irreversible changes. He stated that this application was returned to the Planning Commission earlier because there was a text amendment to the Town Plan, not because the proffers had changed. He stated that Council Members Hammler and Fox have in his experience, always dedicated themselves to what is the best decision for the town in their opinion and he resents any implication that they may be corrupt in any

way. He stated he attended the Mobile Hope meeting. He stated he toured the new natural gas powerplant on Sycolin Road. He wished his wife a happy birthday.

17. MANAGER’S COMMENTS

Keith Markel reminded everyone of the swearing in ceremony for Chief of Police Greg Brown at 4:30 p.m. He stated if it is raining, it will be inside Tally Ho.

18. CLOSED SESSION

None.

19. ADJOURNMENT

On a motion by Council Member Fox, seconded by Council Member Dunn, the meeting was adjourned at 10:59 p.m.

David S. Butler, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
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