

**AT A WORK SESSION OF THE DUMFRIES TOWN COUNCIL, HELD ON OCTOBER 21, 2014,
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
Kristin Forrester
Helen Reynolds (arrived during Information Items)
Gwen Washington
Derrick Wood
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: 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: ADOPTION OF THE AGENDA

Mr. Taber removed the Discussion Item, Slave Cemetery – Dumfries Elementary School due to that matter has been decided on based on who the property belonged to.

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

IN RE: CITIZEN COMMENT PERIOD

Judy Moore, Director for the General Heiser Boys and Girls Club, introduced her colleagues, Caroline Brodeur, Director of Operations and Jim Almond, Regional Vice President of Virginia.

Mr. Almond thanked Council for all of the support given over the years. He noted that Ms. Reynolds is a very active Board Member and is very supportive. The Mayor comes out to the Club and is supportive of the programs and other Council Members have supported several other events. A few years ago, they were not operating as a club for several reasons. In 2011, they started operating as a fully accredited club with approximately 150 members. To date, they have grown to approximately 600 members. This is a testament to the hard work of the staff and the support of the Town. He thanked Council and hoped Council would continue to support the club. Council is welcome to come to the club any time and participate.

Cleveland Anderson, Owner of Liberty Village, commented he was directed to remove a banner sign that was attached to a permanent post, yet he sees that McDonalds has a banner advertising the monopoly game and Taco Bell has three banners advertising its breakfast. He is not here to complain about anyone's banner. He supports their right to have them, but excluding him defies any explanation. They say you cannot go home again and he finds that increasingly so when he passes Fraley's Furniture Store. The lime, the red, and the pink motif. The color lime bankrupts his pride. His fear is the townsfolk will stop seeing it and visitors, investors and tourists will see it for what it is. A desperate attempt to promote, at the Town's expense.

Christy Hart, President of the Williamstown Homeowners' Association (HOA), stated that a few months ago, they received an email from the trash company stating they were no longer going to pick up certain items; however, they continue to pick these items up in South Cove and she wondered if it was just a blow towards Williamstown. The day she got the notice, she provided the information to all 455 residents of Williamstown. The HOA wants to know if it was just directed toward Williamstown. She received two notifications from her mail carrier complaining about vehicles being parked on the yellow curb in front of the mailboxes and that he will not deliver the mail because he is unable to access the boxes. The Police Department is not ticketing or towing and she thinks this is unfair to residents. She thinks the Town needs to stencil the yellow curb, start ticketing, and towing, because it is not fair to the residents. Is the Town Attorney allowed to go after the HOA's for not following State or Town laws? It is kind of sad that Williamstown feels like they float the Town. They have over 900 cars that they make register through the Town at \$25.00 a piece that comes to a little over \$22,000.00, yet it is not enforced in South Cove or Port-O-Dumfries. Why? Can the Town do anything about that? She does not think it is fair that certain Council Members can state that they have been here for 17 years, yet they have no vehicles registered here. Virginia State law says you have 30 days to register your vehicle and it should be registered with the Town and the \$25.00 fee paid. She thinks the residents of the Town need to know this, step back, and start looking at the Council. The bus stop on Graham Park Road near the intersection of Old Triangle Road has a sign that says no loitering, yet there are always homeless people there all day long drinking and selling sticks with signs. It is an eyesore when she looks out the back of her house. They also go to the park with open containers of liquor, not alcohol, but liquor, drinking all day long. Can the Police look into that? They have noticed a lot more Police activity in Williamstown. She has not been hearing complaints about things that had been happening. A former Police Officer sent people to her house to lift a no trespassing order, but her house is the last place anyone needs to come. Especially if they have a no trespass issued against them, because that means they were doing something obviously wrong. She understands the individual she is speaking about was involved in an altercation, yielding a knife, yet he

has been to her house five times. She has no idea who this individual is. She has never signed any paperwork on a no trespass or anything, but for the Officer to tell him to come to her house is uncalled for.

IN RE: INFORMATION ITEM(S)

A. TREASURER'S REPORT(SEPTEMBER 2014) – RETTA LADD

Mayor Foreman asked what the \$2,052 under buildings and grounds, for Merchant Park was spent on.

Mr. Taber believed a large portion of that was for the removal of a large tree that was in front of the bandstand blocking the roof. He will send an email to Council detailing the total expenditure.

Mayor Foreman pointed out the expenditure of \$13,264 under public safety, for training. He asked what training remains from not to the end of the year and if there were sufficient funds.

Mr. Taber indicated a bulk of that is the fee that goes to the Prince William County Criminal Justice Academy. He believed it was \$11,000. They do have training planned for the remainder of the year. He will follow up with an email.

Mayor Foreman inquired about the expenditure under facilities, for vehicle maintenance of \$1,859. He asked where the Ginn Park Stormwater Management expense would come from.

Mr. Taber was going to look into the matter and email Council.

B. POLICE DEPARTMENT JOB FAIR INFORMATION – CHIEF EDWARDS

Chief Edwards reminded Council that Mr. Brewer brought up the question at the last meeting, what does the Police Department take to job fairs.

Mr. Brewer clarified what he asked was, does the Police Department have banners and materials to take to job fairs. If they have what they need, that is fine.

Chief Edwards noted the Police Department has a table cover, tri-fold board, brochures, handouts, and applications. She felt the Police Department had sufficient materials.

Ms. Reynolds joined the meeting during this discussion.

C. ONLINE PAYMENTS – TERESA YOUNG

Ms. Young noted she looked at Spotsylvania, Stafford, Prince William County (PWC), and Manassas Park regarding Official Payments. Staff can make the forms fillable. She noted that the other localities have the ability to have personal property tax and water bills paid online, which the Town does not have. Payments can be made online through Official Payments for the vehicle decals; however, there would be an additional charge of \$1.50 for the service. She explained that the Treasurer sends out a letter when it is time to renew. Residents can send their payment by mail and receive a decal the same way. To

renew a business license the individual is required to submit a Schedule C to prove how much money was made by the business. In PWC, there is the ability to use a fillable form; however, the business owner has to come in to get a business license. Staff can create a fillable form for someone who wants to build a deck, but the applicant will still have to come to the office and provide drawings before a permit can be issued.

Mayor Foreman stated the first step is allowing people to fill out a form online and then print it off. The next step would be allowing people to pay what they can online. The low hanging fruit is paying for the vehicle decal, which he thinks in the future, will be going away. PWC has a database to send out personal property taxes and the Town needs to collaborate with PWC in order to send put notifications for those vehicles registered in the Town. If there is an item that can be paid online the fee schedule will need to be adjusted to reflect the additional charge.

Mr. Taber stated that staff is in the process of creating fillable forms.

D. BASKETBALL CAMP – DAN TABER

Mr. Taber stated the Community Services Department, as well as Dumfries Cares, is continually looking for ways to provide recreational opportunities for the youth in the Town. One suggestion is to sponsor a one-day basketball camp in conjunction with the General Heiser Boys and Girls Club. He wanted to see what kind of interest Council would have to become involved. He explained the camp would be for approximately four hours and there would be a half hour for Council Members to actively or passively participate. He would like an idea of who is interested in order for staff to work it into the program.

Mayor Foreman stated the idea was presented to him as more of a mentoring program that would include some basketball. It was mentioned that he could open the program, Mr. Toney likes to do things with the youth and could do the basketball portion. Every Council Member can bring their area of expertise and be involved.

Mr. Toney asked if they have identified the age range of the participants.

Mr. Taber indicated that has not been determined and part of the reason staff wants some input from Council. The age could range from elementary to middle school.

Mr. Toney would like to participate.

Ms. Washington was interested and suggested the age groups be separated. She mentioned mentoring one group while the other group played basketball in order to separate the elementary from the middle school.

Mr. Wood expressed that he would like to participate.

Mayor Foreman would like to be involved and noted that topics could be determined through email.

Ms. Washington thought there should be some high school basketball players to help since this is the age group Dumfries Cares has had problems reaching.

Mr. Toney noted he taught a life skills program for ten years and would like an opportunity to present this to the kids. He believes this will be meaningful and would address behaviors.

Mr. Wood asked to be put down for the importance of education.

IN RE: DISCUSSION ITEM(S)
A. PARKING OF CERTAIN COMMERCIAL VEHICLES IN RESIDENTIAL AREAS – OLAUN SIMMONS/CHIEF EDWARDS

Mr. Simmons stated that Council asked him to look at Town Code, Section 62-131, and provide a determination regarding commercial vehicles being parked in residential areas. In researching the law, it appears that if someone were to park a commercial vehicle in an HOA, the Police Department could ticket that individual. The commercial vehicle would have to meet the definition provided in the Code 62-131(b)-1 through 8.

Mayor Foreman stated that typically, Council receives more information.

Mr. Simmons noted a memorandum was prepared and will be shared with Council after the meeting.

Mr. Brewer asked what was being pushed forward. The Town already has a Code in place.

Mayor Foreman stated the Police Department would start enforcing it.

Mr. Taber noted the Police Chief met with the Town Attorney and discussed the eight requirements that determine whether a vehicle is commercial or not and got clarity.

B. COMCAST FRANCHISE AGREEMENT – OLAUN SIMMONS

Mr. Simmons indicated the last time this matter was discussed in February the Town was having some issues with the responsiveness of Comcast to the relocation of utilities for the Tripoli Improvement Project. Comcast understands its obligation to the project and he thinks it is now prudent to continue discussions on the franchise agreement. At the meeting in February Council had several questions. He contacted Marie Schuler. He noted the answers were provided to Council along with a copy of the Comcast franchise agreement with the Town of Orange and PWC. Also included is the Verizon franchise agreement with PWC and Comcast's model franchise agreement. This will allow for comparisons. The language is very similar in the Verizon and Comcast agreements. The Town wants to keep the franchise agreement in place because this allows Comcast to provide service to the citizens. He was looking for direction from Council on how to proceed. The Council had questions regarding a satellite office. Comcast stated that

this did not make good business sense. There were questions about Wi-Fi and Comcast informed him there are approximately 30 hot spots currently in the Town that are free of charge to subscribers of Comcast. If you do not have Comcast, you can apply to use the service for a fee. Copies of the service area maps were requested. Comcast indicated the maps are confidential; however, they are willing to work with the Public Works Department, as long as they remain confidential.

Ms. Washington thanked Mr. Simmons for answers to those questions.

Mr. Brewer does not believe there are 30 hot spots in the Town. He can only think of three: Town Hall, McDonald's, and Dunkin' Donuts. He wanted to see a list of the hotspots.

Mr. Simmons would ask for the list.

Mayor Foreman stated the office Comcast had in Town was not well advertised. He had no idea it was here until the last year it was here. From his point of view, as an elected official, part of doing business is having an office, for convenience, in the Town. He is not asking for a long-term commitment. He wants Comcast to help with economic development. He noted a slide could be placed on the Town's website and cable channel. He wants the Wi-Fi identified within the Town and a satellite office for six to twelve months. After that time, come back and report the usage. They need to advertise the office location.

Mr. Wood asked what the timeline is for Comcast.

Mr. Simmons stated there is no established time line at this time but that counsel would like to get this completed as soon as possible.

C. RESOLUTION AUTHORIZE TOWN MANAGER SCHEDULE PUBLIC HEARING ON ZONING TEXT AMENDMENT CHAPTER 70-282(B)(14) CUP B-2, USES ON GROUND FLOOR– OLAUN SIMMONS

Mr. Simmons stated this has been before Council before. The text amendment deals with allowing residential amenities on the ground floor. He is asking Council to move the resolution under the consent agenda for the November 5 meeting to authorize the Town Manger advertise a public hearing.

Mayor Foreman asked if the language is the same from the last time they reviewed it.

Mr. Simmons confirmed that it was.

Mr. Foreman moved, seconded by Ms. Washington, to move the resolution under the consent agenda for adoption on November 5 to authorize the town Manager advertise a public hearing.

Mr. Brewer asked if it was for the B-1 or B-2 zoning district.

Mr. Simmons stated it was the B-2 zoning district. He noted the resolution would need to be corrected to reflect the correct zoning district prior to adoption.

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

D. LEGISLATIVE AGENDA – DAN TABER

Mr. Taber stated that at the last meeting the discussion centered on focusing on fewer issues and to lobby the legislators to make sure these items are addressed. Secondly, Council wanted to track the Delegates and see what if any of the items were supported last year and the progress of them. Staff is working on this. At the work session in November, a list of legislative agenda items needs to be determined. Staff is more than willing to research any topics Council would like additional information on.

Mayor Foreman recommended having Tracy Gordon, PWC Legislative Affairs, at the work session. He noted she represents PWC, but she is willing to speak on behalf of the Town. The next item he would like on the list is House Bill 2 include language that Towns be represented. House Bill 2 compliments House Bill 2313 that was passed last year. He noted the State mandates that the Town have a Police Department and that should be a shared burden with some State funding to help offset the expense.

Mr. Brewer asked which items passed and did not pass from the Town's list last year.

Mr. Taber responded he would research it and provide that information to Council in November.

Mayor Foreman asked that he provide Council with a legislative summary.

E. RESOLUTION PROCLAIMING SMALL BUSINESS SATURDAY, NOVEMBER 29, 2014 – MAYOR FOREMAN

Mayor Foreman received an email from a small business group asking the Town pass a resolution supporting Small Business Saturday. He read the following statement. “We invite you to join in demonstrating your commitment to the small business constituents you serve. Falling between Black Friday and Cyber Monday, we believe that Small Business Saturday is essential to the preservation of the neighborhoods that compose the landscape of your local economy and enrich its unique culture.” Those consumers who were aware of small business Saturday spent a total of \$5.7 billion with independent merchants. Why support small business Saturday? It demonstrates commitment to the communities in which we do business. Creates goodwill within the communities where our employees work and live.

- ❖ 23,000,000 small businesses in America count for 54% of all US sales.
- ❖ Small businesses provide 55 percent of all jobs and 66 percent of all net new jobs since the 1970s.
- ❖ 73 percent of local small businesses aware of Small Business Saturday said they make it a point to hire employees from their neighborhood.
- ❖ When you make it a point to shop at an independent locally owned business 52 percent of what you spend comes back into your community.

Mr. Foreman moved, seconded by Mr. Wood, to move the resolution under the consent agenda for adoption on November 5. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

Mr. Toney stated he often uses the term; I am my brother's keeper. Today he broke down with a flat tire, two guys, Brad and Bob from Montclair, pulled over, and helped him out. He thanked them for their help.

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. Forrester, yes; 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 October 21, 2014; and

WHEREAS, the nature of the subject is the discussion and consultation with legal counsel pertaining to actual or probable litigation and the discussion or consideration of the acquisition of real property for a public purpose, or 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) (7) and 2.2-3711(A) (3) 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. Forrester, yes; 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 Council of Dumfries does hereby reconvene in Open Session at its meeting of October 21, 2014 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

IN RE: ADJOURNMENT

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Mr. Foreman moved, seconded by Ms. Reynolds, to adjourn the meeting. The motion carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, yes; 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