



## DUMFRIES, VIRGINIA

Virginia's Oldest Continuously Chartered Town

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### DUMFRIES TOWN COUNCIL REGULAR SESSION MINUTES NOVEMBER 15, 2011, 7:00 PM

**Present:** Vice Mayor West, Councilors Foreman, Forrester, Barr, Jurgensen, Toney

**Not Present:** Mayor, vacant

**Others Present:** Daniel Taber, *Town Manager*; Robert Forker, *Chief of Police*; Christine Sanders, *Town Attorney*; Debi Sandlin, *Dir. of Community & Economic Development*; Greg Tkac, *Dir. of Public Works*; Richard West, *Asst. Dir. of Public Works*; David Moss, *Zoning Administrator*; Cydney Neville, *Dir. of Community Services*; Retta Ladd, *Treasurer*; Teresa Johnson, *IT Manager*; and approximately 22 citizens.

Vice Mayor West called the meeting to order at 7:00 p.m.

Mr. Foreman, followed by the Pledge of Allegiance, gave the invocation.

#### Citizen Comments

Pete Singh was saddened at the passing of Mayor Yohey. He and the Dumfries Business Association (DBA) send sympathy to the Yohey family. He and the DBA requested that Council pass a resolution dedicating the 2011 Dumfries Christmas parade in memory of Mayor Yohey. The DBA float will carry a banner entitled "**Love for Youth**" to remember the love and commitment Mayor Yohey had for the youth of Dumfries. We will also be donating a toy to the Marine Corp "Toys for Tots" in Mayor Yohey's memory.

Mr. Taber requested that a motion be made to amend the agenda to add under Closed Session, Legal Counsel regarding the Potomac Landfill.

Vice Mayor West moved, seconded by Ms. Barr to amend the agenda to add under Closed Session, Legal Counsel regarding the Potomac Landfill. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mayor, vacant.

Ms. Forrester moved, seconded by Mr. Foreman, to remove the appointment of Mayor and Vice Mayor from Closed Session since it is not controversial, and did not meet the requirements for closed session. The motion failed by the following roll call vote: Ms. Barr, no; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, no; Mr. Toney, no; Ms. West, no; Mayor, vacant.

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Ms. Forrester advised that she would not attend that portion of the Closed Session for discussion.

### **Vice Mayor's Comments**

Vice Mayor West advised that Mayor Yohey passed on Sunday, the evening of the sixth. Services were held on Thursday, November 10, at Mountcastle Turch Funeral Home with interment in the Dumfries Cemetery. Approximately 300 people came to pay their respects. Council sends its condolences to Mayor Yohey's children, Matt and Kevin, and his ex-wife, Kay. Emails were received expressing condolences from Mary Jo Fields and the staff of the Virginia Municipal League along with the staff at the Northern Virginia Regional Commission. A memorial service will be held on Tuesday, November 29, at 7:00 p.m., at the Dumfries United Methodist Church, and a reception will follow in the Church's social hall. A letter of condolences was received from the Provost of Dumfries, Scotland. In keeping with that, some may remember back in the spring, when Ms. Jurgensen informed Council that one of her Professors, from NOVA, was going to Scotland. Council voted for her to take a proclamation to the Council of Dumfries, Scotland from the Council here. The Professor presented the proclamation and Council has received some mementoes and pictures. Vice Mayor West asked Ms. Jurgensen if she would be prepared to present the packet at the December meeting to the Council and citizens.

Ms. Jurgensen stated it would be an honor.

### **Development Review Cases**

#### a. Hashimi Rezoning

Vice Mayor West stated David Moss would present the rezoning request, from the Hashimi's, for property located at 17651 Washington Street from R-2, General Residential, to B-2, Neighborhood Business.

Mr. Moss explained that public hearings will start with a staff member making a presentation, the applicant will get an opportunity to make a presentation if desired, the public hearing will be opened for public comment, after receiving comments the public hearing will be closed, Council will discuss the matter, and then action will be taken on the matter.

The applicants plan for the property has gone through some changes since the original submission. The original plan was for a large banquet hall for the front of the property with a parking deck to the rear. This has changed to a commercial office building for the front of the property, which will require a parking lot in the rear. The Planning Commission reviewed the site plan and asked the applicant for changes. The applicant came back with the changes. The Planning Commission reviewed the plan again and asked for further changes. The Planning Commission held a public hearing and the recommendation was "...that the Dumfries Town Council approve rezoning application #11-63 (Hashimi property), conditioned on a proffer that the development of the property be in substantial compliance with the site plan cover sheet dated 7-7-2011, layout sheet dated 5-24-2011, landscape plan sheet dated 7-7-2011, typical section sheet dated 5-24-2011, and proffered that any public improvements

required by the development of 17651 Washington Street be borne by the applicant." The Planning Commission's recommendation was based on a proffer condition to that specific site plan. This was worked on with the applicant and has gone back and forth. Proffers, according to Virginia State Code, are voluntary. The applicant can come forward with whatever conditional proffers they feel appropriately mitigate any impact of the rezoning. Included in the staff report is an analysis of the zoning of the property, the Comprehensive Plan, and the proposal of what they had at that time from the applicant, along with the recommendation from the Planning Commission. The Town received from the applicant a set of proffers that they are willing to proffer. Staff has reviewed them, an updated addendum was sent to Council, and a copy was provided before the meeting this evening. The staff report includes the list of proffers the applicant has submitted. Staff's recommendation has always been that as the project moves forward the use of the subject property, which is at the rear of the property and is landlocked, be conditioned upon the development of the front property. The two parcels be married by the proffers, so that the rear property would not be developed without the front property. The addendum provided by staff lists the proffers, it is noted that there is not a proffer to restrict the use of the property, and is one of the major flaws with the rezoning application. If this rezoning were approved by Council there would be nothing stopping the applicant from selling the property, a new developer coming in, and doing anything allowed by right in the B-2 district. Staff recommends the application go back to the Planning Commission to fill in the missing proffers restricting the use in order to tie it to 17706 Main Street, deal with the improvements required on Fairfax Street, and then bring it back to Council.

Ali Hashimi expressed his family's condolences to Council, staff, and the family of Mayor Yohey. He stated the original plan was to build a conference center and restaurant, but there is a conference center being planned at the Marine Corp Museum, so they reassessed the project and are proposing an office building and are dedicated to having a restaurant on Main Street. The Hashimi family has been in the Town for two decades and is dedicated to beautifying the Town with continued improvements and economic development. He was confident, given Council's support, that there would be something very special on the hill. He thanked Council for allowing him to speak tonight.

Karl Rice, Rice & Stallknecht PC, was asked to speak specifically on the proffers and where the disagreement may be with staff and the Hashimi's. Part of the concern is dealing with things at this stage of the rezoning regarding proffers that would be more appropriate to deal with during the site plan review. Fairfax Street is an excellent example since originally it was clear that an entrance was required off Washington Street, and Highway 1, when the intention was to build a conference center. The plan has been scaled down considerably and are optimistic that there will only need to be one entrance off Main Street. This will not be determined until the traffic impact analysis is done. If an entrance is not needed on Fairfax Street, it would not make sense to build that to the standards that staff is suggesting. Staff is suggesting that it be built to residential street standards and yet the street would simply be a street going from Washington Street to the back of 17706 and the front of the subject property. There is no reason for that to become a full residential street and is something that should be dealt with during the site plan review, rather than committing the development of Fairfax Street at this time. This raises a very legitimate concern that the applicant, or some future owner, would use the rezoning as a way to force the Town to

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construct Fairfax Street, which is absolutely not the intent, and is sure Council does not believe that is the intent of the Hashimi's. The Hashimi's would be willing to proffer to never require the construction of Fairfax Street by the Town; however, the Hashimi's ask that the Town not condition the rezoning to the construction of the road that may never be necessary and would not be appropriate built to full residential street standards. Another concern that was raised was the possibility that some future owner would use an entrance across the Ghiloni property to access the property. That is not the intent and the Hashimi's are willing to proffer that they would never use any part of the Ghiloni property for any commercial traffic. The final concern staff had that needs to be addressed is the question of tying the back property with the front property. There are two separate pieces of property. If it was one property or could be consolidated, it would be much simpler. The Hashimi's would have one piece of property that they would ask to rezone. Tying the back property to the front property and limiting it to the site plan, as the Planning Commission suggests, would be a very severe restriction on the use of the back property. To require that the back property be used in service of the front property, and never be used for anything else, is an undue restriction. The Hashimi's have thought about having a small botanical garden along the stream, which could be something the public would use, and would not service the front property. If the front property is developed as business office space and used only during the week the thought came up to use the property during the weekend as a farmers market, which would not be ancillary to anything on the front property. The Hashimi's would be willing to proffer that there would never be a university on the back property or restrict the building size to keep it from being used for some of the things staff has expressed concern over. However, to state the Hashimi's cannot use the property except for service ancillary to the front property is an undue restriction and request. The proffers that the Hashimi's are willing to make is to provide an access easement from Main Street, across the property located at 17706 that is being developed, to the subject property. This would guarantee access to the property without using Fairfax Street and would alleviate some of staff's concerns. The Hashimi's would proffer never to use the Ghiloni property for any type of commercial traffic. If a road is required as a result of a traffic impact analysis to access the property from Washington Street, the Hashimi's would be willing to proffer the construction, but do not think the standard should be set at this time before knowing what exactly is going to be constructed. Again, this should be addressed during site plan review. It is understood that no decision will be made tonight and the Hashimi's just wanted to explain why some of the proffers staff is looking for have not been forthcoming.

The public hearing was opened to citizen comments.

Christopher Padberg, Chair of the Planning Commission, wanted it to be clear that the recommendations the Planning Commission made during the review of this case that a number of restrictions and conditions were recommended. It is obvious, with the submission of the proffers this morning, that in staff's opinion, those recommendations and expectations have not been met. He would strongly urged Council to heed the advice of Mr. Moss. He explained that the property is surrounded, on three sides with a street on the fourth side, and is landlocked by residential uses. The request is to rezone residential property to commercial property. There is no economic hardship and the thought was always to have the two properties developed together.

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Ms. Barr asked what portions of the properties encompass the piece of land that the Town gave a conditional development right for.

Mr. Moss advised that the piece of land is adjacent to the front property to the side and was a paper street that connected Main Street to Fairfax Street, which was deeded from the Town to the applicant and has not been recorded yet.

Ms. Barr asked if there was a timeframe on that piece of property and whether that would indicate that the Town has to address both pieces of property at the same time.

Mrs. Sanders clarified that the rezoning was for an entirely separate piece of property.

Ms. Barr noted that the proffers refer to both pieces of property.

Ms. Sanders noted that there are issues related to the front parcel and the vacation of the street, which are not before Council this evening.

Mr. Foreman asked Mr. Rice if he was familiar with Possum Point Road.

Mr. Rice indicated he was.

Mr. Foreman pointed out that Possum Point Road was never designed for trucks to be hauled on and was a residential street. The road is shabby and needs maintenance. To hear the Planning Commission make the recommendation to have Fairfax Street a certain type of road to a certain standard he would concur. Being a service center, trucks are going to have to service the building somehow. When the plans and the proffers changed, why did it not go back to the Planning Commission?

Mr. Moss clarified that proffers are allowed to be changed or not submitted at all until the public hearing. It is not that the proffers changed. The Planning Commission never sees proffers and the proffers usually do not come until after the Planning Commission. The proposed use of the front property that changed in scope is for information purposes only and the use is just a proposed use. Since the information is just information, it does not change the rezoning application.

Mr. Foreman read the following. "The applicant has submitted a revised site plan that has not been reviewed by the Planning Commission. The site plan is very generalized and shows roughly that the bulk area of the subject property will be used for a parking lot." He asked why the site plan did not go back to the Planning Commission.

Mr. Moss advised the site plan, in some cases, the applicant is willing to proffer. As far as the rezoning, unless a proffer has been presented tying the site plan to the rezoning has been changed would the matter go back to the Planning Commission. The applicant, in his mind, never intended for the site plan to be a final development plan. Therefore, to change it is not a substantial change to the rezoning application.

Mr. Foreman asked why the two properties are being tied together. He asked who made the condition or whether it was a condition. There are clearly two pieces of property, two different events happening, and two different projects.

Mr. Moss noted the condition does not exist at this time. He explained that staff identified that as a weakness because the rear property is landlocked and unless Fairfax Street is improved, there is no access to the rear property except by the easement through the Ghiloni property. Part of a rezoning application is to look at all the traffic impacts a project may have on the area. If the property in the rear was to be developed separately from the front, which if the application were approved right now would be perfectly legal, the applicant would be required to do some kind of improvement to Fairfax Street to allow access to the property in the rear or the Ghiloni easement would need to be used because of the landlocked nature of the property. The applicant came forward with the two properties tied together and staff carried that forward.

Mr. Padberg clarified that the site plan coming back to the Planning Commission is relevant, even though Mr. Moss was correct in what he said. The Planning Commission's recommendation for approval was based on substantial conformance with the plans that were submitted. The applicant chose to submit development plans including a partial site plan with the application. Among other issues, there was substantial discussion about the realignment of the perennial stream on the property.

Mr. Rice reiterated that it was never the applicant's intent for the site plan to be tied to the rezoning. It was just a visual for the Planning Commission to see what some of the ideas were for the use of the property. He felt that it is during the site plan review that these issues should be addressed, not during the rezoning. The discussion is about 300 feet from Washington Street to a piece of property and goes nowhere else. There is no thru traffic and the only use of this road is to serve one parcel that is basically a parking lot. To commit to building the road to full road standards at this time is premature. If the road is required to be built, it will be determined during the site plan review.

Ms. Forrester was concerned about rezoning the property from what it is currently to something that is not a similar use. Council can think it is going to be one thing and it ends up being something completely different. She questioned whether the matter was at a point where staff, the applicant, and the Planning Commission could not agree. She was not sure why some of the issues could not be taken care of considering that some concessions were just provided this evening. This would help with getting rid of some of the confusion and would feel more comfortable deciding then. She felt that some of the concerns could be worked out.

Mr. Rice indicated that might be and understood the concern of a blank check development of the property. The applicant is trying to make sure that the use is not restricted to the point that if the front property has any problems the property could not be used for anything at all.

Mr. Moss noted an alternative would be to leave the public hearing open to allow additional time to review the proffers, hear any additional public comments, and bring the case back

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to the next Council meeting December 6. As long as the public hearing is left open this will allow the applicant, if they choose, to change the proffers, which would be distributed prior to the Council meeting.

Ms. Forrester did not understand the procedures involved and wanted the Planning Commission involved.

Mr. Moss explained that in order to involve the Planning Commission, Council would have to close the public hearing then refer the matter back to the Planning Commission. This would require holding new public hearings by both bodies.

Ms. Forrester was hearing that the Planning Commission still had some issues that had not been addressed. She felt the matter needed to be referred back for further review.

Ms. Barr felt the road issue needed to be worked out. She has had experience with a landlocked parcel that had trucks driving on a dirt road. The individual located in front of the property took the matter to court and it ended up that trucks were prohibited from using the dirt road during certain hours. She felt the matter needed to go back to the Planning Commission.

Mr. Hashimi advised that they are willing to create an easement from Main Street to the rear to clear up the issue with being landlocked.

Ms. Barr was not against what the Hashimi's wanted to do; however, the language needs to be spelled out clearly and documented.

Mr. Hashimi clarified that there was no intent to deceive anyone with the new site plan and was changed after meeting with the Planning Commission. He noted that the concept is the same. The parking structure is the exact same size and the building size decreased by a few 1,000 feet.

Mr. Toney asked why it was not considered spot zoning since the property is surrounded, on three sides, by residential.

Mr. Moss explained that spot zoning is not what most people think it is. In legal terms, it is giving a specific privilege to a property owner that does not comport with, is incongruous with, the Comprehensive Plan. If the Comprehensive Plan says a specific area of Town should have certain types of uses and if some valid public purpose can be achieved then a rezoning is not considered spot zoning.

Ms. Forrester moved, seconded by Ms. Jurgensen, to refer the matter back to the Planning Commission to review the submitted proposed proffers and site plan. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mayor, vacant.

**Boards & Commissions**

a. Planning Commission (PC)

Mr. Padberg reported the following from the PC's last two meetings.

October 17, 2011

- Presentation was made on a rezoning application for 17650 Possum Point Road from B-1 to FB/O-1 – public hearing was scheduled for December 12, 2011
- Presentation of Draft Comprehensive Plan
- Discussion was opened on the concept of televising meetings

November 7, 2011

- Recommendation was made for Town Council to adopt the updated Comprehensive Plan as presented
- Recommendation was made to nominate William O'Kelly Russell to serve as the PC representative to the Architectural Review Board
- Discussion continued on televising meetings – the consensus was that broadcasting would be fine; however, the following concerns came up.
  1. The legal department is promoting the documentation benefits of recording the meetings – although this may be good in a legal defense this may also work against the Town - recording without televising may provide the best solution
  2. Council has legal counsel and the PC does not
  3. Ms. Forrester pointed out that every PC meeting serves as work sessions and may restrict the openness of conversations
  4. The PC does not have the option to have closed sessions
  5. All meetings are open to the public

At the Council's October meeting, Ms. Barr was in support of broadcasting the meetings and mentioned she had been looking for some documents from a past meeting, which were ultimately found, but they were not at Town Hall. This is an unfair characterization of the record keeping practices of the PC. The PC's Secretary carefully records each meeting and hearing. These minutes are reviewed, ratified, and ultimately presented to staff for permanent filing. The indexing and safekeeping of PC and zoning documents within Town Hall property has never been the duty of the PC. The PC does not have access to non-public areas of Town Hall and rely on staff to keep the appropriate documentation behind the scene. He presumes it is similar to the way Town Council relies on the Town Clerk to file away ratified minutes. Two years ago, the suggestion was made to implement an off-site storage system for site, building, and grading plans, which many have bonds tied to and probably should not be lost. To date he did not believe any action has been taken. As much as he shares the concerns of Council, he asked that Council not lead the citizens, who watch the meetings, to believe that this is the fault of the PC.

6. Staff made the decision to start broadcasting public hearings recently. Seems to be working fine and if Council directs staff to continue broadcasting only the public hearings this may be the best compromise for all concerned. He suggested that there might be a way to record the meetings without broadcasting them.

7. A question came to mind about why a member of the Commission, serving as the Secretary, is burdened with minute taking. Ms. Forrester thought this was a lot of work to do while trying to be involved in the meeting. After thinking about it, he felt she was right. The PC wanted the Council's thoughts on the matter. He mentioned an apprentice member.

Ms. Forrester thought she heard that staff discussed the issue with the PC, brought it to Council to be discussed to be sent to the PC for discussion. She explained that Council sent the matter to the PC without knowing that the it had been previously discussed by the PC.

Mr. Padberg clarified he thought that staff had talked about the matter internally and had informally mentioned it a few times to the PC. The PC was not blindsided by the matter, discussed it, and had not come up with a consensus on the matter.

Ms. Forrester advised the information blindsided her. She was tired of finding out things that everyone knows but Council. Especially when Council had a detailed discussion about how the PC's input is valuable without any indication that staff had an idea what that might be. This is why she is so suspicious of the intentions of staff all the time. She advised that her opinion has not changed on the matter. The PC is an advisory board to Council. Matters are discussed and then a recommendation is made. She indicated that the meetings are open to the public and did not understand the recording issue. She had asked last time whether all the conversations with staff are going to be recorded on issues because they are paid employees and have some legal ramifications for the recommendations they make or carry out of which a lot the Council does not know about. The PC does not carry out anything. She is still confused as to why there is such a strong legal concern. She felt there was some other motive behind it. In the past sometimes staff did not see eye to eye with the PC and instead of staff trusting Council to make the right decision there has been a lot of backroom stuff going on with trying to control the PC and filter what Council hears and does not hear. She felt this was another effort to do just that. She felt this was an effort to confuse and put fear into the PC to keep them from discussing a matter fully even though it is an open meeting. She pointed out Council meetings are taped and broadcast, yet she still sees the Town Clerk taking minutes and Council approving the minutes. She has not heard that one would replace the other.

Mr. Padberg clarified that the PC knows that there has to be a Secretary whether the meeting is taped or broadcast. The point is that one of the PC members serves a dual duty and is taking minutes as the Secretary. It would be the same as a Council member taking minutes at a Council meeting while participating. He agreed that the PC does not take any action that is binding and is an advisory board.

Ms. Barr mentioned that there is a lot of new technology out there like the speech to text technology. There is cloud technology that stores a large amount of information on a remote server. This is just another way to move forward. She pointed out that the PC is appointed, paid to do a job, and hold open meetings. She did see what the problem was with the transparency and did not have a problem with not broadcasting. It has been identified several times that there is a problem with documentation in several other areas and Council is trying to address them all.

Ms. Jurgensen attended the PC meeting when the matter was discussed and it seemed to her that most of the members were okay with broadcasting.

Mr. Padberg did not think the consensus was that the PC was against broadcasting. He wanted to make sure that everything has thought through all the scenarios. The technology has many rough spots in his opinion with the way it is being used in the Town. His FiOS is not broadcasting at his house tonight; it is fuzzy and was reporting no picture. He noted that 50 percent of the PC members at the last meeting were unable to see the last Town Council meeting.

Ms. Forrester explained that Council meetings needed to be broadcast and recorded because decisions are being made. It is a different situation. She did not see what the relevance was with the PC being paid. She asked what the difference would be if the Commission were volunteers? The Council is elected and paid, yet everything known under the sun is crammed into the three or four closed session allowances.

Vice Mayor West noted that Ms. Forrester has spoken several times on the subject.

Ms. Forrester indicated she should be able to finish making her point.

Vice Mayor West advised that Ms. Forrester had spoken several times and made her point.

Mr. Taber explained that the issue of recording and documentation was based on his interpretation of Council's desire to have a more open government relationship with the citizens in the Town. Dramatic steps have been taken to allow that by placing staff reports and minutes on the website and are available at Town Hall. He assured the Council that no formal discussions with the PC prior to Council being made aware of this issue were had. He was certain there were informal comments made. He wanted to make sure that Council understands that he would never sanction finding out all the answers ahead of time without letting Council know what is going on. He thought that Council knew with all the email correspondence and communication he has had with Council that he needs to know what Council is feeling and Council needs to know what he is doing. There was no hidden agenda in doing this. If he thought for a minute that any of his staff was intending to control or intimidate the actions of a broader Council he would fire those individuals.

b. Board of Zoning Appeals (BZA)

Mr. Moss advised that the BZA met on October 19 with no cases. Ms. Sanders provided training on variance cases dealing with Virginia Case Law and more specifically the Cochran Case that has a very specific set of guidelines. He gave a presentation on appeals. The two primary vehicles to bring cases forward are variances or appeals. A discussion of recording versus broadcasting was held. Staff's recommendation has always been to record the meetings but not broadcast them. Ms. Johnson has determined that meetings can be recorded and not broadcast with existing technology. The next scheduled meeting is for December 21.

## c. Architectural Review Board (ARB)

Donald Little, Chair, gave the following report on its October 18 meeting.

- Application for a certificate of appropriateness was heard and approved for the repair of the fascia to a detached garage with different material at 3904 Fairfax Street
- There are two vacant seats on the ARB
  - An individual from the business sector has expressed an interest
  - Open advertisement was discussed to fill the resident seat.
  - The ARB likes the idea of having a member from the Planning Commission sit on the ARB
- The ARB is overwhelmingly against televised meetings because the application that was previously spoken about was the first official business the ARB had in a year. Most meetings consist of open dialog regarding surveying the community and design guidelines, which the ARB felt did not need the restriction of someone looking over its shoulders. It made sense that if an applicant applied for a certificate of appropriateness and attended the meeting to have it recorded. The last case the ARB had the applicant was not present. The ARB would be willing under a formal application and a ruling of that application, which would turn into a recommendation to the Council, be taped. The distinction between taped versus televised was not brought to the ARB's attention.
- The design guidelines for Smithfield were reviewed. The ARB is trying to develop some guidelines
- Next meeting is in December

## d. Historic Dumfries

Joann Barron, Museum Director, gave the following report.

- An invitation was extended to attend the annual open house after the Christmas Parade, December 10, where Santa will be on a Victorian Sleigh for picture taking and Wassail will be available at the Annex
- There were 880 visitors to the Museum in October
- The Ghost Walks had 278 visitors generating \$1,390 for the Museum, which was attributed to the wonderful media publicity that was done
- An antique fair was held that netted \$870
- In August, the Museum entered a wood trunk covered in deerskin, circa 1800, into the Virginia Association of Museums endangered artifacts program that recognizes items that have historic and cultural significance, which was awarded to ten items, and this was one of the items chosen
- An anonymous donation was made of two Crazy Quilts that were made in 1883
- A Tempest of Teapots is an exhibit on display of colonial pewter teapots on loan from Gene Seevers, a member of the Pewter Collectors' Club of America

**Presentations**

## a. Virginia Department of Environmental Quality (VDEQ)

Mr. Taber reminded Council that the Potomac Landfill gave a presentation about the attempts to address complaints about odors. He thought it was important that Council hear from the Department of Environmental Quality (DEQ) who has been working with the Potomac Landfill on an analysis.

Thomas Faha, Director of the Northern Regional Office of DEQ in Woodbridge, introduced Richard Doucette, DEQ's Land Protection Program Manager for landfills, and David Hartshorn responsible for air compliance and monitoring. He explained that they were before Council to provide the status of where DEQ is with the Landfill. DEQ is engaged in two actions with the Landfill that consist of a modification to the Landfill's permit to expand its operation and the issuance of two notices of violation. A notice of violation was issued in August relating to the Landfill's operation that DEQ believes are in conflict with the existing permit. In October, a violation was issued concerning odor issues that occurred during most of September and into October. DEQ is engaged in what is referred to as the settlement process with the Landfill. The Landfill was in for a meeting about two weeks ago. The process starts with the issuance of a notice of violation that states DEQ believes that a violation of the permit has occurred. The permittee is invited to meet with DEQ staff to explain if they have a different view than DEQ's. After the meeting, the enforcement staff make a decision and technical staff deals with what the response will be. The response can vary substantially from no action to an administrative consent order, which is a negotiated agreement to settle what DEQ believes are violations. DEQ is engaged in that process with the Landfill now and these negotiations are kept confidential. He explained that staff tries to keep in mind the concerns of the citizens and the issues or concerns the locality may have. If DEQ feels it is appropriate it will request and directly ask what the locality may be thinking. Anyone can at anytime express those concerns to DEQ.

Ms. Jurgensen thanked DEQ for coming. She asked why the citizens were not part of the process and wanted to know how the citizens are represented.

Mr. Faha explained that is DEQ's role. The laws and regulations are there and the mission statement is to protect the health and well-being of the citizens.

Ms. Jurgensen asked if DEQ was aware that citizens contacted the Rescue Squad to come to their homes.

Mr. Faha did not think DEQ was aware of that.

Ms. Jurgensen asked if there was some kind of monetary settlement made in the negotiations. She asked what the punishment would be.

Mr. Faha explained that negotiations can take many different forms and did not want to indicate in any way how negotiations would end. The agency and the Landfill entered into a consent order in 2005 and the Town at the time was involved in the outcome or the

prescribed resolution to correct the matters that included odor. He noted the interest of the Town was carried forward.

Ms. Jurgensen disagreed.

Ms. Barr asked when DEQ looks at a matter more seriously if there have been notices of violation issued repeatedly. When there is no longer a settlement issue and there is more enforcement.

Mr. Faha explained that DEQ has no more power than what the law and regulations prescribe. The laws and regulations around the issue of odors are not particularly descriptive and are one of the more challenging issues for DEQ to regulate. There are no regulations for ambient air criterion. There are workplace criteria for odor.

Ms. Barr asked if the Town was currently involved.

Mr. Faha explained in regards to the settlement, the Town is not involved and is a confidential agreement. The permit process seeks comments from Town officials and staff.

Ms. Barr asked what the current comment period is for the expansion.

Mr. Doucette explained that the Landfill currently has a solid waste permit with DEQ to have a construction and demolition debris (CDD) landfill. There are two applications that have been submitted to DEQ. One is a Part A permit application which is designed for the site or location of the Landfill. This was required since the Landfill was looking to expand its operation from 52 acres to 58 acres. This permit will allow for the expansion as long as it meets the requirements for setbacks, floodplains, wetlands, and historical preservation. This application requires public notification, but does not require a public hearing or public participation. In addition, there is a Part B permit application which deals with the design, operations, and post-closure, which is more of the day-to-day operations. This includes odor monitoring, odor management, landfill mining, leachate pretreatment, etc. and does include a process for a public hearing, a public meeting, and comments are sought for a 45-day period by the agency.

Ms. Barr asked what the timeframe was.

Mr. Doucette explained that the process does not start until a draft permit is issued. DEQ does not review Part B, the design operation, until the site requirements are done, Part A. DEQ has reviewed Part A up to the notice of violation that was issued in August for excess elevation. The technical review has been completed; however, the violation issue is still out there and DEQ decided not to move forward until that gets resolved. Once Part A's site requirements are done then DEQ can begin the technical review of Part B. Once that is done a draft permit will be available for public comment, public review, and placed in a repository for public viewing.

Vice Mayor West asked where that would be.

Mr. Doucette explained that a repository has not been created yet, but he indicated that DEQ would work with the locality as to where the draft permit would be placed for public viewing.

Mr. Foreman thought that back in the 2005 – 2006 timeframe when the Town and the Landfill met, when DEQ was involved, that one of the outcomes was that DEQ would monitor the operations on a weekly basis or bi-weekly basis. He asked when that stopped and if the Town was notified. He asked how often DEQ has visited the landfill since all the problems started occurring in the last 30 to 60 days.

Mr. Faha noted that since the recent problems occurred with the weather and flooding DEQ has visited the site once or twice a week. He noted that prior to that DEQ has been on site monthly during the terms of the order. He explained that the order was a bit complicated and a good portion required the negotiations be between the Town and the Landfill to reach full fruition. In regards to DEQ, the Landfill had met its requirements. DEQ understands that the aspects between the Town and the Landfill were not achieved. The order was subsequently terminated in 2010.

Mr. Foreman read the following excerpt from a letter dated 10-24-2011 from the Town Manager.

**“After reviewing the records I have available concerning the landfill operation, it has become abundantly clear to me that there have been a variety of concerns that have been raised that go back many years. Although the nature of those issues are somewhat varied, one constant that seems to have been present that entire period of time, and that constant is the offensive odor that is emanating from the landfill property. The issue has never totally gone away for any significant period of time and in the past few months it has reached a level that is simply no longer acceptable under any standard. I have serious concerns over the health and welfare of our citizens and am asking that you bring to bear whatever resources are available, including legal enforcement proceedings or injunction.”**

Mr. Foreman interpreted the last sentence as meaning that the citizens have a standard of living with the landfill operation and there should be procedures in place assuring that the standard of living is not compromised, degraded, or jeopardized and was telling DEQ to enforce those standards up to litigation. He asked if what was being said was to not skip the standards, but to enforce the standards.

Mr. Taber agreed. He explained that the letter was encouraging DEQ to use the existing regulations and the authority they have to assist the Town in dealing with the air quality and odor problems on behalf of the citizens.

Ms. Jurgensen asked if part of the Landfill’s application was requesting to go higher.

Mr. Doucette explained that currently in Part A the Landfill is limited to 195 feet, which was part of the 1987 Stipulation Order by the Prince William County Circuit Court. In 2003, what was carried over in the approval of Part A is 195 feet and the Landfill has not expressed, formally, to go any higher. The notice of violation issued in August dealt with the fact that there were stockpiles of waste material that had been there for over a year that were over 195 feet.

Mr. Toney understood that the Landfill was mining and recycling. He asked if the Landfill has the appropriate permits.

Mr. Doucette advised that in 2003 the facilities operational permit allowed the recovery of material through landfill mining and is part of the Virginia Solid Waste Management Regulations that allow this to be done under a permanent activity. This permit was allowed to encourage the hierarchy of recycling versus disposal. It was formally discussed during the permit modification in 2010 that discusses more of what comes out of that material, the process.

Mr. Toney noted there was a discussion about reopening the cells and the odors may have come from drywall getting wet. He asked how that could be mitigated.

Mr. Doucette indicated the 2010 permit, in addition to part of the 2005 and 2007 Consent Order, required the Landfill to create an odor monitoring plan and odor management plan in accordance with the regulations. The odor monitoring plan required certain steps in terms of operations such as pulling any drywall out that is received, separating it, putting additional cover on the area that would create an impermeable barrier, and certain other operational steps. Monitoring requirements are done with a hydrogen sulfide meter, known as a Jerome meter, which would pick up hydrogen sulfide to the three parts per billion level. For example, the short-term exposure limits for OSHA is in the twenty parts per million, which is much higher. Within the Landfill's permit, certain levels were set that would require the Landfill to take action if the levels were to go over that amount, which could be things such as having to stop mining or additional monitoring. The on-site monitoring that was required since the 2005 and 2007 Consent Order occurred three times a day, around the boundary, between 4 a.m. to 6 a.m., 10 a.m. to 12 p.m. or 12 p.m. to 2 p.m., and 8 p.m. to 10 p.m.

Mr. Toney understood that if the limits were exceeded the Landfill was required to engage in some kind of action that would seek to reduce the problem. He asked who monitored the Landfill's compliance to the regulation.

Mr. Doucette explained the Landfill was submitting reports. The Landfill was doing part of DEQ's monthly compliance inspection. DEQ typically inspects landfills on a quarterly ratio. This particular facility had a monthly inspection because of the compliance history. Once a month DEQ would go out and look over the training, health and safety, and monitoring records to determine if there was any seepage and whether that would change its daily operation.

Ms. Jurgensen asked what the readings were.

Mr. Doucette explained that there have been different readings taken. Some have been done by the Landfill, some by DEQ, and also service authority personnel. He advised the highest reading that DEQ has taken was 50 parts per million or the upper limits of the meter that was available.

Ms. Jurgensen asked if the monitoring is done only at the Landfill or whether measurements are taken in the neighboring area.

Mr. Doucette indicated that measurements were taken both at the Landfill and the neighboring areas.

Ms. Jurgensen asked where the 50 parts per million was measured at.

Mr. Doucette advised the reading was taken on the side slope of the western portion of the Landfill.

Ms. Jurgensen noted the media has picked the story up from as far as Richmond and this negatively impacts the Town and the surrounding areas. She asked if DEQ was there to help keep the odor down and find products to help them.

Mr. Faha believes that the first complaint that came in about the odor came from him. He reiterated that when there is a problem like this that localities and citizens think that DEQ has much more authority than the law and the regulations provide and have an administrative process. He explained that the permits that the State issues do not exempt a facility from local requirements and local governments are not without their own tools to be able to address issues that may be a nuisance. DEQ cannot do much to mitigate odors.

b. Comprehensive Plan Update (Moss)

Mr. Moss went over the following information in a PowerPoint presentation.

**Town of Dumfries Comp Plan Update**

**Land Use  
Goals, Policies, & Action Strategies**

**Waterfront**

**To create a vibrant high density mixed-use area with an emphasis on taking advantage of the natural amenities of the Waterfront.**

**Promote the development of a Planned Mixed Use District to take advantage of the waterfront feature to foster the development of a diverse mix of uses that will weave together a variety of activities that will offer residents, businesses and visitors a rich lifestyle experience.**

- **Waterfront oriented**
- **Mix of residential and commercial**
- **Connectivity to nearby areas**
- **Shared parking**
- **High density**

**Fraley Boulevard**

Encourage the development of a well-planned, mixed-use employment center that will create higher income jobs, generate economic growth and improve the overall tax base of the Town.

Encourage a boulevard themed mixed-use employment center incorporating pedestrian features on both the east and west side of Fraley Boulevard (Rt. 1).

- Boulevard streetscape
- Multi-story buildings
- Rear-accessed parking
- Density on Fraley, then stepped back
- High density

**Main Street**

To create a medium density mixed-use environment integrating complimentary uses with an emphasis on preserving existing neighborhoods; and enhancing the vibrancy, attractiveness and economic well being of the Main Street area.

Although this area is not a traditional “Main Street” identifying and supporting this area as a unique part of the Town will help strengthen the identity, cohesiveness, and pride of the community.

- Mixed-use buildings
- Pedestrian oriented
- Small-scale retail on first floor
- Shared parking

**Transportation  
Goals, Policies, & Action Strategies**

**Roadways**

Improve and expand the Town’s street network so that the arterial primary, collector, and local roads that serve the community are integrated into an effective multi-modal transportation system.

Develop and pursue an integrated strategy to fund the Town’s transportation priorities.

- Coordinate CIP
- Seek funding
- Right-of-way
- Proffer policy

Maintain and manage a transportation network that is safe for all users.

- Maintain storm drainage facilities
- Coordinate repaving
- Coordinate traffic signals

Provide a road network that accommodates multiple modes of transportation.

- Transit, pedestrian and bicycle access
- Fraley Boulevard widening
- Rezoning proffers
- Adopt streetscape plan

Actively support all improvement to Interstate 95 that will reduce through traffic in Town.

- Promote additional capacity on I-95
- Promote additional HOV lanes
- Promote use of HOV lanes
- Promote ridesharing

#### Alternative Transportation Facilities

Develop an integrated, multi-modal pedestrian and bicycle network that enhances the Town's roadway system.

Enhance and implement the Town's Multi-modal Plan to create an alternative transportation network.

- Minimum sidewalks required
- Sidewalk priorities
- Bus stops - PRTC
- Funding assistance

Implement the "Complete Streets" concept within walkable communities and town centers.

- Update ordinances
- Wider sidewalks
- Connections to important centers
- Safe Routes to School (SR2S)

Identify and preserve the existing rights-of-way throughout the Town that will provide future transportation facilities.

- Paper streets
- Future rights-of-way
- Alternative transportation routes

#### Mass Transit

Integrate transit services to link jobs, housing, commerce, and recreation within the Town and immediate area.

Enhance the connectivity of inter- and intra-county transit systems.

- Require transit facilities when approving a CUP or Rezoning
- Development checklists for shelters, appropriate lighting, access
- Local circulator shuttle

Work with adjacent jurisdictions to develop support for joint alternative transit projects.

- Cooperation with VRE, PRTC, VDOT, and WMATA
- Work with Prince William County for lobbying
- Consider impaired populations

### **Parking**

Integrate adequate parking to sustain economic development in an ecologically and aesthetically attractive manner.

Integrate parking facilities into the surrounding environment as seamlessly as possible, while minimizing the amount of under-utilized impervious pavement.

- Parking standards
- Publicly owned parking
- Transportation Demand Management
- Structured parking

### **Historic & Cultural Resources Goals, Policies, & Action Strategies**

Identify and protect Town of Dumfries significant historical, architectural, and other cultural resources – including those significant to the Town’s minority communities – for the benefit of all the Town residents and visitors.

Identify the significant historic and cultural resources in the Town.

- Identify and update inventory of historic resources
- Conduct studies of potential sites
- Request Phase I studies
- Nominate sites to NRHP

Protect and preserve historic resources that are important for documenting or demonstrating the prehistory or history of the Town.

- Examine existing zoning code
- Maintain Historic Overlay District
- Pursue funding
- Encourage Historic Building Plaques

Enhance and promote the Town’s historical character to increase visitation and commerce throughout the Town.

- Encourage research projects
- Inform and educate Town residents
- Develop a “Preserve a Site” program
- Develop Town history walking map

Encourage developers to incorporate architectural features that celebrate the Town’s Historic Character.

- **Create Main Street streetscape design**
- **Review existing wayfinding signage**
- **Continue to support Weems Botts Museum and Merchant Park**
- **Historic naming convention for trails**

**Preserve, protect, and maintain known or discoverable cemeteries and gravesites, whether marked or unmarked.**

- **Document any unmarked gravesites**
- **Discourage relocation of cemeteries**
- **Revise permitting process - require a check for presence of a cemetery**

**Promote growth and redevelopment that incorporates the historical character of the Town.**

- **Historic character as the foundation for future development**
- **Develop incentives to encourage the maintenance of historic character**
- **Inform with informational brochures**

Vice Mayor West asked if the Ruel Waters garage, which is now called Belle Framing, was on the register of historic places.

Mr. Moss did not believe that it was.

### **Staff Reports/Comments**

#### Treasurer's Report

Ms. Ladd asked if there were any questions from Council regarding the November 2011 receipts and expenditures.

There were no questions.

#### Town Attorney's Report

Ms. Sanders reported that she attended the Local Government Attorneys Conference in Henrico County. She also appeared several times in the Prince William County General District Court and the Juvenile and Domestic Relations Court dealing with criminal misdemeanors and traffic violations.

Ms. Jurgensen asked if the issue had been resolved with the Ezra Nehemiah Solomon (ENS) grant.

Ms. Sanders advised the matter was moving toward a resolution. There are a few things to wrap up. Items purchased with the grant funds are to be returned to the Town.

Mr. Toney asked if the cases in the Juvenile and Domestic Relations Court dealt with juveniles assaulting an adult.

Ms. Sanders clarified that the Juvenile and Domestic Relations Court has jurisdiction over crimes that are committed in a household with juveniles. In most cases, it is the adult assaulting the juvenile.

Mr. Foreman indicated he had a question dealing with the meeting that is scheduled for November 17 with Piccard Homes of Greg Tkac, Public Works Director. He mentioned that a letter referred to items that needed to be addressed to close out the bond that included a drainage easement dedication, common area dedication to the residents of Potomac Coves, sidewalks, and drainage issues. He reminded Mr. Tkac that when this was discussed before he mentioned that the stack of stripped trees on the property bordering Hampstead Landing and private homes needed to be taken care of. He indicated that both the cul-de-sacs need streetlights and one thing he has learned from Supervisor Maureen Caddigan was to take the funding needed from the bond money before the developer leaves. The releasing of the bond can go on for several months. He knew there was an ordinance about mowing and the Town has not done anything about issuing fines. Some citizens are mowing while others are not and the responsibility is Piccard Homes who needs either to mow it all or be fined.

**Action Items**

- a. 2012 Meeting Dates for Council, Committees, and Boards (Taber)

Ms. Forrester moved, seconded by Mr. Toney, to approve the proposed meeting dates of 2012. The motion carried and the following calendar was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mayor, vacant.

# Town of Dumfries

*est. 1749*

Council, Boards, and Commission

## Meeting Dates

# 2012

All meetings held in Council Chambers  
at 17755 Main Street unless otherwise  
specified

*All meetings are open to the public*

<p><b>Town Council</b></p> <p>Tuesdays</p> <p>7PM</p>	January 3, 2012
	January 17, 2012
	February 7, 2012
	February 21, 2012
	March 6, 2012
	March 20, 2012
	April 3, 2012
	April 17, 2012
	May 1, 2012
	May 15, 2012
	June 5, 2012
	June 19, 2012
	July 3, 2012
	July 17, 2012
	August 7, 2012
	August 21, 2012
September 4, 2012	
September 18, 2012	
October 9, 2012	
November 6, 2012	
November 20, 2012	
December 11, 2012	

<p><b>Planning Commission</b></p> <p>Mondays</p> <p>7PM</p>	January 9, 2012
	February 13, 2012
	March 12, 2012
	April 9, 2012
	May 7, 2012
	June 11, 2012
	July 9, 2012
	August 13, 2012
	September 10, 2012
	October 15, 2012
	November 19, 2012
	December 17, 2012

<p><b>Architectural Review Board</b></p> <p>Tuesdays</p> <p>6:30PM</p>	January 10, 2012
	February 14, 2012
	March 13, 2012
	April 10, 2012
	May 8, 2012
	June 12, 2012
	July 10, 2012
	August 14, 2012
	September 11, 2012
	October 16, 2012
	November 13, 2012
	December 18, 2012

<p><b>Board of Zoning Appeals</b></p> <p>Wednesdays</p> <p>7PM</p>	January 11, 2012
	February 15, 2012
	March 14, 2012
	April 11, 2012
	May 9, 2012
	June 13, 2012
	July 11, 2012
	August 15, 2012
	September 12, 2012
	October 17, 2012
	November 14, 2012
	December 19, 2012

Ms. West mentioned that staff might want to keep in mind that in January joint meetings need to be scheduled with the Boards and Commissions.

Ms. Barr clarified that the joint meetings also included the Homeowner Associations and Supervisor Maureen Caddigan

b. Consider Request for Interdepartmental Transfer of Funds (Taber)

Ms. Forrester moved, seconded by Ms. Jurgensen, to allow the transfer of FY12 budgeted funds between Town departments because of personnel actions. The motion carried and the following transfers were approved by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mayor, vacant.

<b>AMT MOVED</b>	<b>FROM LINE ITEM #</b>	<b>TO LINE ITEM #</b>
\$32,000.00	10-412-0101 Assistant Town Manager Salary	10-472-0100 Director of Community Services Salary
\$18,500.00	10-412-0103 Town Clerk Salary	10-472-0100 Director of Community Services Salary
\$3,863.25	10-412-0300 Payroll Taxes	10-472-0300 Payroll Taxes
\$9,625.30	10-412-0400 Pensions	10-472-0400 Pensions
\$4,651.50	10-412-0401 Benefits	10-472-0401 Benefits

c. Request to Purchase Radio Equipment (Forker)

Ms. Jurgensen moved, seconded by Ms. Barr, to approve the Chief of Police’s recommendation to authorize the Town Manager to purchase two new radios and upgrade the remaining inventory.

Ms. Forrester asked if this was the same item that was budgeted in next year’s budget.

Mr. Taber stated \$40,000 was to be budgeted in FY13; however, the Town can save approximately 20 percent by making the purchase now.

The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mayor, vacant.

d. Architectural Review Board (ARB) Nominees (Sandlin)

Ms. Barr moved, seconded by Ms. Jurgensen, to appoint Timothy Jabs as a business representative and William O’Kelly Russell as the Planning Commission representative to fill the vacant seats on the ARB. The motion carried by the following roll call vote Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mayor, vacant.

**Council Comments**

Mr. Toney sent his condolences to the Yohey family. He asked what the protocol was for a member of Council who passes while serving in office.

Mr. Taber stated that the family's wishes have to be paramount and the Yohey family wanted to have a low-key funeral. He indicated that he would look into some kind of protocol.

Mr. Toney pointed out that former Mayor Bray lost his wife and the Town did not formally send condolences.

Mr. Taber stated he would personally speak with Mr. Bray.

Mr. Toney announced that this year would be the third annual Christmas bird give away. He hoped to be able to donate another 50 birds to the citizens again this year.

Vice Mayor West asked Mr. Toney to coordinate with Action in Communities through Service (ACTS) and Dumfries United Methodist Church, who give away 100 turkeys.

Mr. Foreman thanked the County, the Police Department, and the press for their participation and coverage of the services for Mr. Yohey.

Ms. Barr stated that no one would miss the Mayor and his gavel as much as she would. She wanted Council to retire the Mayor's gavel and give it to his sons.

The Council agreed.

Ms. Barr congratulated Elsie Garrison on her upcoming 90th birthday. She asked that any Ham Radio operators contact her so that she can practice to take the exam for her license.

Ms. Jurgensen mentioned that donations were being accepted for the "Christmas in Dumfries" program and she wished everyone a Happy Thanksgiving.

**Closed Session**

Ms. Jurgensen moved, seconded by Ms. Barr, to enter closed session under Virginia Code §2.2-3711A(1) Personnel and §2.2-3711A(7) Consultation with legal counsel. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, no; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mayor, vacant.

**Open Session**

Ms. Forrester moved, seconded by Mr. Toney, to reconvene into open session certifying that, to the best of each member's knowledge, only public business matters lawfully exempted from the open meeting requirements of state law, and only such public business matters as

were identified by the motion to enter closed session, were heard, discussed or considered in the closed session. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mayor, vacant.

Ms. Barr moved, seconded by Ms. Jurgensen, to authorize the Town Manager to represent the Town's interest and to collaborate with the Department of Environmental Quality on Potomac Landfill matters as discussed in closed session. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mayor, vacant.

Ms. Barr moved, seconded by Ms. Jurgensen, adopt the resolution authorizing the Town Manager to explore entering into an agreement for a boundary line adjustment. The motion carried and the following resolution was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mayor, vacant.

**RESOLUTION TO EXPLORE TOWN BOUNDARY LINE ADJUSTMENT**

**WHEREAS, the Mr. Herbert Campbell (hereafter "Campbell") is the owner of real property identified as GPIN 8289-20-2999 (hereafter, "the Property") located in Prince William County (hereinafter "the County"), a portion of which is located within the Town of Dumfries (hereinafter "the Town"); and**

**WHEREAS, in a letter dated September 29, 2011 to Dumfries Town Mayor Yohey, Prince William County Board of Supervisors Chair Corey Campbell and Dumfries Magisterial District Supervisor Maureen Caddigan, Campbell requested that the Dumfries Town Council and the Prince William County Board of Supervisors consider a boundary line change which would result in the entirety of the Property being located in the Town of Dumfries; and**

**WHEREAS, Campbell is the sole owner of this single parcel and his request affects no other resident of the Town of Dumfries or Prince William County; and**

**WHEREAS, Section 15.2-3106 of the Code of Virginia, specifically authorizes a boundary line adjustments between political subdivisions by agreement wherein any two localities, such as the Town and the County, may agree to relocate the boundary between them by agreement; and**

**WHEREAS, Section 15.2 – 3106 of the Code of Virginia sets forth that a public hearing be held by each jurisdiction in order to approve any agreement to relocate a boundary line between two jurisdictions; and**

**WHEREAS, the Town wishes to explore entering into an agreement with Prince William County to relocate the property within the boundaries of the Town and subsequent to any agreement the Town will hold a public hearing as required by §15.2-3106 of the Code of Virginia.**

**NOW THEREFORE, BE IT RESOLVED that the Town Council authorizes the Town Manager to explore entering into an agreement with Prince William County to adjust the Town Boundary to include the entirety of Campbell's Property within the Town.**

Ms. Barr moved, seconded by Ms. Jurgensen, to adopt the resolution appointing Ms. West as the Interim Town Mayor, appoint Mr. Toney to serve as the Vice Mayor, and appoint Gwen

**NOVEMBER 15, 2011 COUNCIL MEETING MINUTES**

Washington as a Council member to fill Ms. West’s vacated seat. The motion carried and the following resolution was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, no; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mayor, vacant.

**RESOLUTION TO APPOINT AN INTERIM MAYOR, VICE MAYOR AND COUNCIL MEMBER**

WHEREAS, in October 1995 Fred E. Yohey was appointed to the Town Council for the Town of Dumfries to fill a vacant seat on the Council; and

WHEREAS, in May 2006 Mr. Yohey was elected Mayor for the Town of Dumfries; and

WHEREAS, Mayor Yohey was reelected as Mayor for the Town of Dumfries in May 2010; and

WHEREAS, Mayor Yohey served the Town of Dumfries with pride, dedication, and enthusiasm all the years he served as a Councilman and as Mayor; and

WHEREAS, Mayor Yohey had been in declining health and sadly passed away on November 6, 2011, leaving vacant the Mayor seat for the Town of Dumfries; and

WHEREAS, the Section 3.05 of the Dumfries Town Charter states that, “[v]acancies on the council and in the office of mayor and vice mayor shall be filled by a majority vote of the members of the council by appointment of an elector of the Town of Dumfries”; and

WHEREAS, Virginia Code § 24.2-228(A) requires that an interim mayor be appointed within 45 days and the person so appointed shall hold office only until the qualified voters may fill the vacancy by special election; and

WHEREAS, the Town Council wishes to appoint an interim mayor, interim vice mayor and council member in conformance with its Town Charter (*infra.*) and Virginia Code § 24.2-228 *et seq.*

NOW THEREFORE, BE IT RESOLVED that the Town Council hereby appoints Nancy West as interim Mayor, Willie Toney as interim vice mayor and Gwen Washington as councilmember until a special election may be held in May 2012.

**Adjourn**

Ms. Barr moved, seconded by Ms. Jurgensen, to adjourn the meeting. The motion carried by the following voice vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mayor, vacant.

Minutes transcribed by

Approved by

\_\_\_\_\_  
Dawn Hobgood

\_\_\_\_\_  
Nancy H. West  
Vice Mayor