

**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON JANUARY 6, 2015, AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:**

**THERE WERE PRESENT:** Mayor Gerald Foreman  
Vice-Mayor Willie Toney  
Charles Brewer  
Helen Reynolds  
Gwen Washington  
Derrick R. Wood  
Vacant Seat  
Daniel Taber, Town Manager  
Olaun Simmons, Town Attorney

**THERE WERE ABSENT:** None

**IN RE: CALL TO ORDER AND ROLL CALL**

Mayor Foreman called the meeting to order. Dawn Hobgood, Town Clerk, took roll call.

**IN RE: INVOCATION – BISHOP DEREK GRIER**

Bishop Grier provided an invocation.

**IN RE: PLEDGE OF ALLEGIANCE**

All in attendance recited the Pledge of Allegiance to the Flag of the United States.

**IN RE: APPROVAL OF THE MINUTES**

Mr. Foreman moved, seconded by Mr. Brewer, to approve the minutes from the June 18, 2013 meeting as presented. The motion carried and was approved by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes; Vacant Seat.

**IN RE: ADOPTION OF THE AGENDA**

Mayor Foreman pulled the Resolution Authorizing the Town Attorney Petition the Circuit Court for Issuance of a Writ of Election to Fill a Vacancy on the Council from the consent agenda to be discussed after Council Member comments since there were members from the Electoral Board in attendance.

Mr. Foreman moved, seconded by Mr. Toney, to adopt the agenda as amended. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes; Vacant Seat.

**IN RE: APPROVAL OF THE CONSENT AGENDA**

Mr. Brewer moved, seconded by Ms. Washington, that the Consent Agenda be adopted as amended under the adoption of the agenda. The motion carried and the following ordinance and resolution were adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes; Vacant Seat.

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE III, SECTIONS 70-281 AND 70-282 RELATING GENERALLY TO NEIGHBORHOOD BUSINESS DISTRICT B-2, INTENT AND USE REGULATIONS.**

WHEREAS, the Planning Commission (hereinafter “the Commission”) adopted an initiating motion pursuant to Virginia Code Section 15.2-2286(A)(7) at its meeting of August 11, 2014 in order to adopt the zoning ordinance amendment; and

WHEREAS, the Commission held an advertised public hearing on September 15, 2014, and the Council held an advertised public hearing on December 2, 2014, for the purpose of adoption of the zoning ordinance amendments; and

WHEREAS, the Commission desires to remove all retroactive language from the ordinance number O-2013-010 that was adopted on July 9, 2013, and to make other amendments thereto.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries this 6<sup>th</sup> day of January 2015 that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article III, Sections 70-281 and 70-282, as follows:

**Section 70-281. Intent.**

This district is intended to provide a limited range of retail, commercial and convenience business uses to serve public need at the neighborhood level. This district is intended to create an environment to encourage a mix of living and working areas that is comfortable for pedestrians and bicyclists as well as automobiles, that contains uses that might not always require a trip by automobile, and to create a sense of community character as the heart of the historic town of Dumfries.

**Section 70-282(A). Allowable Uses.**

- (a) Structures to be erected or land to be used shall be for one of the following uses. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.
- (1) Antique shop
  - (2) Apparel, clothing store
  - (3) Art gallery
  - (4) Art supply store
  - (5) Bakery, provided all products produced on the premises shall be sold at retail on the premises
  - (6) Banks and financial institutions without drive-through windows
  - (7) Barber, beauty shop
  - (8) Beauty supply and accessories
  - (9) Bookstore, newsstand
  - (10) Candy store
  - (11) Clock shop sales and repair
  - (12) Computer store or personal electronic sales and service
  - (13) Drug store without a drive-through window
  - (14) Florist, gift shop
  - (15) Food store: Grocery store, supermarket (excluding convenience or quick service food stores)
  - (16) Government offices

- (17) Hardware, paint and wallpaper store
  - (18) Hobby, craft shop
  - (19) Jewelry, engraving store
  - (20) Library
  - (21) Medical and/or dental office and clinic
  - (22) Musical instruments, sheet music, and recorded music sales
  - (23) Office, general business or professional
  - (24) Park, public
  - (25) Photographic equipment sales and service and photographic studio
  - (26) Recreation facility, public
  - (27) Repair services or businesses, including repair of lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items
  - (28) Restaurant, full-service, cafe, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in or fast food restaurants
  - (29) Shoe sales and repair store
  - (30) Stamp and coin stores
  - (31) Stationery store
  - (32) Tailor, seamstress shop
  - (33) Tanning salon
  - (34) Tobacco store
  - (35) Tourist information and orientation facilities
  - (36) Toy store
  - (37) Universities, colleges, and seminaries
- (b) Off-street parking shall be located to the rear or side of the principal structure
  - (c) For permitted uses in this district, the primary entrance of the principal structure shall face the street.
  - (d) Direct access to a public right-of-way shall not be permitted through the rear or side yard of double-frontage lots.

Section 70- 282(B). Uses Allowable Pursuant to a Conditional Use Permit.

- (a) Structures to be erected or land to be used for one of the following uses shall be allowed subject to a Conditional Use Permit in accordance with Sec. 70-10 of the Zoning Ordinance. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.
  - (1) Amusement parlors
  - (2) Banks and financial institutions with a drive-through
  - (3) Bed and breakfast inn
  - (4) Child care or adult day care center
  - (5) Churches and places of worship
  - (6) Cultural arts and entertainment centers
  - (7) Dog grooming, without indoor or outdoor kennel facilities
  - (8) Drug store with a drive-through window
  - (9) Furniture store, with retail floor area not exceeding 20,000 square feet
  - (10) Locksmith
  - (11) Museum
  - (12) Off premises sales of beer and wine
  - (13) Philanthropic and charitable institutions

(14) Residential, multifamily, located above a commercial, retail or office use on the ground floor

(a) Up to 10% of the ground floor may be dedicated to residential amenities. Residential amenities shall not be located adjacent to Main Street. Residential amenities shall be located at the rear of the building. No residential amenities are permitted in single story buildings.

(15) School, K-12

(16) Uses with a drive-through window

Section 70-282(C). Accessory Uses.

Accessory uses, buildings, and structures permitted in accordance with section 70-16.

(1) Parking lots, parking spaces, parking areas and parking structures

(2) Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines. New and/or upgraded/improved electric and communications utilities shall be installed underground

This ordinance shall become effective on January 6, 2015.

**Amending the Town Council Meeting Agenda Format to Schedule All Public Hearings to Begin Immediately After the Consent Agenda**

WHEREAS, the Town of Dumfries (“Town”) generally meets on the first and third Tuesday of the month to conduct Town business; and

WHEREAS, holding Public Hearings is an essential part of conducting Town business; and

WHEREAS, Public Hearings are currently advertised to begin at 7:00 pm or as soon thereafter as possible, but in reality actually begin at an unspecified time later in the meeting; and

WHEREAS, residents and others interested in participating in or observing these public hearings often have to watch an entire Council meeting waiting for the Public Hearing to begin; and

WHEREAS, some of these individuals simply do not participate in or observe Public Hearings because of the lack of certainty of actual start times.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries this 6th day of January, 2015 does hereby resolve that effective with the first Public Hearing scheduled in February 2015, that all Public Hearings held during any scheduled Town Council meeting will begin promptly after approving of the consent agenda.

**IN RE: CITIZEN COMMENT PERIOD**

Sidney Locks, VFW Department Quartermaster, announced that on Saturday, January 24, from 10:00 a.m. to 2:00 p.m. a Winter Veterans’ Resource Fair will be held at 3800 Graham Park Road.

**IN RE: MAYOR’S COMMENTS**

Mayor Foreman wished everyone a Happy New Year.

**IN RE: COUNCIL MEMBER COMMENTS**

Mr. Toney thanked everyone for their inquiries and prayers regarding his wife. He was saddened to here that Al Dove passed away who was the owner of Unique 2 Barber shop located in Dumfries. He thanked Harry Covington and Anthony DuBose, Meat Managers at Walmart, for their support and assistance with his holiday turkey giveaway. He wished everyone a happy, healthy, and prosperous New Year.

Mr. Wood wished everyone a Happy New Year. He thanked the Town Attorney and staff for working diligently on bringing the invocation/prayer back to the Council Meetings. He provided Council and staff with a copy of the Daily Power & Prayer 365-Day Devotional written by Dr. Myles Munroe.

Ms. Reynolds wished everyone a Happy New Year.

Ms. Washington wished everyone a Happy New Year. She thanked staff for the excellent job done this year.

**IN RE:            CONSENT AGENDA ITEM PULLED FOR FURTHER DISCUSSION**  
**A. RESOLUTION AUTHORIZING THE TOWN ATTORNEY PETITION THE**  
**CIRCUIT COURT FOR ISSUANCE OF A WRIT OF ELECTION TO FILL A**  
**VACANCY ON THE COUNCIL – OLAUN SIMMONS**

Mayor Foreman explained that at a prior meeting the Council voted to hold a March 17 Special Election to fill the vacated seat that Ms. Forrester held. A letter was sent to Council from the Electoral Board. He asked Keith Scarborough, Chair of the Electoral Board, to highlight what was in the letter.

Mr. Scarborough advised he was before Council to ask the Town to help Prince William County (PWC) and its citizens through the scheduling of the Special Election by allowing them to use new optical scan voting equipment. He explained the equipment is in the final stages of certification. The equipment has to be certified by the Federal Government and the State Department of Elections. In order to get certification a pilot test has to be done with an election. The Town's scheduling of a special election provides them a great opportunity to have the Town use the new equipment for their pilot test. The PWC Office of Elections will bear the cost of the election. This is a great opportunity to have the equipment certified and in place for the June Primary and the November General Election. He suggested setting a date of April 21 for the Special Election since the window of time was tight for March 17. He introduced Tony Guiffre, Secretary, and Rokey Suleman, General Registrar.

Mr. Wood asked how many machines would be available to the citizens to use.

Mr. Suleman noted there will be one machine. He explained that the way people will vote is by a ballot that will be fed into machine so there will be several private booths to cast your vote. Once the ballot is filled out, you will walk over and feed it into the machine that scans it for accuracy. If there is an

error, the machine will reject the ballot to allow you the opportunity to correct your mistake. It takes all of about 4 to 5 seconds. A second machine will be available for handicapped individuals.

Mr. Foreman moved, seconded by Ms. Reynolds, to adopt the resolution with the amendment of the date being April 21 rather than March 17 for the Special Election. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes; Vacant Seat.

**RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO PETITION THE  
CIRCUIT COURT FOR ISSUANCE OF A WRIT OF ELECTION TO FILL A VACANCY  
ON THE DUMFRIES TOWN COUNCIL**

WHEREAS, Councilwoman Kristin Forrester is resigning her elected office as a member of the Dumfries Town Council effective December 31, 2014 due to her family's relocation out of the country for employment purposes thereby leaving her seat vacant; and

WHEREAS, Town Council member Forrester's term was not due to expire until June 30, 2018; and

WHEREAS, Town Council intends to appoint someone on an interim basis to replace Councilwoman Forrester and serve until a successor is duly elected and qualified; and

WHEREAS, Town Council is required to petition the Prince William County Circuit Court to issue a writ of election to fill the vacancy within 15 days of the vacancy, and the person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled pursuant to Code of Virginia § 24.2-226 (A); and

WHEREAS, upon receipt of the petition the Circuit court shall issue the writ ordering the election promptly and shall order the special election to be held on the date of the next general election in November or in May if the vacant office is regularly scheduled by law to be filled in May. However, if Town Council requests in its petition a different date for the election, the court shall order the special election be held on that date, so long as the date requested precedes the date of such next general election and complies with the provisions of Code of Virginia § [24.2-682](#).

WHEREAS, Town Council, in its writ of election, will petition the Prince William County Circuit Court to hold the special election on April 21, 2015, pursuant to the Code of Virginia Sections 24.2-226 and 24.2-682, 1950, as amended, to fill the vacancy on the Dumfries Town Council.

NOW THEREFORE, BE IT RESOLVED that the Town Council of Dumfries, Virginia, authorizes the Town Attorney, on behalf of the Town Council, to petition the Prince William County Circuit Court, pursuant to Code of Virginia Section 24.2-226, to issue a writ of election to hold a special election on April 21, 2015, to fill the vacancy on Town Council.

**IN RE: PRESENTATIONS**

**A. TRIBUTE TO DR. MYLES MUNROE – A GLOBAL AMBASSADOR –  
COUNCILMAN WOODS**

Mr. Woods noted a plane crash occurred on November 9 in the Bahamas when he was on his way to a global leadership summit that he normally goes to for the International Third World Leaders Association. A tragic accident occurred that involved a crash taking the lives of the founder of the organization, his wife, the pilots, and his second in command, the youth leader, their five-year-old son, and one of his mentees/interpreter. For millions around the world words like purpose, potential, leadership, vision, and Kingdom have become synonymous with one of the most prominent international leader, teacher, and consultant Dr. Myles Munroe. He pays tribute tonight to Dr. Myles Munroe, who was born on April 20, 1954 on an island that was just seven miles wide in a little impoverished community that he affectionately related to many times in speaking known as Banes Town. He was the sixth of eleven kids. There were seven sisters and six boys. They grew up in a little one-bedroom house on the island. At the age of thirteen a school teacher told him that he would never amount to anything and he went home crying to his Mother and she responded, which is what changed his life, with a verse from the Bible. "Now unto him that is able to do exceeding abundantly above all that we ask or think, according to the power that worketh in us." He continued to read it over and over until it resonated into him. It was then that Dr. Myles Munroe discovered that his destiny, like our destiny, was not ahead of him in the future but trapped inside of him like a seed and he began to pursue his purpose in life. His life vision became to help others discover the same thing that he discovered. He coined the phrase for his life and organization, "transforming followers into leaders and leaders into agents of change". He went on to get degrees in art, history, education, leadership and management as well as theology from Oral Roberts University. He is the visionary for Bahamas Faith Ministries and Myles Munroe International, founder of the International Third World Leaders Association, which is an all professional global network of leaders focusing on the formal leadership development and training primarily in developing Nations. Dr. Monroe is best known around the World for being a bestselling author. He wrote over 70 books, published in over 40 languages and dialects. He served as an advisor to numerous heads of states from diverse populations as far as the Fiji Islands and his native land and he even came to the Town of Dumfries on an invitation from Bishop Derek Grier. He pays tribute to him today not for only mentoring him but he kind of took him in and made him his son. A son who just wants to pay honor to a Father. A son that understands that the words he often spoke; that the greatest tragedy in life is not death but to live life without purpose. A son who he took the time to train. A son who he took the time to equip. A son who he often took the time to just provide words of encouragement. A son who he prayed for. A son who often times he had to discipline. He pays tribute today to Pop Munroe for being a man who stayed in pursuit of purpose. As he maximizes his potential to make sure that he is in charge of his gifts as he continues to become a leader and make sure he understands the power and purpose of prayer and overcome every crisis and to not forget to understand the benefits of

change as he deals with the burden of freedom. If you do not know by now those are just a couple of titles of the books that he wrote. He said son you have got to have the spirit of leadership and make sure that the power of your character and leadership is connected to the principles and power of your vision. To this end, he says to you Papa, you are not dead, you just passed it on and it is young mentees like myself that hold the baton and as he runs his race he promises that he will too pass the baton. He will become a mentor, a leader, a husband, and more importantly, he too will be a father to generations. He announced his love for Papa and on behalf of himself and all mentees; he stated that we got this. Rest in peace.

**IN RE:           BOARDS & COMMISSIONS**

**A. ARCHITECTURAL REVIEW BOARD (ARB)**

The ARB did not meet.

**B. BOARD OF ZONING APPEALS (BZA)**

The BZA did not meet.

**C. HISTORIC DUMFRIES**

Mayor Foreman announced the Pirates on the Chesapeake Bay is scheduled for January 17, which is a free children's event. There were pirates that roamed the coast of North Carolina along the Hatteras reefs and up the Chesapeake Bay. There will be talk about how the pirates influenced this area along with other activities.

**D. PLANNING COMMISSION (PC)**

The PC did not meet.

**IN RE:           COUNCIL REPORTS**

**A. BOYS AND GIRLS CLUB**

Mayor Foreman mentioned the Boys and Girls Club met on December 8.

Ms. Reynolds noted that her paperwork was provided to staff; however, it did not make it in the packet for some reason. The next meeting is Monday. She noted she would provide a report on both the December and January meetings at the next regular Council meeting.

**B. PARKS AND RECREATION COMMISSION**

Mr. Wood noted the Commission in November talked about the community use manual. It has been provided to staff for review. Discussion was had about making changes to the bylaws. More specifically a motion was made to change the meetings to the third Wednesday at 6:00 p.m. The scholarship walk was scheduled for April 25. Surveys are being prepared to give to the local businesses to determine what level of support they are willing to provide. A goal of \$10,000 was set.

Mayor Foreman asked if the budget discussions included maintenance, plan requirements, and year to date expenditures.

Mr. Wood clarified that the only things being discussed about the budget are the events. He noted the January meeting there will be discussion on capital improvements and preparing the budget.

Mayor Foreman asked about the discussion had on work session with Town Council on January 20.

Mr. Wood noted the Commission has decided to push that to February.

Mayor Foreman recommended holding the meeting in the Community Center with an agenda and materials in order to be prepared for the meeting. He suggested holding it in the same format as the joint meeting with the PC.

Mr. Toney noted he attended the meeting and he was impressed with what he saw at the meeting.

**C. NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)**

Mayor Foreman noted the meeting included a brief on the Dominion Transmission Projects in Northern Virginia and statistics were provided about Northern Virginia.

**D. PLANNING COMMISSION ADVISORY COMMITTEE**

Mayor Foreman noted the meeting included the Virginia Department of Transportation (VDOT) going over the HB 599 Rating and Evaluation Study. The Committee will be reviewing the rating criteria.

Mr. Toney questioned whether the Town was benefiting from being a member of the NVRC.

Mayor Foreman went over all of the benefits received involving transportation and pointed out the dues the Town pays is minuscule in comparison to the other localities and the benefits certainly outweigh the cost. It has also given the Town the opportunity to build relationships with VDOT, the Commonwealth Transportation Board (CTB), and the representatives from the other localities.

Mr. Taber noted that the staff receives from the NVRC things like statistics, demographics, best practices, a resource guide, etc.

**E. NORTHERN VIRGINIA CIGARETTE TAX BOARD (NVCTB)**

Mr. Toney announced that Fredericksburg petitioned to become a new member. To date the Town has received \$107,536.20.

**IN RE: STAFF COMMENTS**

**A. DIRECTOR OF COMMUNITY SERVICES – RYAN GANDY**

Mr. Gandy thanked all of the volunteers and participants for the Christmas Parade. It was a huge success. The senior luncheon is being held on January 23 since the 16th is a holiday. The next scheduled event is the Black History Month Celebration. It was discussed that the date will be revisited for the parade this year since there were conflicts with other activities going on. There was a brief discussion about the Farmers' Market and the need for a location to have it.

Mayor Foreman pointed out that the Farmers' Market was funded through a grant.

**B. PLANNER/ZONING ADMINISTRATOR – DARREN COFFEY**

Mr. Coffey reported the PC will be discussing what to focus on this year, the ARB will be revisiting the reader board sign for the Town, Fraley's Furniture applied for a certificate of appropriateness for building improvements, an appeal was received for the BZA, and code enforcement continues.

Mayor Foreman asked when new businesses are going to be reported.

Mr. Taber stated that would be part of the Treasurer's report.

Mayor Foreman asked if the discussion about partitioning of sales was going to happen.

Mr. Taber explained that is a legal non-conforming use based on prior use of the buildings involved. The number was based on the revenue that was produced by the business in question and since the ruling was made by the then Zoning Administrator and is past the timeframe that it can be changed it is a valid ruling.

Mayor Foreman brought up the issue with the flags and banners that are being displayed and asked if there was any progress being made on having them removed.

Mr. Taber explained that staff has made some progress; however, the business has a certain amount of time to come into compliance and is a lengthy process. He noted that about half the time the Town gets voluntary compliance.

Mr. Brewer asked if Mr. Singh's project was still on track with the PC.

Mr. Coffey noted the PC is done with its review and is awaiting an outside review with the Army Corps.

Mr. Brewer asked about the repair shop behind Fraley Furniture.

Mr. Coffey noted a notice of violation has been issued on that and they indicated that they would be shutting it down.

Mr. Brewer noted the property next to that is being used to store cars.

Mr. Coffey was not aware of that.

Mr. Brewer asked if the towing and recovery business just south of Town Hall was licensed to be there.

Mr. Coffey noted that a notice of violation was issued to W.A.R. Recovery.

Mr. Wood asked what type of improvements were submitted for the Fraley Furniture building.

Mr. Coffey explained the items included changing the color of the building and trim, a sign change, gooseneck lighting, and awnings.

**C. DIRECTOR OF PUBLIC WORKS – RICHARD WEST**

Mr. Taber noted that Mr. West was unable to attend the meeting and would try to answer any questions Council may have.

Mayor Foreman asked for a Gantt chart or something similar with just the key events be provided in the Public Works report for the Tripoli Heights Drainage Improvement Project.

Mr. Taber would have the Director provide this.

Mayor Foreman noted the Possum Point sidewalk project is not complete. The sidewalk is to continue up to the bus stop area.

Mr. Wood noted the changes made at the Graham Park Road intersection have made a significant difference.

**D. CHIEF OF POLICE – REBECCA EDWARDS**

Chief Edwards highlighted the following items.

- ❖ Thanked everyone who assisted with the Christmas in Dumfries event held on December 6.
- ❖ Officer T, DeShawn Sims on December 10 graduated from the PWC Training Academy.
- ❖ On December 1, Jose Vazquez was promoted to Captain.

**E. TOWN ATTORNEY – OLAUN SIMMONS**

Mr. Simmons explained the Petition for Writ of Special Election has to be filed within 15 days of the vacancy. Since the date has been determined, he can move forward. He noted that the violation for the dumpster enclosure at the Elwey Building came into compliance prior to the court date so no further action will be taken.

Mr. Brewer asked if the blighted property on Maple Street was the home that caught on fire.

Mr. Simmons indicated that it was. He noted that staff has been in contact with the family and they are trying to determine ownership. They were given 60 days before further action will be taken.

Mr. Taber explained the issue is there was a death of the owner of record and the family is working through getting someone to acknowledge who can do something with the property.

**F. TOWN MANAGER – DAN TABER**

Mr. Taber went over the following dates of importance.

- ❖ January 20 – Mid-Year Budget Review
- ❖ February 3 and 17 – Closed Sessions for the Town Manager and Town Attorney Evaluations
- ❖ March 9 – Capital Improvement Program (CIP) PC Review and Public Hearing
- ❖ March 17- Proposed Budget Meeting Schedule and CIP Presented to Council
- ❖ April 7 – Proposed FY16 Budget Presented to Council

Council had a brief conversation about emails and the need to respond to all or being provided a synopsis of what the consensus is.

**G. TREASURER (MOVED TO WORK SESSION)**

**IN RE: COUNCIL REPORT ON MEETINGS WITH ELECTED OFFICIALS PERTAINING TO THE TOWN**

On December 29, 2014, Mayor Foreman, Mr. Brewer, Ms. Reynolds, Ms. Washington, and Mr. Wood met with Congressman Connolly and Delegate Torian, to discuss the Town's Legislative Agenda.

**IN RE: ACTION ITEMS**

**A. DISCUSSION ON RESOLUTION TO AUTHORIZE TOWN MANAGER ADVERTISE A PUBLIC HEARING ON THE COMCAST FRANCHISE AGREEMENT ORDINANCE – OLAUN SIMMONS**

Mr. Simmons explained that the franchise agreement has to be adopted by ordinance and pursuant to Town Code 3.07(a)(4) the Town must conduct a public hearing before entering into an agreement to renew the Comcast Cable Franchise Agreement. He explained the public hearing will not be held until after the ordinance and proposed franchise agreement are prepared and presented to Council for input. The resolution he is asking be moved to the consent agenda is to authorize the Town Manager advertise the public hearing at the proper time in order to give the citizens an opportunity to weigh in on the proposal.

Mr. Brewer asked what would happen if the Town did not agree to the franchise agreement.

Mr. Simmons stated the citizens would not have Comcast.

Mr. Brewer asked if Comcast would really come through and take all of their lines out of the Town.

Mr. Simmons noted they could.

Mr. Brewer asked if this is just semantics.

Mr. Simmons indicated that Council could ask them that when they come to the public hearing.

Mr. Wood moved, seconded by Ms. Washington, to move the resolution to the consent agenda at the February 3 meeting for adoption.

Mayor Foreman noted that, if this is the vehicle, something needs to be placed in the agreement about Comcast being more responsive on taking down utility lines and poles.

Mr. Simmons spoke with the Comcast representative and she is willing to be the point of contact on these things.

Mayor Foreman reiterated that there should be something in the agreement about performance.

The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes; Vacant Seat.

**IN RE: CLOSED SESSION**

Mr. Wood moved, seconded by Mr. Foreman, to convene into closed session. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes; Vacant Seat.

**WHEREAS, the Dumfries Town Council desires to discuss a particular subject in Closed Session during the course of its meeting of January 6, 2015; and**

**WHEREAS, the nature of the subject is the discussion of personnel matters, consultation with legal counsel pertaining to actual or probable litigation, and the discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Town. The discussion of same in Closed Session is expressly permitted by Section 2.2-3711(A)(1), Section 2.2-3711(A)(3), and 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended.**

**NOW, THEREFORE, BE IT RESOLVED that the Town Council of Dumfries does hereby convene in Closed Session for the purpose(s) herein expressed pursuant to the legal authorities herein recited.**

Mr. Wood moved, seconded by Mr. Foreman, to reconvene into open session. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes; Vacant Seat.

**WHEREAS, the Town Council of Dumfries has completed its discussion in Closed Session, and now desires to continue its meeting in Open Session; and**

**WHEREAS, each and every member of this said Council who votes affirmatively for the adoption of this Resolution does thereby certify that, to the best of his/her knowledge, only public business matters lawfully exempted from Open Session were heard, discussed, or considered during the Closed Session, and that the only subjects heard, discussed, or considered in said Closed Session were the matters identified in the Resolution by which it was convened.**

**NOW, THEREFORE, BE IT RESOLVED that the Town Council of Dumfries does hereby reconvene in Open Session at its meeting of January 6, 2015 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.**

Mr. Foreman moved, seconded by Ms. Reynolds, to adopt the resolution appointing William Murphy. The motion carried by the following voice vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes; Vacant Seat.

**RESOLUTION TO APPOINT A COUNCIL MEMBER  
UNTIL A SPECIAL ELECTION CAN BE HELD**

**WHEREAS, Council Lady Kristin Forrester resigned her seat on the Dumfries Town Council effective December 31, 2014 due to her family's relocation out of the country for employment purposes thereby leaving her seat vacant; and**

**WHEREAS, Council member Forrester's term was not due to expire until June 30, 2018; and**

WHEREAS, Section 3.05 of the Dumfries Town Charter states *inter alia* , “[v]acancies on the council . . . 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 a vacancy on the Town Council should be filled by appointment by the remaining members of the Council 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 a 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 William A. Murphy to serve as an interim Council Member starting January 20, 2015 until a special election may be held to fill the unexpired term of Kristin Forrester.

**IN RE:           ADJOURNMENT**

Mr. Foreman moved, seconded by Ms. Washington, to adjourn the meeting. The motion carried by the following voice vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes; Vacant Seat.

Minutes submitted by

Approved by

\_\_\_\_\_  
Dawn Hobgood  
Town Clerk

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Gerald M. Foreman  
Mayor