

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON JANUARY 8, 2013, 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
Daniel Taber, Town Manager
Christine Sanders, Town Attorney

THERE WERE ABSENT: Kristin Forrester

IN RE: CALL TO ORDER AND ROLL CALL

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

IN RE: MOMENT OF SILENT PRAYER AND REFLECTION AND PLEDGE OF ALLEGIANCE

There was a moment of silent prayer and reflection, then all in attendance recited the Pledge of Allegiance to the Flag of the United States.

IN RE: APPROVAL OF THE MINUTES

Mr. Brewer moved, seconded by Ms. Washington, to approve the minutes from the June 5, 2012, June 6, 2012, and June 19, 2012 meetings as presented. The motion carried and was approved by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: ADOPTION OF THE AGENDA

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

IN RE: APPROVAL OF THE CONSENT AGENDA

Mr. Wood moved, seconded by Mr. Brewer, that the Consent Agenda be adopted as presented. The motion carried and the following ordinances were approved by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE I, SECTION 70-2 RELATED TO CIVIL PENALTIES AND ZONING VIOLATIONS FOR CERTAIN ZONING VIOLATIONS

WHEREAS, the Town Council directed the Planning Commission to initiate a zoning text amendment to Town Code Section 70-2 to add Section 70-2.1 and Section 70-2.2 to add civil penalties and fees for certain zoning

violations; and

WHEREAS, the Planning Commission discussed the matter in a September 17, 2012 and October 15, 2012 work session; and

WHEREAS, the Planning Commission held a public hearing and recommended approval to the Town Council on November 26, 2012; and

WHEREAS, a public hearing was scheduled for the December 11, 2012 Town Council Meeting; and

WHEREAS, the Town Council held a public hearing on this matter, duly advertised for the purpose, on December 11, 2012 and all interested citizens were heard.

THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries on this 8th day of January, 2013, that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article I, Section 70-2 and adding Section 70-2.2 and is reenacted as follows:

Proposed Text Amendment/Addition to Section 70-2. – Penalties

Sec. 70-2.1- Criminal Violations and Penalties.

(a) Any person, whether as principal, agent, employed or otherwise, violating, causing, or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than \$10.00, nor more than \$1,000.00 for each violation. Each day upon which such violation shall continue shall constitute a separate offense. In the case of a continuing violation, further penalties and abatement orders are governed by Virginia Code § 15.2-2286 A.5.

(b) The remedy provided for in this section shall be in addition to any other remedies provided by law, however, the designation of a particular violation of the zoning ordinance as an infraction pursuant to Section 70-2.2 of this Code shall preclude criminal prosecution or sanctions, except for any infraction also resulting in injury to any person or persons or where such civil penalties exceed \$5,000.00.

Sec. 70-2.2 – Infractions and civil penalties.

(a) Any violation of the following provisions of this chapter shall be punishable by a civil penalty of \$200.00 for the initial summons and \$500.00 for each additional summons. The penalty for a first offense shall be a warning providing a reasonable period of remediation not to exceed 10 days.

- (1) Erecting or maintaining fences in violation of this chapter.
- (2) Erecting or maintaining signs in violation of this chapter (except for posting of signs on public property or public rights of way, which is not subject to civil penalty).
- (3) Failure to enclose trash receptacles in violation of this chapter.
- (4) Failure to use parking and loading spaces in accordance with this Chapter and approved site plans.
- (5) Obstructions that impair the vehicular sight distance at an intersection, such as structures, fences, plantings or landscaping; and obstructions created by any structure or landscaping of any form along a public right-of-way that will impede the adjoining property owner's sight distance for access onto a public right-of-way.
- (6) Conducting a home business, as defined in this chapter, without obtaining the appropriate permit, or conducting a home occupation, as defined in this chapter, without obtaining the approval of the zoning administrator.

- (7) Storage, keeping collecting or bailing of paper, rags, scrap metals, other scrap or discarded materials, or the storage of automobile or other vehicles not in operable condition or the storage of machinery or parts thereof, in violation of this chapter.
 - (8) Alteration of a structure within the historic district without a certificate of appropriateness.
 - (9) Parking and storing vehicles in violation of this chapter.
 - (10) Constructing structures in violation of this chapter.
 - (11) Nonconforming uses in violation of this chapter.
 - (12) Failure to obtain a certificate of occupancy in violation of this chapter.
 - (13) Growth of grass or weeds in violation of this chapter.
 - (14) Maintenance of buildings and grounds in violation of this chapter.
 - (15) Keeping of septic tanks, privies, cesspools and privy vaults in violation of this chapter.
 - (16) Keeping of stagnant water in violation of this chapter.
- (b) Each day during which any violation of the provision enumerated in subsection (a) of this section is found to have existed shall constitute a separate offense. However, in no event shall any such violation arising from the same set of operative facts be charged more frequently than once in any ten-day period, nor shall a series of such violations arising from the same set of operative facts result in civil penalties which exceed a total of \$5,000.00. The existence of a civil penalty shall not preclude enforcement by the zoning administrator under subdivision A.4 of Virginia Code § 15.2-2286 or enforcement by the City Council under Virginia Code § 15.2-2208.
- (c) After having served a notice of violation on any person committing or permitting a violation of a zoning ordinance provisions enumerated in subsection (a) of this section and if such violation has not ceased within such reasonable time as is specified in such notice, then, upon the approval of the town attorney, the zoning administrator shall cause two copies of a summons to be personally served upon such person.
- (d) Such summons shall contain the following information:
- (1) The name and address of the person charged.
 - (2) The nature of the infraction and the ordinance provision(s) of this chapter allegedly being violated.
 - (3) The location, date and time that the infraction occurred or was observed.
 - (4) The amount of the civil penalty assessed for the infraction.
 - (5) The manner, location and time in which the civil penalty may be paid to the town.
 - (6) The right of the recipient of the summons to elect to stand trial for the infraction and the date for such trial.
 - (7) A statement that a signature to an admission of liability will have the same force and effect as a judgment of the court.
- (e) The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the town treasurer's office at least 72 hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged.
- (f) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation in order to comply with the zoning ordinance. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than six months of the date of admission

of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense.

(g) An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE I, SECTION 70-14(h)(1)(h) TO ALLOW RELIGIOUS INSTITUTIONS AND NONPROFIT ORGANIZATIONS THE ABILITY TO DISPLAY TEMPORARY SIGNS

WHEREAS, the Town Council directed the Planning Commission to initiate a zoning amendment to Town Code Section 70-14(h) to allow religious institutions the ability to display banners signs four times annually; and

WHEREAS, the Planning Commission discussed the matter during a work session on September 17, 2012; and

WHEREAS, the Planning Commission held a public hearing and recommended approval to the Town Council on November 26, 2012; and

WHEREAS, a public hearing was scheduled for the December 11, 2012 Town Council Meeting; and

WHEREAS, the Town Council held a public hearing on this matter, duly advertised for the purpose, on December 11, 2012 and all interested citizens were heard.

THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries on this 8th day of January, 2013, that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article I, Section 70-14(h)(1)(h), and is reenacted as follows:

Sec. 70-14(h)(1)(h)

(h) Temporary signs for religious institutions and nonprofit organizations. Religious institutions and nonprofit organizations are permitted to display a temporary banner sign, onsite up to a 30 day period, four times annually. The banner sign shall not exceed 20 square feet in size. Such signs are permitted in order to advertize special programs, events and grand openings. A permit is required.

ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 62, ARTICLE IV, SECTION 62-300 TO 62-310 RELATED TO ENFORCEMENT OF PRIVATE PARKING RESTRICTIONS

WHEREAS, there are currently not provisions in the Town Code which allows for enforcement of private property parking restrictions; and

WHEREAS, per State Code 46.2 -1233.2, the Town Council established a Towing Advisory Board that participated in reviewing the proposed amendments and recommends approval by the Town Council to Chapter 62, Section 62-300 through 62-310; and

WHEREAS, the Town Council authorized a public hearing on this matter, duly advertised for the purpose, was held on December 11, 2012 and all interested citizens were heard.

THEREFORE BE IT ORDAINED by the Dumfries Town Council on this 8th day of January 2013 that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by adding Chapter 62, Section 62-300 through 62-310, and is reenacted as follows:

CHAPTER 62 TRAFFIC AND VEHICLES

DIVISION 4. ENFORCEMENT OF PRIVATE PARKING RESTRICTIONS

Sec. 62-300. Applicability of article.

- (a) This article is enacted pursuant to Code of Virginia, §§ 46.2-1231, 1232 and 1233, as amended, for the purposes of regulating the towing and storage/impound of trespassing vehicles, without the consent of the owners of such vehicles, by private property owners, their contractors, employees and agents, towing companies, their contractors, employees and agents, and to provide charges for the towing and storage/impound of these vehicles.
- (b) The provisions of this article shall not apply to police, fire or public health vehicles or where a vehicle, because of a wreck or other emergency, is parked or left temporarily on the property of another.

Sec. 62-301. Definitions.

An *owner* shall mean an owner, or lessee, or operator, manager or agent having parking facilities accessible to the public and offering parking to its customers, clientele, residents, lessees, or guests, who intends to enforce parking restrictions by the use of towing firms.

Sec. 62-302. Signs required on property.

- (a) Each owner who intends to tow vehicles from parking spaces located on or within privately owned land or property shall post at each point of ingress to the parking area clearly legible signs containing the following wording:

PRIVATE
 PARKING
 (UNIVERSAL TOWING SYMBOL)
 TOWING
 ENFORCED

by (Name of Establishment)

Call Prince William County Dispatch (703-792-6500) for location and information concerning return of vehicle

- (b) The signs required by subsection 13-497(a) shall be at least 12 inches in width and 24 inches in height. The universal towing symbol shall be at least three inches in height. Lettering in the top four lines of text shall be at least one and one-half inches in height and all other lines of text at least one-half inch in height. The face of the sign shall be composed of high intensity reflectorized sheeting or like material. All signs shall comply with the zoning ordinance.
- (c) It shall be unlawful for any towing firm or operator to tow or otherwise move a vehicle from any parking space on privately owned land or property within the town without the consent of the vehicle's owner unless such land or such property is properly signed in accordance with this section. The towing and recovery operator must also obtain and retain photographs or other documentary evidence substantiating the reason for the removal of the vehicle. For purposes of this article, no towing firm or operator may be an authorized agent of a property owner.
- (d) For purposes of this section, the term "parking space" shall mean a designated off-street area which is available and usable for the parking of one motor vehicle.
- (e) This section is not intended to prohibit owners, towing firms or operators from towing vehicles from areas not designated or set aside as parking spaces. Whenever vehicles interfere with the free ingress, egress, or movement on any premises outside of parking spaces, such as driveway or parking area without the

permission of the property owner, such vehicles may be towed even if the property has not been properly signed. However, it shall be unlawful for any towing firm or operator to tow such a vehicle unless a police officer, owner or authorized agent of the property owner authorizes the removal of such vehicle.

- (f) The towing firm shall be required to maintain the information required in subsection (c) above in a manner that is accessible to duly constituted law enforcement officers at all times.

Sec. 62-303. Business license requirement.

- (a) For Police initiated towing services- No tow truck company or operator shall remove any vehicle from public or private property unless the tow truck company possesses a valid Town of Dumfries business license, possess a (Board of Towing and Recovery Operators (BTRO) license for both the driver and tow truck operator and must have a storage lot to be located within 5 miles of the Town limits and the Commonwealth of Virginia;
- (b) For towing services initiated by private citizens- No tow truck company shall remove any vehicle from public or private property unless the tow truck company possesses a valid Prince William County or Town of Dumfries business license, possess a Board of Towing Recovery Operators (BTRO) license for both the driver and tow truck operator;
- (c) All tow trucks operated by a tow truck company shall display the name, address and telephone number of the owner thereof on both sides of the tow truck on permanently mounted signs or painted directly on the body of the truck in contrasting letters large enough to be readily legible, but in no case less than three inches in height. It shall be unlawful to operate a tow truck displaying an incorrect name, address, or telephone number and the BTRO license number for the driver and tow truck operator;
- (d) The Dumfries Chief of Police or his designee and the Zoning Administrator or his designee may inspect the tow lots to ensure compliance.

Sec. 62-304. Police to be notified of removal of vehicle.

- (a) Within 30 minutes of the vehicle being removed from the property by a towing company, the tow truck operator shall notify the Prince William County Public Safety Communications of the following information:
 - a. Name, address and telephone number of the towing firm and of the person or persons making the call;
 - b. State license plate number and vehicle identification number of the vehicle towed;
 - c. Year, color, make and model of the vehicle towed;
 - d. Date and time of towing;
 - e. Address or location from which vehicle was towed;
 - f. Address or location where vehicle is stored;
 - g. The name and telephone number of a person associated with the towing firm who can verify any of the above information;
 - h. The BTRO license number of the tow truck driver and the tow truck operator;
 - i. The tow truck operator shall supply police communications with pertinent information about the towing company, including name, address, telephone number, insurance company, contact person and reason for the tow;
 - j. It shall be unlawful to fail to report such tow as required by this section and violation of the reporting requirement set forth herein shall constitute a traffic infraction punishable by a fine of not more than \$100.00. Such failure to report shall limit the amount which may be charged to one day of storage and safe keeping.

State law references: Authority for above section, Code of Virginia, § 46.2-1231.

Sec. 62-305. Vehicle storage.

- (a) All towing companies engaged in the business of towing vehicles from private property without the consent of the vehicle owner, shall have an appropriately zoned, fenced-in secured lot for storage/impound of vehicles towed pursuant to this article.

- (b) All vehicles towed under this article must be taken to and stored in such approved lot immediately after being towed.
- (c) All towing companies shall post signs at their main place of business and at any other location where towed vehicles may be reclaimed conspicuously indicating (a) the maximum charges allowed by this chapter for all their fees for towing, recovery, and storage services and (b) complaints about towing services can be addressed to the Town of Dumfries Police Department and the Virginia Board of Towing and Recovery Operators. Charges in excess of those posted shall not be collectable from any motor vehicle owner whose vehicle is towed, recovered or stored without his consent.
- (d) All towing companies shall allow vehicle owners, custodians or agents access to their vehicle, whether or not it has been or will be released, for the purpose of the removal of personal items during the towing company's normal business hours. For the purposes of this section, personal property shall not include any parts of the vehicle or property physically attached to the vehicle. However, any child restraint device in or attached to the vehicle shall be immediately released to the owner or agent upon request.

State law references: Similar provisions, Code of Virginia, §§ 46.2-1231, 46.2-1233 and 46.2-1233.1.

Sec. 62-306. Charges for towing and storage of vehicles.

Except as otherwise provided for in this article, no towing company owner, employee, agent or operator shall charge any amount in excess of or in addition to those included in this section.

- (a) *Maximum towing charges.*
 - a. \$125.00 to tow a vehicle having a gross vehicle weight of less than 10,001 pounds.
 - b. \$175.00 to tow a vehicle having a gross vehicle weight of between 10,001 pounds and 26,000 pounds.
 - c. \$300.00 to tow a vehicle having a gross vehicle weight of 26,001 pounds or more.
 - d. When the towed vehicle is a combination vehicle the towing company may charge an additional fee of up to \$50.00.
- (b) *Maximum storage/impound charges.*
 - a. No towing company owner, employee, agent or operator shall assess any storage/impound charge for the initial 24 hours of storage/impound.
 - b. A storage/impound charge up to \$50.00 per 24-hour period thereafter may be assessed for any vehicle.
 - c. When a combination vehicle is stored the above storage/impound charges may be charged for each vehicle which was on the ground when the combination was towed.
 - d. Delays caused by storage/impound yard personnel shall not be included when computing storage/impound charges.
 - e. An administrative fee of up to \$50.00 for each vehicle may be charged after a vehicle has been stored for more than 72 hours.
 - f. A storage/impound charge up to \$70.00 per Unit per 24-hour period thereafter may be assessed for any vehicle exceeding 26,001 pounds.
- (c) A release fee not to exceed \$35.00 may be assessed for the release of any vehicle stored under this section if the owner of the vehicle requests the release between the hours of 6:01 p.m. and 7:59 a.m. or on a weekend or holiday.
- (d) Notwithstanding the foregoing provisions, if the owner of the vehicle is present and offers to remove or is in the process of removing the vehicle from the premises before it is completely removed from the parking space, the vehicle shall not be towed, but the owner of the vehicle shall be liable for a reasonable fee not to exceed \$50.00, in lieu of towing. In the event an owner refuses to pay the \$50.00 fee the towing operator shall continue with the tow.
- (e) In all cases where a fee is paid, the tow truck company must provide the vehicle owner with a receipt that bears the complete name, address and telephone number of the tow truck company. Such receipt shall list all charges assessed in the towing storage/impound and release of said vehicle.
- (f) The maximum charges permitted by this ordinance shall be reviewed from time to time. If as a result of such review it is determined that the charges permitted by this article are in need of adjustment, such adjustment shall be made in a timely manner.

State law references: Authority for above section, Code of Virginia, § 46.2-1233.

Sec. 62-307. Tow firms operator's log.

Towing firm operators shall keep a log of all vehicles towed pursuant to this article that includes all information set forth in section 62-304 of this article and the amount charged for each tow made pursuant to this article. Such log shall be available for inspection by the police department and any owner or custodian of the vehicle towed by a towing firm during normal business hours of the towing firm.

Sec. 62-308. Prohibited acts.

- (a) It shall be unlawful to, without the consent of the owner of the towed vehicle to tow or cause to be towed, or otherwise move or cause to be moved any vehicle more than 5 miles from the Town limits, without the consent of the owner of the vehicle.
- (b) Block the movement of any vehicle, other than when on the property of the tow truck company, to prevent the movement thereof by its owner or custodian who has appeared and indicated a desire to move the vehicle and desires to move the vehicle.
- (c) Assess any charge or fee in excess of, or in addition to, those authorized by this article.
- (d) Tow or otherwise remove any vehicle under this section using any tow vehicle not specifically manufactured for the purpose of towing vehicles in a legally prescribed manner.
- (e) Prohibit the owner of any vehicle from inspecting said vehicle prior to the actual payment of any assessed fees.

Sec. 62-309. Violations in general.

Unless otherwise stated, any person violating any provision of this article shall be subject to a fine of not more than \$500.00.

Sec. 62-310. Severability.

If any of the articles, sections, paragraphs, sentences, clauses or phrases of this chapter shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the chapter in its entirety, or any of the remaining articles, sections, paragraphs, sentences, clauses and phrases.

IN RE: CITIZEN COMMENT PERIOD

There were no citizen comments.

IN RE: MAYOR'S COMMENTS

Mayor Foreman read the following comments.

“Good evening, I hope everyone had a safe New Year. 2012 was a year of change; let us make 2013 a year of difference!

A year where citizens, business owners, churches and the Town Council work together to effect a positive change for the Town of Dumfries. In 2012, your Town Government made considerable progress in implementing a philosophy of transparency that included the extensive use of the Town website to post governing and informational documents, pictures, live streaming of meetings and Facebook interaction.

There is now better organization of agendas where there are Council Meetings and there are Council Work Sessions, all of which are open to the public. Citizens, business owners and

organizations are now encouraged to attend Council Meetings and provide comments during citizen's time about anything on or off the agenda.

While 2013 has no elections that affect Council seats, there are quite a few hot button issues still to resolve. The Town must continue to update the Comprehensive Plan. The Town has improved the budget development and management strategies for the first time since 2009, a major review and update of the Capital Improvement Plan will be approved in 2013.

We must continue to reverse the Equalization Initiatives that the 2009 Town Council voted to adopt in FY10. This means that as we enter the FY14 Budget preparation period, Council should make every effort to lower property taxes and BPOL for the third straight year while maintaining service levels. Additionally, Council should reduce in equal effort Vehicle Tag Fees, Cigarette Taxes, and Storm Water Management fees; all of which were raised in the Equalization Initiatives.

The Officers of our Police Department closely collaborate with our Town Attorney, which makes for a more thorough, efficient and effective law enforcement environment. There continues to be a positive relationship between the Police Department and the Community, this includes having Officers assigned to neighborhoods, a successful 2nd year of the Kid's Academy, a strong presence of Officers at Dumfries Elementary School, and another very successful Christmas in Dumfries "Shop with a Cop" holiday event.

Our Town Government must continue the review of zoning and business ordinances, their descriptions, their governances and their uses. Businesses in the B-1, B-2 and FB/O-1 districts have been affected by the adopted zoning text amendments, and the Town is diligently working with the business owners to validate required documents to ensure all paperwork aligns the Town's database for existing uses.

In our continuing efforts to attract businesses, the Town of Dumfries can proudly say that we are business friendly. Our business fees are lower than or equal to Prince William County and Stafford County.

In 2012, Staff's efforts to revise and review current BPOL applications and working with business owners concerning zoning, building permits and business licenses yielded approximately \$200,000 in unbudgeted additional revenue. This zoning enforcement effort provides new and greater predictability to existing businesses and those who may wish to locate here.

In 2012, the Town worked aggressively with DEQ and Potomac Landfill to ensure that the Potomac Landfill operates in accordance with state law and will continue to operate under local land use rulings. The Town has requested additional BPOL and has received a revised BPOL tax schedule from the Potomac Landfill. In 2013, we will move forward in open, positive dialogue with Potomac Landfill with respect to their current and future operations.

In 2012, the Town repaired Mine Road, installed drainage on Washington Street, installed curb & gutter between Fairfax & Cameron Streets, installed ADA ramps on Duke Street, and improved Merchant Park, Garrison Park and Ginn Memorial Park. In 2013, the Town's efforts will continue with projects that include sidewalk installation, covered bus stops, crosswalks and the Tripoli Heights drainage project.

Tripoli Heights has been a long-drawn-out process; to date 30+ property owners are onboard, with the remainder of properties in bankruptcy, in the process of being sold or contracts in short sale, and lastly there are those property owners that will require legal review.

We are working infrastructure, connectivity, pedestrian and vehicular safety, the sound-wall adjacent to Prince William Estates and the Knolls of Dumfries, recreation with improvements to **ALL** of our Parks, and transportation concerning Route-1 widening.

Dumfries is about community, we have made a commitment to identify our historic past with markers and this Town has events that offer something for everyone. The Town has numerous events such as a Black History Month Celebration, an Annual Easter Egg Hunt, a Farmers Market, Quantico Creek Cleanup, an Annual Fall Festival, a Multicultural Festival, a Christmas Tree Lighting Event, and I can honestly say that we have the biggest Christmas Parade in Prince William County. All of these Town sponsored events allow for maximum participation by our citizens, volunteers, churches and business owners.

I have made it a focus of effort since May 2012 that I have met with the Potomac Supervisor Caddigan, Prince William County Chairman Corey Stewart, Delegate Luke Torian (52nd District), Delegate Mark Duddenhefer (2nd District), Senator Toddy Puller (36th District), Congressman Gerry Connolly (11th District) and Congressman Robb Wittman (1st District) and in each meeting we have discussed issues and concerns that are important to the Town and will move the Town forward in transportation, protecting and restoring our waterways, economic development and improving our quality of life. In every meeting with Political Leaders, I found it encouraging that **EACH** person offered letters of endorsement and offered their staff's expertise to assist the Town of Dumfries in realizing our objectives. In 2013, my efforts will be focused on State and County offices that provide services to our Town.

I encourage citizens and business owners to contact your Town Council about subjects that are important to you. One person can make a difference. Each voice should be heard. Talk and write to your Council and the Town Manager to affect change. Council was elected by you, to do your will, hold us accountable. This Town and its amenities are yours. 2013 will be a good year if citizens, business owners and Council work together to move this Town forward.

I am proud of this Town, the Town Manager, the Town Staff and to serve with my fellow Councilmembers. I am honored each day to represent the citizens and business owners. Wearing the Town Seal on my lapel means a lot to me. Thank you for trusting me to serve as your Mayor. As I close this State of Town Address, I pray that everyone has a wonderful and prosperous year.”

IN RE: PRESENTATIONS

**A. POTOMAC SHORES (FORMERLY HARBOR STATION) – EDDIE BYRNE,
VICE PRESIDENT OF PROJECT MANAGEMENT, ARGENT
MANAGEMENT, LLC**

Mr. Byrne went over the information in a PowerPoint presentation.

Potomac Shores is located on a beautiful site covering nearly 2,000 acres of land, including hundreds of acres of lush hardwood forests, a network of meandering streams and wetlands, and almost two miles of shoreline along the Potomac River.

Project Type: Transit-oriented, mixed-use, master-planned resort destination

Size: 1,920 acres

Scope: Up to 3,987 homes; Over 3 million square feet of office space; 230,000 square feet of retail space

Key Amenities:

- Jack Nicklaus Signature Golf Course
- Five-star hotel and spa
- Town Center
- Planned VRE station
- 450-slip marina
- 40-acre corporate campus
- Two schools
- Numerous sports fields and courts
- 8 miles of trails

To help define this distinctive community, we are drawing on a contemporary Tidewater design aesthetic inspired by the cultural and architectural traditions of coastal Virginia.

- Some 300 years ago, settlers of coastal Virginia found newfound prosperity and status as landed gentry. They established magnificent manors that became the prototypes for the region's aristocratic dwellings. This style of design has become known as the Tidewater tradition.
- Some of the traditional Tidewater design features include two-story buildings with large shade porches, wide eaves, steeply pitched hipped roofs, abundant windows, and wood and brick construction.
- Potomac Shores will introduce a new level of quality building, craftsmanship and pride to the region.
- Architecture and landscape patterns will draw from the traditions of the past, without imitating any particular styles, to develop an original design aesthetic.

In the summer of 2013, we will open the first public Jack Nicklaus Signature Golf Course in the Washington, D.C. metro area. The course was personally designed by the "Golden Bear" himself and the Nicklaus Design team. The spectacular waterfront setting, overlooking the Potomac River, captivated Nicklaus with its pristine natural beauty and rich wildlife. It has been described by Nicklaus as: "... a golf course like what you'd find overseas where you have a lot of different things happen. The holes have a very rich strategy."

The 18-hole course is a par-72 that offers four sets of tees with a total distance ranging from 5,389 to 7,156 yards. The high-strategy nature of the course is offset by a "fun, fast and beautiful" golf experience geared toward Potomac Shores' future residents, resort guests and the general public.

Carved through mature hardwoods on a hilly peninsula, the layout offers dramatic vistas, native wetland buffers and more than 200 feet of elevation changes.

Potomac Shores will take advantage of its prime peninsula location, prized for its natural beauty, a sense of seclusion and views of the Potomac. In every aspect of our planning and development, we will respect the natural environment and the historical features found here.

Nature will be protected and enhanced, with hundreds of acres set aside as natural open space and scenic trails winding throughout the property.

The course's summertime debut will coincide with the opening of a new Clubhouse, a gracious gathering place inspired by the Tidewater tradition with wraparound porches and a traditional carriage house for private events. A state-of-the-art driving range and short-game practice area will give golfers the ability to work on virtually every shot.

The Town Center districts include:

- **NORTH RESIDENTIAL DISTRICT**, known as The Fairways, is a lush, forested environment among the peninsula's highlands. Walking distance from the heart of Potomac Shores, this district has medium-density residential neighborhoods.
- **THE RESORT DISTRICT**, known as the Tidewater, embodies the Tidewater tradition, and it is evocative of a wealthy Virginia plantation estate, transformed into a grand resort hotel overlooking the Potomac.
- **THE RETAIL DISTRICT**, known as The Marketplace, is a vibrant pedestrian-friendly gathering place for residents and visitors. It offers shopping, dining, entertainment and events.
- **SOUTH RESIDENTIAL DISTRICT**, known as The Riverbluff, is named for its blufftop setting and features urban high-rises, contemporary condos, perhaps artist's lofts and studios, plus a promenade overlooking the river.
- **THE MARINA DISTRICT**, known as The Waterfront, is home to the marina and marina village, and is a world of boats, fishing, seafood and water-oriented family fun.
- **THE BUSINESS DISTRICT**, known as The Lake, features a grand, landscaped boulevard and water features, surrounded by the corporate campus and a mix of office buildings.

Another cornerstone is enhancing the quality of life and, thanks to a proposed onsite VRE station, Potomac Shores will be transit-oriented and encourage walkability. Potomac Shores' proximity to metro DC, Richmond, major airports and employment centers will be even more appealing due to the rail service.

- Nearly \$75 million in Federal funding was recently approved for commuter rail in northern Virginia, including money for VRE to add 11 miles of new track that will help carry commuters between Washington and Prince William County.
- The train station will be located near the town center, along the existing rail right-of-way running through the property.
- The commute time between Potomac Shores and Washington is estimated to take approximately 45 minutes.

Mr. Byrne noted the project was slated for an interchange at the corner of Route 1 and Route 234. This design was not popular so a quadrant intersection has been developed that was not included in the presentation. This will take the left turn lanes out of the intersection and move them to adjacent intersections to allow the crossroads to work efficiently.

Mayor Foreman thought part of the presentation was going to cover the Route 1 and Route 234 intersection. The drawings were provided to Council electronically. He knew the design has been briefed to Prince William County (PWC) who now has 30 days to comment on, which the Town was not invited to attend or participate. The road is going to go through the Town and aesthetically the Council has a

vested interest on how that is going to be shaped. A brief should be given to Council and be afforded the same 30 days to comment. He did not want it go through the process and be approved by everyone except the Town. Generally, things start at the bottom level, which would be the Town, and go up from there.

Mr. Taber mentioned a brief on the intersection is tentatively scheduled for the work session. He asked that Council provide any questions they may have to him by the middle of the week in order to provide them so the brief can be focused more on the intersection.

Mayor Foreman thought it would be best to have a presentation at the first meeting to allow citizens a chance to see what is proposed, allow Council the opportunity to come up with questions, and have another discussion at the following work session. He pointed out that the design that was provided to Council is not the latest one.

Mr. Byrne felt the advantage of a work session was to allow the consultants to attend, be less formal, and allow Council the ability to ask the technical questions.

Mr. Brewer asked if the proposed location of the entrance to Potomac Shores changed.

Mr. Byrne indicated it was not anything that is noticeable. He mentioned the centerline shifted slightly to the left to maintain access to the businesses along Route 234.

B. ECONOMIC DEVELOPMENT AND MAKING TOWN OF DUMFRIES A DESTINATION PLACE – DR. DEREK GRIER

Dr. Grier mentioned that Grace Church located in Dumfries about six years ago from Hylton High School with a congregation of, at that time, about 200 members. A lot of the congregation did not want to come to Dumfries due to the bad reputation the Town had. After the first six months, the Church only had about 30 of those members. They invested about 1.5 million dollars in the property they are located on now. This is one of the most economically disadvantaged portions of the County, so people were not excited about the move, and felt the Church was doomed to fail. The Church is located on a one-way street with no visibility from the street. They look like a storefront church so, for all intents and purposes it did not look like they would be a success story, but today Grace Church is a thriving organization. There are people coming from as far as Baltimore and Richmond to attend every Sunday. Over a thousand people are using the gas stations, visiting Dunkin Donuts, McDonalds, and the various businesses here. It has been a wonderful experience. They have had their ups and downs and been through some challenges as well. He believes the reason he was invited tonight was to get a sense of how the Church has accomplished this. Of course, they had Heaven on their side because that is what they do. He explained that the Church has a list of core values that every leader in the Church has to sign off on and amongst the core values is one statement, "People Matter." As a Church, God is first, but

secondly people matter. In some of the interactions the Church has had with the Town, they did not always feel that they mattered. The welcome was not as warm as it could have been. The Council has bent over backwards in some areas to try to improve that. He felt if the Town was intentional to let businesses and citizens know that they matter it would be far more likely that people will drive the distance and perhaps move into this community because of that sense. When the Church was small, in the Commerce Center, the motto was they wanted to be the biggest small church in America. Now the motto has reversed to wanting to be the small, most intimate big Church in America. His point is the Church did not try to be something that they were not and leveraged that. The Town has a tremendous opportunity in that it is a small Town with roughly 5,000 people. There are certain advantages that go along with that and he believes if the Town leverages its smallness; meaning being more reasonable, more flexible, and getting things done a lot quicker than some of the larger municipalities by using the Town's smallness as an advantage versus an excuse. Sometimes the smallness mentality can be a challenge. He thinks Dumfries can become a business magnet. Case in point, Grace Church has run a daycare for years and never turned a profit, the Church has funded it by targeting low-income families. They have a waiting list for five to ten children who are mostly local. After a visit by a staff member, it was determined since the Church serves more children outside of the Churches congregation that the daycare needs to be treated as a business. He explained that the Articles of Incorporation, which have been approved by the State, their non-profit status, permits the Church to run a daycare. With a small Town, he should not have to talk to an attorney. He should be able to pick up the phone and talk to Town staff or staff should call and talk to him and reasonably discuss things. Now the Church is going to turn the daycare into a business for profit and will probably not be able to serve low-income individuals. Those types of things discourage businesses.

C. RESOLUTION COMMENDING THE SERVICE OF DEMETRIA THOMAS AS A MEMBER OF THE ARCHITECTURAL REVIEW BOARD – MAYOR FOREMAN

Mayor Foreman presented a resolution to commend the service of Demetria P. Thomas that was adopted on December 11, 2012.

Ms. Thomas said it was a wonderful experience being on the Architectural Review Board.

D. INTRODUCTION OF OFFICER JEAN LOPEZ – CHIEF FORKER

Chief Forker introduced Jean Lopez as the newest addition to the Dumfries Police Department. Mr. Lopez was born and raised in Puerto Rico. He has a major in forensic psychology. He started yesterday at the Rappahannock Regional Academy and will graduate on May 9.

Mr. Lopez looked forward to being a part of the Dumfries Police Department and assisting the people in the community.

E. INTRODUCTION OF TERRY MYERS – GREG TKAC

Mr. Tkac introduced Terry Myers as the new Programs Administrator for the Public Works and Zoning Department. Mr. Myers comes from Carmel, Indiana where he was in charge of a very large Parks and Recreation program that consisted of over 15 parks with 18 miles of trails. Prior to that, he was with a large Homeowners' Association that consisted of a 360-mile lake community. Before that, he worked for the City of Danville's Public Works Department.

Mr. Myers explained he has worked with municipalities most of his working career. He noted his children moved out here and it was just natural for him to follow them out. Dumfries is a nice little Town and he loves the small-town environment.

IN RE: BOARDS & COMMISSIONS
A. ARCHITECTURAL REVIEW BOARD

There was no report.

B. BOARD OF ZONING APPEALS

There was no report.

C. HISTORIC DUMFRIES

Joann Barron reported the following items.

- In 2011, the Weems-Botts Museum had 4,102 visitors and in 2012, they have had 6,518 visitors.
- A silent auction was held last month at the Dumfries Triangle Rescue Squad. She thanked everyone who supported it and they raised \$2,500.
- The Open House was held in December with a bus tour that came in from Raleigh, North Carolina.
- In the next couple of weeks, the strategic plan will be placed on the website along with the bylaws.
- The Governor and Mrs. McDonnell launched the Year of the Historic Home and Weems-Botts is the only historical home representing Prince William County. This revived the time travelers program for families and students to participate.
- This Friday is the homeschooling day at Weems-Botts.
- Saturday is kids' day at the museum, which will include colonial games and toys.

D. PLANNING COMMISSION (PC)

Mr. Brim reported the following items.

- The PC continues to look at the zoning uses in the B-1, B-2, FB/0-1 zoning districts.
- The PC is getting ready to do an amendment to the Land Use Plan of the Comprehensive Plan.
- The PC reviewed the Design Guidelines from the ARB and will be coming before Council at a work session to go over.

Mayor Foreman asked whether a response was provided from the PC regarding the letter that Danny Cosner wrote dated September 17.

Mr. Brim advised it was done in the form of a public comment so the PC discussed that during the meeting and was never asked to formally respond back.

Mayor Foreman requested that when somebody sends a letter that either the committee or the government provide a response.

Mr. Brim did respond twice by email.

**IN RE: COUNCIL REPORTS
A. GINN PARK COMMITTEE**

Mr. Toney noted the Committee met on December 18. Mr. Tkac provided an update on the playground equipment that is still in the process of being identified and purchased. There was a lot of discussion about the fencing. Three sides of the property will be fenced with 8-foot chain-link. Some of the signs are already in. The marquee signs identifying the park have been received and will be installed in the next couple of weeks. The striping of the basketball court has been delayed due to an unfortunate injury to the individual who has been contracted to do the work. Some discussion was had relative to a structure on the property in the future.

Mayor Foreman mentioned discussions have been had about the Town's website having a pull down menu for Ginn Memorial Park that would include Phase 2, the final vision, the resolution approved by Council, photos of the progress, and minutes from the Committee meetings. On the plans, there is space for a Pavilion, offices, and restrooms. He asked what the offices were going to be used for. He noted the Pavilion is set to be placed on the left-hand side and Council needs to be cognizant of the surrounding homes. The area for the Pavilion is presently being shown between the parking lot and surrounding homes, which is a 42-foot space. By constructing the multipurpose court in its current location it has moved, which made the footprint for the amphitheater change. He suggested the amphitheater be removed and the Pavilion be moved over there. The area that was scheduled for the Pavilion could be used for play area. He noted the community garden plots, equipment checkout area, and the impact on the annual budget for these items needs to be addressed. The amenities are to be staked out on January 25 and he asked if they could be left there for a while so the citizens and Council

can get the opportunity to look at them. He noted the meeting of committees needs to be scheduled no earlier than 5:00 p.m. to allow Council and citizens to participate.

Mr. Toney thanked the Mayor for his comments and looked forward to implementing some of his suggestions.

Mr. Brewer reminded Council that before any of the committees make any decisions or spend any money they need to come back to Council for final approval.

Mr. Toney pointed out that nothing has been done without Councils approval.

B. EVENTS COMMITTEE

Ms. Washington announced that Ms. Neville would be giving the report for the Events Committee.

Ms. Neville stated that there was no report for the Events Committee. She thanked everyone who participated in the holiday events.

Ms. Washington thanked the citizens for coming out and participating in the Christmas activities.

C. NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

Mayor Foreman noted the NVRC commissioned a consultant to review the changes in the demographics of Northern Virginia. He also requested that the NVRC include in their 2013 legislative package the Route 1 corridor.

Mr. Toney added that over fifty percent of the population in Northern Virginia is over the age of 65. He felt the Town needed to keep that in mind when planning for future amenities and activities.

D. NORTHERN VIRGINIA CIGARETTE TAX BOARD (NVCTB)

Mr. Toney was unable to attend. He received the following brief of what occurred at the meeting.

- The NVCTB was being audited since they had not been removing FICA for their employees.
- A letter was submitted by the City of Fredericksburg requesting to be part of the NVCTB, which was approved and will go before the NVCTB for final approval.

IN RE: STAFF COMMENTS

A. DIRECTOR OF COMMUNITY SERVICES – CYDNY NEVILLE

Ms. Neville reported the following items.

- She thanked the Quantico Marine Corps Band for the Tuba Ensemble, the Saxophone Quartet at the Christmas tree lighting, and the Handbell Choir at the senior luncheon performing.
- The next senior luncheon will be held January 25, Friday, because of the Lee Jackson holiday.

- Reopening of the Farmers Market will be April 13. The Market is part of the Virginia Department of Agriculture and Consumer Sciences and featured on the Virginia Grown website. The Market is funded by a grant from Walmart in the amount \$5,500.
- Black History Month will be celebrated on February 9 at Little Union Baptist Church from noon to 2 p.m. The theme is Believe Achieve, Succeed: Showcasing Inspiring Testimonials from Change Agents in our Community.
- She introduced Brittany Jordan and Janae Williams as the new Program Intern and Program Assistant for Dumfries Cares. They received training from the Virginia Mentoring Association. Open House will be Wednesday, January 23 from 7 p.m. to 8 p.m. in the Learning Center at the Community Center.

B. DIRECTOR OF PUBLIC WORKS – GREG TKAC

Mr. Tkac reported the following items.

- December was a short month for Mr. Tkac. He attended two conferences, 16 meetings, issued two permits, and performed four occupancy inspections.
- The Capital Improvement Plan was completed and has been forwarded to the PC for review.

Mr. Toney asked Mr. Tkac to elaborate on the expansion and upgrades to the Dumfries Elementary School.

Mr. Tkac noted the Prince William County School Board (PWCSB) wishes to expand. Upgrades to an existing area to be a multipurpose area to be used primarily for a gym and assembly area. Modifications are proposed for the parking lot and to the plumbing and electrical.

Mr. Toney recalled there was some work being done previously at that location and they came across some old slave gravesites. He does not believe there was any follow-up on what occurred.

Mr. Tkac asked PWCSB to provide an environmental report, which is a very extensive report. He refers to the gravesites as unmarked since we do not know if they were slaves.

Mr. Toney asked about the potential housing development on Orange Street.

Mr. Tkac noted there are three lots at the end of Orange Street that are open for development. In 2006 or 2007, a developer came before Council and was approved to make some unique modifications to Orange Street in order to provide the amenities to build a subdivision.

Mayor Foreman asked what the possibility was of getting the stripe down the middle of Curtis Drive to the entryway of Prince William Estates redrawn. He knows it is not required; however, it has been discussed on several occasions.

Mr. Tkac indicated staff would get on it.

Mayor Foreman asked about looking at replacing the entryway signs to the Town during the midyear budget review.

Mr. Brewer indicated Prince William County (PWC) put the signs up.

Mayor Foreman suggested having an agenda item form for a work session to discuss the signs further.

Ms. Reynolds asked whether or not the street sweeper was fixed.

Mr. Tkac explained the street sweeper was repaired in October; however, there is now another issue that needs to be fixed.

C. CHIEF OF POLICE – ROBERT FORKER

Chief Forker reported the following items.

- Thanked the PWC Sheriff's Department and the PWC Police Department for assisting during the holiday parade.
- He noted there are still three vacancies in the Police Department.
- He sends his condolences to the family of Chris Young who was a Police Officer with PWC who volunteered every year during the holiday parade.
- Sergeant Robinson is back to work and there was no update on Officer Moody at this time.
- 54 kids participated in the Christmas in Dumfries event and 47 volunteers assisted. He thanked the Dumfries Triangle Rescue Squad for providing breakfast with Santa.

Ms. Washington asked, in light of an incident last week with a helicopter, whether it was up to the County or the Town to notify the school of what is going on.

Chief Forker felt it was his responsibility to notify the school. He explained that one of his officers had gone on a foot pursuit after an individual with felony warrants over in the Port-O-Dumfries/Williamstown area. The canines were called out and the perimeter was set up. During this event, a call went out to lock down Graham Park School. While this was happening, a burglary was occurring over in the townhomes on Van Buren, which also ended in a foot pursuit with a helicopter response. He should have called Dumfries Elementary School; however, the schools got crossed in his mind and he called Graham Park School.

Mayor Foreman asked what the status of the block captain for Williamstown was that Selonia Miles spoke about on November 19.

Chief Forker advised that was not a police function it was something different. He asked the Town Manager to elaborate.

Mr. Taber explained the terminology of block captain has been used for neighborhood watch type environments; however, this particular concept deals with relationships with the Town in general and not necessarily with the Police Department. He noted that Ms. Miles would be coming to the work session in February to discuss the concept with Council.

Mayor Foreman commended the Police Department on the holiday parade. He asked that in a work session months down the road that an agenda item form be submitted to discuss crowd control during the parade. The parade has grown, there is a lot of excitement, and the crowd is literally in the street. He saw marching bands having to squeeze in to go past individuals who stepped out into the road and cars having to slow down to get past portions of the crowd. A couple of citizens contacted him about the turkey giveaway and expressed concern. He mentioned that Council or staff could participate; however, no Town vehicles should be used for this event since Council has not approve it.

Ms. Washington mentioned the Events Committee has discussed the crowd control issue and one of the things that would help would be having more volunteers.

Mr. Toney explained the turkey giveaway has been a part of the Christmas in Dumfries event for the past three years. He noted that for the past three years the Police Department has delivered to every participant a turkey and just those participants. He was very upset about this.

Ms. Sanders advised she is in the process of drafting a fundraising and donation policy for the Town and perhaps this will lie to rest concerns about the Christmas in Dumfries program.

D. TOWN ATTORNEY – CHRISTINE SANDERS

Ms. Sanders reported she had not worked on any new items this past month. She asked if Council had any questions.

E. TOWN MANAGER – DAN TABER

Mr. Taber reported the following items.

- The Capital Improvement Plan is available on the website for any citizens to review. He welcomed any comments and Council will discuss it at a work session in two weeks.
- He noted staff continues discussions with Potomac Landfill about the proposal for vertical expansion. He explained some of the issues discussed consisted of things like a specific closure date. This will come back to Council at a work session. An inspection of the Landfill was concluded. A few issues were noted and the Landfill responded rather quickly with compliance. The Landfill is in the process of getting the Town an updated erosion sediment control plan. He noted the delay in bringing it back to Council is that staff is waiting on some deliverables from Landfill. One of the deliverables is a concept drawing of what the Landfill would look like should the vertical expansion be approved.

Mayor Foreman asked what the status was of the Community Center Policy.

Mr. Taber noted some citizens have an ongoing relationship with the Town so the implementation of the Community Center Policy is going to wait until July. He explained it would come to Council in a work session for comments before going to a vote.

Mayor Foreman mentioned the stockpiling of debris at the Landfill that can be seen throughout the Town this time year. He was concerned with Tripoli Heights and Grayson Village. At one time, the Landfill was good about keeping their debris inboard, which is now being kept outboard. He felt it was borderline blight. It was hard to sell a home in the Tripoli Heights area when you can see the activities so clearly. He explained they operate as a business just like any other business in the Town who are told that they cannot have debris in the front or the back of their buildings.

Mr. Taber advised he would consult with the Town Attorney and place it on the agenda for the next meeting staff has with the Landfill.

Mayor Foreman asked that Council be emailed the agendas from the committees, cancellation notices, and final decisions that do not necessarily need to come back to Council since they have already been approved.

Mr. Taber assured that the staff member who is assigned to the various committees includes Council on the emails.

Mayor Foreman asked what the timeline was for the FY12 midyear budget review and the FY14 budget build.

Mr. Taber noted the midyear review would be on the next work session agenda. The FY14 budget process and dates will be scoped out after the work session.

Mayor Foreman asked what the status was of the Fred Yohey Memorial Fund and what the funds would be used for.

Mr. Taber advised the discussion is scheduled for the next work session and Council will decide how the funds will be spent.

Mr. Brewer asked the Mayor if he was speaking about the area on Tripoli Court when he was talking about the debris that could be seen at the Landfill.

Mayor Foreman was talking about driving down Tripoli Drive.

Mr. Brewer mentioned a lot of the residents have complained about the debris built up on Tripoli Court. He felt the Town needed to look at the existing conditions for the Landfill and determine if this is what the Town wants to look at in the next 20 years.

Mr. Taber explained staff would recommend that rather than amending the stipulation order, if Council decides approve the Landfill going vertical, that a conditional use permit be issued to allow the Town more control over the activities that are going on.

Ms. Washington agreed with the Mayor and Mr. Brewer. She has noticed the conditions of the Landfill have deteriorated. She has also noticed all of the debris and does not know whether that has anything to do with the pungent odor that is getting worse in areas of the Town that normally do not have the odor.

Mr. Taber advised citizens it is very important when the odors are noticed that they call Town Hall in order to document the date, location, and time. The information is shared with the Landfill and their policy is to take readings.

Mr. Brewer noted the Town has had that policy for a long time but it does nothing. Mr. Doucette with the Department of Environmental Quality (DEQ) indicated to him that if any citizens were having problems with odor or debris to call DEQ directly. He suggested posting the phone number on the website.

Mr. Taber said he would have it posted on the website.

F. TREASURER

Mr. Taber asked Council if they had any questions to provide them to staff prior to the meeting in order to have the information available.

Mr. Toney has observed that over the last couple of years the Town has made substantial payments to Olde Town Landscaping. He has been told the Town has contracts with them to provide certain services. He asked that the Council Members be provided a copy of the contract, the scope of it, the bottom line number. He was curious to know what services were being provided that cost approximately \$40,000 a month.

Mr. Taber explained that a major portion of the services provided deal with street work.

Mr. Tkac indicated the Town contracted with Olde Town Landscaping to do a number of services. He explained it is an on-call contract designed to be an extension of the Public Works staff to assist when there is an influx of blighted properties, miscellaneous roadwork, pothole patching, curb gutter work, snow removal services, and work with the storm management system. The Public Works Department has certain tasks as goals in the budget every year. For example, a goal may be to clean out 18,000 lineal feet of ditch. Olde Town Landscaping has the equipment to do the job, which the Town does not. He pointed out that using this contractor has allowed the Public Works Department to go from seven employees to two, which has saved the Town a significant amount of money over the past five years.

Mr. Toney wanted to make sure that this was not an open pit situation, a cash cow. He mentioned there has not been no snow to remove lately. He pointed out that part of Council's responsibility is oversight.

Mr. Tkac noted the Town is not unique in outsourcing services. The contract the Town is currently under is a rider to a contract PWC has.

Mr. Taber mentioned that a report would be compiled summarizing the type of work that has been done with the total amount of money spent.

Mr. Brewer suggested looking at getting three bids from other companies once the amount goes over a benchmark. He noted the trash contract needed to be looked at too.

Mr. Taber noted staff is preparing, for a future work session, a work session item concerning some issues with trash pickup and recycling.

Mayor Foreman asked that the line item from the budget the expenses are coming from be listed for this particular contract.

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

Mr. Wood mentioned attending a function where Congressman Wittman was the keynote speaker at which time he took advantage of talking to him about the issues with traffic. He mentioned the function was Troops to Trucks and gave a little background on what the program consisted of.

Mayor Foreman met with Congressman Connolly January 4 and discussed the following items.

- Interstate 95 and Route 1 impacts to Dumfries
- Route 1 widening efforts
- Quantico Creek/Quantico Bay and its tributaries restoration

On the same day, Mayor Foreman met with Congressman Wittman and discussed the same items.

**IN RE: ACTION ITEMS
A. ADOPTION OF A RESOLUTION TO COMMEND THE SERVICE OF LOUIS
A. PRAINO TO THE TOWN OF DUMFRIES – DAN TABER**

Mr. Foreman moved, seconded by Ms. Washington, that the resolution be adopted as presented. The motion carried and the following resolution was approved by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**RESOLUTION TO COMMEND THE SERVICE OF
LOUIS A. PRAINO
TO THE TOWN OF DUMFRIES**

WHEREAS, Louis A. Praino was appointed as a member of the Town of Dumfries Council from July 2012 to November 2012 and served during this time with dedication and distinction; and

WHEREAS, Mr. Praino was appointed and serviced as a non-voting member as the Secretary to the Board of Zoning Appeals from 2008 to 2011; and

WHEREAS, he also served on the Planning Commission from 1999 to 2012; and

WHEREAS, he made a significant contribution updating and modernizing the Town Charter; and

WHEREAS, throughout his tenure on the various Boards and Commissions he has demonstrated his sincere commitment to improving the quality of life for the residents and businesses of our community.

NOW THEREFORE, BE IT RESOLVED, that the Town Council for the Town of Dumfries does hereby convey to Mr. Louis A. Praino heart-felt appreciation and commendation for his service, and the exemplary spirit he has exhibited in carrying out his duties.

B. DISCUSSION/DECISION ON AGENDA TOPICS FOR MEETING WITH SUPERVISOR MAUREEN CADDIGAN – MAYOR FOREMAN

Mayor Foreman announced a meeting is scheduled for January 17 with Potomac Supervisor Maureen Caddigan. There will be a meeting scheduled in March with Delegate Torian. Congressman Connolly would like to do a meet and greet, which will not be a formal meeting but an informal social. He asked what subjects Council would like to talk to Supervisor Caddigan about.

Mr. Brewer wanted to talk about tax reimbursement for services already rendered, stormwater management, and the status on Williams Ordinary.

Mr. Wood wanted to hear Supervisor Caddigan's ideas on the rebranding or re-identity for this part of her district since her district name changed from Dumfries to the Potomac District. What does Supervisor Caddigan see as Dumfries unique selling proposition, the Town's brand in the Potomac District, in the marketplace?

Ms. Washington wanted to know what the role of PWC is in regards to the parks.

Mr. Toney agreed the parks warranted some ongoing discussions since there was a previous discussion held with Supervisor Caddigan and the Town was referred to her staff.

It was again noted the meeting would be held at 6:00 p.m. on January 17 at the Williams Ordinary.

Mayor Foreman wanted to make sure staff contacted Supervisor Caddigan's staff to allow her the opportunity to include items on the agenda that she may have.

C. DISCUSSION/DECISION ON ORDINANCE APPROVING A CONDITIONAL USE PERMIT (CUP) FOR THE MATTHEW CENTER – MORGAN BRIM

Mr. Brim went over the following items that the Council asked about during the public hearing at the December 11, 2013 meeting.

- During an inspection for hazardous waste materials, it was noted there are bathrooms being installed in the A.S.A.P. Reliable Tire garage, so there is no issue about the separation of these facilities.
- A ballard and stop sign have been added and are shown on the site plan to address the concerns Council expressed with the parking lot.
- The A.S.A.P. Reliable Tire facility has no hazardous materials. What is on site is in gallon sizes and kept in a fire rated cabinet.
- The HVAC system for the A.S.A.P. Reliable Tire facility is completely separate from the Pillar Center.

Mr. Brewer made the motion at approve the conditional use permit that failed without a second.

Mr. Wood asked if the A.S.A.P. Reliable Tire facility was only licensed to deal in tires and has no hazardous waste materials.

Mr. Brim explained the A.S.A.P. Reliable Tire facility mainly deals in tires; however, does have a license to do automobile repair. When staff performed the site inspection there were no large vats of oil or any hazardous materials. There is a fire rated cabinet that has a small amount of materials. The reasoning is the majority of their business is tires and when a repair comes in they usually go purchase what they need.

Mr. Wood asked if they recycled oil.

Mr. Brim noted it was indicated to him that the owner has another location in PWC where recycling is performed.

Mayor Foreman recalled there was an issue with the sheds and asked what was being done.

Mr. Brim explained that one shed is approved and the other shed was constructed without a permit. One of the requirements of the CUP is the removal of the shed prior to the issuance of an occupancy permit. He mentioned that Mr. Taber received a letter that acknowledged the shed would be removed by a certain date.

Mayor Foreman asked if the CUP was approved this evening, if the matter would be turned over to the Town Attorney if the shed were not removed by the stated date.

Mr. Brim indicated that it would.

Betsy O'Dell, Executive Director of the Matthew's Center, provided the following information about the school.

- The Matthew's Center is a non-profit organization serving children and the families that are on the autism spectrum.
- They serve children in their day care program, camp program, and the respite program that are from the ages of 5 to 22, same as the public school age.
- They also have an outreach program where staff goes out to the home and works directly with the family. This program starts at the age of 2.
- The children are funded by the public schools. The public schools have determined that they are unable to meet the student's needs.
- All the children when they come to the Matthew's Center are funded one on one, a very staff intensive program. That is the only way that they can get a proper communication and behavioral program established for the student.
- The Manassas facility serves 12 different school districts. Some of those districts include Warren County, Shenandoah County, Culpeper, Loudon, and Fairfax.
- The facility in Dumfries would serve the eastern end of PWC, the Lorton area of Fairfax, and will open for students from Stafford, Spotsylvania, and Fredericksburg. Those children were previously being served; however, the commute on Interstate 95 was too long and they had to quit serving those children at the Manassas location.
- They are the only private school in PWC that serves just the autistic population.
- They use Applied Behavioral Analysis, which is the only research proven methodology to work with the autistic population and the reason for the intensive staffing.
- Students are bused in from the schools and escorted into the building and never left without an adult.
- They have speech therapists, occupational therapists, and board certified applied behavioral analysts.
- She noted they would probably start with one class and once they reach seven students start a second class.
- The after school respite program is for children with autism that attend the public school system and come from 2:30 p.m. to 6:30 p.m. to allow their parents to work year round.
- They offer a ten-week summer camp.

Mr. Wood asked how they decided to locate in Dumfries.

Ms. O'Dell explained that the grant they received was one of the leading forces since it had to be located within a certain zip code. They also were trying to serve some of the Dumfries and Triangle students so they did not have to be on a bus for so long.

Mr. Toney thanked Ms. O'Dell for coming to the meeting and making things clearer on what services the Matthew's Center would be providing.

Mr. Toney moved, seconded by Ms. Reynolds, that the ordinance be adopted approving the conditional use permit for the Matthew's Center as presented with conditions. The motion carried and the following ordinance was approved by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT
FOR THE MATTHEW CENTER, A SPECIAL EDUCATION SCHOOL,
LOCATED AT 17286 DUMFRIES ROAD WITH A GPIN OF 8289-05-7538**

WHEREAS, the Matthew Center submitted a conditional use permit application, CUP-12-002, on August 21, 2012 to Town staff; and

WHEREAS, Town staff reviewed the application and scheduled the application to be reviewed by the Planning Commission; and

WHEREAS, the Planning Commission reviewed the application during a September 17, 2012 work session; and

WHEREAS, the Planning Commission held a public hearing on this matter on November 26, 2012 and recommends that the Town Council approve application CUP-12-002 for a special education school; and

WHEREAS, a public hearing was scheduled for the December 11, 2012 Town Council Meeting; and

WHEREAS, the Town Council held a public hearing on this matter, duly advertised for the purpose, on December 11, 2012 and all interested citizens were heard.

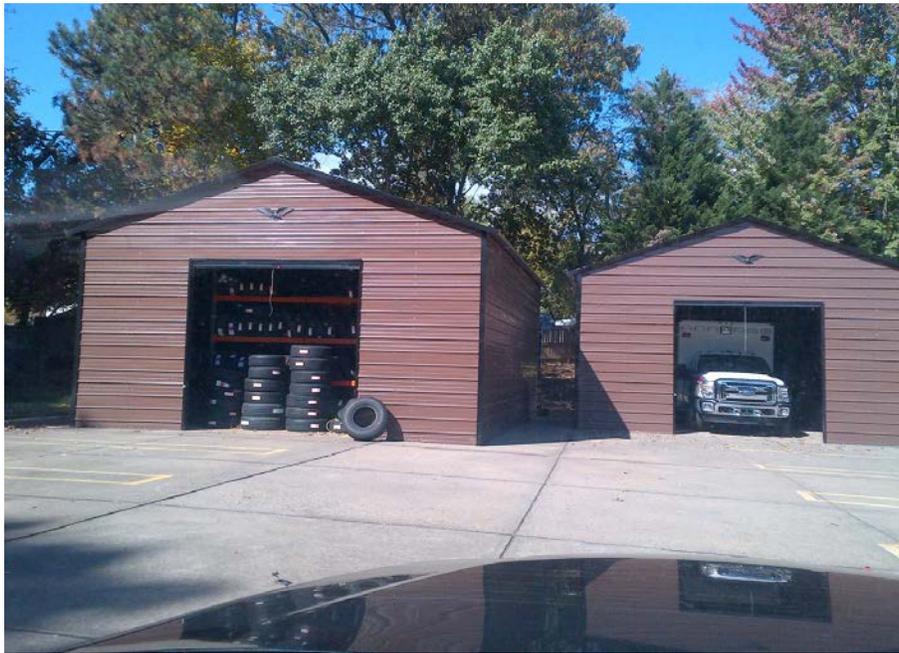
THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries on this 8th day of January, 2013, that the Conditional Use Permit application (CUP-12-002) and site plan attached, as proposed by the Matthew Center, is approved and is reenacted as follows:

A Conditional Use Permit is hereby issued to the Matthew Center for the property located at 17286 Dumfries Road with a GPIN of 8289-05-7538, which is subject to the following conditions:

1. Hours of operation shall be limited to the hours of 7:00 AM to 7:00 PM;
2. Student count shall not exceed 36;
3. Any students above the stated 36 maximum will require an amendment to the conditional use permit;

4. The applicant shall provide entrance improvements as required by VDOT for right in and right out curbing;
5. Directional signage to route visitors to the school is required and must be shown on the site plan;
6. VDOT approval shall be required before a certificate of occupancy shall be issued;
7. The Applicant shall submit a plan for the play ground for staff to review administratively;
8. A walking path shall be designated from the school to the play ground entrance;
9. The applicant shall construct 12" high curbing and protective fencing around the play ground in conformance with the approved site plan;
10. A building permit shall be approved by the Town before a certificate of occupancy will be issued;
11. The property shall be in full compliance with Town Code, including the removal of the detached garage shown on the right in the photo above, before a certificate of occupancy will be issued;
12. The School shall provide exterior lighting of the parking area in order to permit safe access to the facility by faculty, students and visitors;
13. No signage is approved with this permit;
14. Events out of character with the normal day to day operation of the school, taking place on the exterior of the building, will need to be permitted through the Town by obtaining a temporary use permit;
15. All school buses or other vehicles in use by the school shall be parked in a marked parking stall out of view of the public way;
16. The School shall take adequate and reasonable precautions to ensure that the operation of the school does not generate noise levels in excess of the ambient noise level;
17. All students delivered to the school shall be accompanied into the building by a school staff member or the student's parents, guardian or caregiver;
18. The Matthew Center School shall have restroom facilities separate from the tire repair facility; and
19. Conformance with the approved site plan is required.

INTENTIONALLY LEFT BLANK



IN RE: COUNCIL MEMBER COMMENTS

Ms. Reynolds thanked staff, the Police Department, and the volunteers for all they have done to make the past year such a success. She wished everyone a Happy New Year and looked forward to working with everyone.

Mr. Toney wished everyone a Happy New Year. He thanked the Police Department for allowing him to participate in the Christmas in Dumfries. He indicated he would not ask to participate again this year. He explained this is his program, he will continue to do it on his own, and does not want Council to sanction it. He will continue to give away 50 turkeys as he has done for the past three years. He is looking forward to working with his colleagues in moving the Town forward.

Mr. Wood wished everyone a Happy New Year. He was excited about the opportunity to serve the Town, work with the citizens and the businesses. He looked forward to making Dumfries a destination place, a place that people will want to come to. Dumfries is getting noticed throughout Virginia. He encouraged everyone to get involved.

Ms. Washington wished everyone a Happy New Year. She thanked staff for an outstanding job and the citizens for the outstanding job of supporting the Town and its activities.

IN RE: CLOSED SESSION

Mr. Wood moved, seconded by Mr. Toney, 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. Forrester, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

WHEREAS, the Dumfries Town Council desires to discuss a particular subject in Closed Session during the course of its meeting of January 8, 2013; and

WHEREAS, the nature of the subject is the discussion of personnel matters. The discussion of same in Closed Meeting is expressly permitted by Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED that the Town 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. Forrester, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

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 of Dumfries does hereby reconvene in Open Session at its meeting of January 8, 2013 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

Mr. Toney made the motion, seconded by Mr. Foreman, to appoint Selonia Miles to the Planning Commission. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

WHEREAS, the Town Council has previously appointed a Planning Commission to carry out the responsibilities of this organization in state law; and

WHEREAS, Council has learned that an appointment is needed to the Planning Commission; and

WHEREAS, Council is now prepared to make this appointment according to law.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the following individual be hereby appointed to the Planning Commission for a term that shall expire on June 30, 2016.

Selonia Miles

IN RE: ADJOURNMENT

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

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Gerald M. Foreman
Mayor