

AT A SPECIAL CALLED MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON OCTOBER 22, 2013, AT 5:00 P.M., IN THE COMMUNITY CENTER, 17757 MAIN STREET, DUMFRIES, VIRGINIA:

THERE WERE PRESENT: Mayor Gerald Foreman
Vice-Mayor Willie Toney
Charles Brewer
Helen Reynolds
Gwen Washington (arrived after convening into closed session)
Derrick R. Wood
Daniel Taber, Town Manager

THERE WERE ABSENT: Kristin Forrester

IN RE: CALL TO ORDER AND ROLL CALL

Mayor Foreman called the meeting to order.

IN RE: CLOSED SESSION

Mr. Foreman moved, seconded by Mr. Wood, 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, absent; 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 22, 2013; and

WHEREAS, the discussion, consideration, or interviews of prospective candidates for employment 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 Council of Dumfries does hereby convene in Closed Session for the purpose(s) herein expressed pursuant to the legal authorities herein recited.

Mr. Foreman moved, seconded by Mr. Wood, 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, abstain; 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 22, 2013 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

IN RE: ADJOURNMENT

Mayor Foreman adjourned the meeting.

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Gerald M. Foreman
Mayor

**AT A WORK SESSION OF THE DUMFRIES TOWN COUNCIL, HELD ON OCTOBER 22, 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
Kristin Forrester
Helen Reynolds
Gwen Washington
Derrick R. Wood
Daniel Taber, Town Manager

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. Foreman moved, seconded by Ms. Forrester, to adopt the agenda as presented. 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.

IN RE: CITIZEN COMMENT PERIOD

There were no citizen comments.

IN RE: PRESENTATIONS (NONE SCHEDULED)

IN RE: INFORMATION ITEMS

A. TREASURER'S REPORT – RETTA LADD

There were no comments or questions.

B. RESOLUTION MAKING APPOINTMENTS TO THE TOWING ADVISORY COMMITTEE – CHIEF EDWARDS

Chief Edwards noted the Towing Advisory Committee was created on March 2, 2010, and the bylaws were approved June 22, 2010. The bylaws require the Chief of Police to serve on the Committee and an equal number of police officers to towing companies serve on the committee. The Chief of Police fills one of the officer positions. Upon review, it was noticed that the information submitted in the Council packet was in error. Her report stated the need for the Chief plus two officers, but the correct number is the Chief plus one officer. She will amend the resolution to reflect the appointment to fill the Chief's

position and Sergeant Mark Robinson to fill the Police Officer position and requested it be moved to the Consent Agenda for the November 12 meeting.

Ms. Forrester moved, seconded by Mr. Wood, to move the resolution as amended to the November 12, Consent Agenda for adoption.

Mr. Toney recalled the Committee consisted of five members.

Chief Edwards stated the bylaws were written such that the same number of towing companies on the on-call list for the Police Department match with the number of officers and one citizen.

Mr. Toney thought the structure seemed skewed. The towing companies would be setting policy for towing, which he debated at length when this originally came up. The Town Attorney told him that the composition of the Committee was dictated by State statute.

Chief Edwards explained that if any issues came up the Committee would review them. In her short tenure on the Committee, they have dealt mostly with ordinances.

Mr. Taber said that Council had approved the policy that governed the Committee and has the final say on any policy amendments or changes.

Mr. Toney said his point was the citizens are the ones who are affected by the actions of this Committee that consists of two police officers, two towing companies, and one citizen, which seemed unbalanced to him. He understood the composition was dictated by State statute, but he wanted to point that out.

The motion to move the resolution as amended to the November 12, Consent Agenda 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.

C. RECYCLING OUTREACH PROGRAM – RICHARD WEST

Mr. West, Director of Public Works, met with representatives of American Disposal Systems Corporation (ADS) the day before, to discuss outreach programs, recycling issues in general, and contractual items. Staff is expecting a response from ADS very soon regarding some of the public outreach to educate the public in recycling. What can and cannot be accepted at curbside trash disposal. ADS will be helping with an article for the next newsletter. The holiday schedule for ADS is on the website and the Town's television channel. ADS will be looking at the Public Works portion of the website and help improve some of the links to vendors to make it easier to find information on the website.

Mr. Wood asked what "very soon" meant. This year, next month, next week, etc.

Mr. West noted the deadline for the newsletter is November 1. An update will be provided as to when the newsletter will be published. The website was expected to be updated by the end of the year.

There has been discussion about getting a group to help distribute flyers throughout the Town on things like the creek cleanup scheduled for April.

Mr. Wood thought it was ADS saying very soon, but it is really staff. He understood that ADS was doing some of the education, in addition to staff.

Mr. West noted staff would be establishing a timeline/schedule for projects, and will be working closely with ADS over the next month or so.

D. AMERICAN DISPOSAL WINTER/HOLIDAY SERVICE SCHEDULE – DAN TABER

Mr. Taber reported that in addition to the schedule being on the website and the Town’s television channel they will be mailed to the homeowners’ associations to include in their newsletter. Citizens can go to the website to find the holiday schedule or in the case of a snow event. Trash will be picked up; however, it may not necessarily be on the regular pick-up day, due to ice, snow, or a holiday.

E. INTRODUCTION OF NEW STAFF MEMBERS – DAN TABER

Mr. Taber introduced Marcus Jones and gave the following background.

- Comes from Action in Community Through Service (ACTS)
- Background in accounts receivables and accounts payable
- Set up programs to track issues relevant to the job
- Will be working the front desk
- Graduate of Boston University – Bachelor of Science Degree

Mr. Taber introduced Monte Stevens and gave the following background.

- Veteran of the United States Marine Corps with 22 years of service
- Strong background in engineering
- Managed many expensive projects for the Marine Corps that included construction projects
- OSHA qualified, FEMA emergency management graduate
- Was a licensed builder in South Carolina and has a construction license in North Carolina
- Outstanding administrative and Microsoft Office skills
- He will be working in Public Works providing support to the Zoning Administrator, Building Official and Director

IN RE: DISCUSSION ITEMS

A. UPDATE AND REVIEW OF CAMPBELL PROPERTY NOTICE OF VIOLATIONS – LAURA O’DELL AND RICHARD WEST

Ms. O’Dell stated that staff has been working with the Campbell’s for several months now and recently issued them a notice of violation for piles of tires that were spread about throughout the property. The Campbell’s have removed about 75 percent of the tires, but there were two more piles in the back of the property. She spoke with Mr. Campbell’s son, who is managing the property, and he claims all of the

tires would be removed by November 1. Once that is completed, she will discuss the issue of the salvage yard and junkyard that appears to be operating from the property. The Campbell's claim that there are people renting out spaces to work on vehicles; however, there are 200-300 salvaged or wrecked vehicles on the property. She contacted the Department of Environmental Quality (DEQ) to come out and inspect the site, because Little Creek runs along the border of the property and given the cars are leaking substances, which is visible in the potholes on the site, there is pollutants reaching the creek.

Mr. Brewer asked if written violations have been issued for the property.

Ms. O'Dell responded a notice of violation was issued for the tires, but since the property is so large with numerous violations staff wants to handle the violations one at a time. Staff is also waiting for the new Town attorney to assist with the other issues on the property.

Mr. Brewer asked if other tenants of the property have been cited or just Campbell.

Ms. O'Dell said it is just Campbell, and eventually it will be for all of the inoperable vehicles on the site, which was a much bigger violation to tackle due to the magnitude of the vehicles on the property.

Mr. Brewer stated that DEQ has visited the site already. He asked if staff had the report from DEQ's previous visit.

Ms. O'Dell also met with the Fire Marshal's office, and two of the inspectors came out and inspected the property. Due to the large degree of combustible issues and electrical problems on site, the Fire Marshal is trying to get a combustibles expert to inspect the property.

Ms. Washington asked about the weather-damaged sign on Route 1 behind the shopping center.

Ms. O'Dell has issued a notice of violation. The owner claims they did not receive the letter and the property owner is placing the blame on the owner of the sign. The property owner has to remove the sign; however, Virginia Department of Transportation (VDOT) has stated the Town has no jurisdiction over the sign. It is a VDOT issue and the Town cannot interfere with their regulations. Removal of the sign is something the new Town attorney would need to address.

Mr. Toney noted the Campbell property issues have been going on for many years. They were dealing with issues when he was on the Board of Zoning Appeals (BZA) at least eight years ago. Mr. Campbell came to Council, about three years ago, with a proposal for developing the property. A plan was presented to make it the "Harbor South," which was met with enthusiasm. Council was looking at rezoning the property to allow the development to take place, but now it seems the property was fraught with violations. He pointed out that there are businesses operating on the property without a business license, which was admitted to during a previous hearing regarding the property.

Ms. O'Dell has met with most of the businesses that are located in the buildings on the property and many, but not all of them, have licenses. Staff is working on this, noting the main problem is the businesses that have taken residency on small sections of land that Mr. Campbell leases.

Mr. Toney asked if any portion of the property was still being used as a storage yard for heavy equipment.

Ms. O'Dell has seen activity like that taking place on the site. When staff started to pursue violations on the property, Mr. Campbell came in and showed staff plans for developing the property; however, nothing has improved since the violations were issued, and the situation has actually gotten worse.

Mr. Toney hoped Mr. Campbell recognized it would be in everyone's best interest to develop the property as he proposed. It would also be to his benefit to cease the overt violations and come into compliance.

Ms. Forrester wanted to hear more about the VDOT regulations that prevent the Town from fixing the sign, because this has been going on for six or eight months.

Ms. O'Dell has requested a meeting with VDOT on the issue.

Mr. West noted staff addressed other issues on the Campbell property that involved land disturbance and property encroachment, as well as a slight infringement on the resource protection area. The notice of violation was for dirt that had been filled to make an addition to the parking area, which was done by one of the tenants, that has been adjusted to allow water to flow through the ditch so that it is not blocking water from flowing further upstream. The encroachment is on Town owned property where the maintenance shop is. Staff is obtaining quotes to re-survey the property lines and establish the resource protection area in order to make sure it does not get disturbed.

B. REVIEW THE PLANNING COMMISSION'S (PC) PROPOSED CHANGES TO THE B-1, B-2, AND FB/O ZONING DISTRICTS – LAURA ODELL

Ms. O'Dell noted the PC has worked for about a year on amending the zoning ordinance to condense it. There were not too many changes made from the 2011 amendments other than being condensed more.

Mayor Foreman pointed out that in the ordinance it is annotated that parking is in the rear of the business for some and it does not say anything for others. The Town's vision needs to be looked at as to whether the Town wants parking in the rear or not or whether it is just for high-density areas. This is minor in nature, but it is important to be clear when applications are submitted for plans.

Mr. Brewer asked if there was any way to apply a saturation point in the ordinance on the number of a certain type of business being in a certain zone.

Ms. O'Dell was not sure whether legally one could prevent a number of certain business types in an area.

Mr. Brewer recalled this being discussed with Prince William County (PWC), and PWC indicated they had a saturation point in certain zones to prevent having too many of a single type of business in one area.

Ms. O'Dell has never worked with an ordinance like that, but she would look into it.

C. REVIEW THE PROPOSED YARD SALE ORDINANCE – LAURA O'DELL

Ms. O'Dell mentioned there have been several yard sales in Town. Typically, what is required is a temporary use permit, outlining details of the event, and staff would approve it. The Town's code does not address yard sales. Staff has created a paragraph to amend code to be included in the temporary use section to deal with yard sales in Town. This would provide regulations on the number and volume of yard sales, in order to keep yard sales from happening anywhere, at any time, as many times as an individual wants. The amendment is "Yard sales for the temporary sale of household goods will be allowed on residential lots, legally nonconforming residential lots, and church-held yard sales." The reason it is written this way is that Council expressed concern about Main Street, Fraley Boulevard, and Graham Park Road; however, there are churches along these streets that use yard sales for fundraising activities. Staff did not want to limit those activities for churches.

Mayor Foreman explained when this was discussed a year ago, Chief Forker had expressed concern about cars stopping and slowing down to look at yard sales. Council had said churches were okay, but the main concern was that Main Street, Fraley Boulevard, and Graham Park Road are the main thoroughfares to the Town and Council did not want the Town to be known as a swap meet or yard sale center.

Mr. Brewer agreed with including churches; however, there are issues with traffic flow. The whole purpose of the ordinance was to enhance traffic flow, as this area was gridlocked during the weekends.

Ms. Forrester asked about the citizen on Main Street who had an ongoing yard sale, and whether that would expire.

Ms. O'Dell noted the citizen has a vendor license. Depending on the merchandise, it would be considered a yard sale. Once the vendor license expires, the citizen will not be able to renew the license.

Mayor Foreman asked Council if they wanted Main Street, Fraley Boulevard, and Graham Park Road listed in the ordinance.

Mr. Foreman moved, seconded by Mr. Brewer, to add the following language; No yards will be conducted on Main Street, Fraley Boulevard, and Graham Park Road.

Mr. Wood asked how the term yard sale and vendor were being defined. There needs to be a clear definition to distinguish the difference between the two.

Ms. O'Dell explained that a yard sale consists of the sale of household goods. She was not sure how vendor was defined; however, clarification will be made in order to distinctly separate the two.

Mr. Wood noted the lack of clarity would be a sticking point for him to make a decision and vote on the matter. Along Graham Park Road, several townhouse communities have yard sales. He felt the ordinance should pertain more to the Route 1 corridor.

Ms. Forrester agreed the definitions were unclear. She still did not understand the difference between vendor, yard sale, and temporary roadside vendor. She does not have a problem with people having yard sales, as long as the Town is not charging a fee. For as long as she has lived here, she cannot remember ever driving down Route 1 and seeing a yard sale cause traffic to slow down.

Mr. Brewer noted the main difference was that vendors have a license. There are consignment shops that sale things that you might find in yard sales, but they have a business license to do so.

Ms. Reynolds thought this was a work session, and as such, she did not think they were committed to vote.

Mayor Foreman explained that Council could vote to move something to the Consent Agenda, or direct staff to craft language for something, or give staff direction on an item. The first meeting of the month is for staff reports, questions, and is when Council can take action, adopt resolutions and ordinances. The second meeting is Council's opportunity to discuss, express thoughts, etc. and Council would not be voting at this meeting to adopt the ordinance.

Mr. Toney asked for clarification as to why language was being crafted to regulate yard sales at this time.

Ms. O'Dell explained people are having yard sales, there is nothing-regulating yard sales, and Council directed staff to look into how to prevent yard sales along Route 1.

Mr. Toney felt that government sometimes gets too intrusive. He has not seen anything that was such an eyesore that would require regulation.

Ms. O'Dell explained one reason it is good to have a yard sale ordinance is that localities that do not have regulations have homeowners who decide to start a business by having a yard sale in their front yard every Saturday. Without an ordinance, a locality has no way to prevent this from occurring. The ordinance is a way to address that type of situation. The yard sale regulations are not restrictive, there is no permit fee, they can have a yard sale a couple times a year, and the language could be changed to make it even broader. The reason the language of residential lots only was put in and not for Main Street, Fraley

Boulevard, and Graham Park Road was that Jefferson Davis Highway and Route 234 would not be included.

Ms. Reynolds asked if someone could sale barbecue at a yard sale.

Ms. O'Dell noted one permit, per yard sale, can be issued per lot and a license to vend barbecue would be different. Whatever permit is issued it will spell out what is allowed. She noted that vendors and yard sales on the same lot could be addressed in the ordinance.

Mayor Foreman mentioned the ordinance was started well over two years ago and has come a long way to get down to just two paragraphs. Direction has been given to staff to distinguish between a vendor and a yard sale.

Mr. Foreman amended his motion to include Jefferson Davis Highway and Route 234.

Mr. Brewer agreed to the amendment.

Ms. Washington asked if the motion could be amended to leave out Graham Park Road and only include Route 1 (Main Street), Jefferson Davis Highway, Route 234, and Fraley Boulevard. She felt those roads were more like thoroughfares and Graham Park Road was more of a community area.

Mayor Foreman agreed to remove Graham Park Road from the motion.

Mr. Brewer agreed to the amendment.

Ms. Reynolds was concerned with having a mixed use. She asked if there was a way to put language in to have an either/or situation.

Ms. O'Dell would come up with language to address that and bring it back to Council at the next meeting.

Mr. Wood asked if the vote would make it illegal for residents in trailer parks and mixed use areas, like the area around Reo's Tattooing, to have yard sales.

Ms. O'Dell explained that the area around Reo's and the trailer park community have a separate street name and do not front Route 1, so they would be allowed.

Ms. Forrester indicated that never would have occurred to her that a small service road would not be Route 1. She was concerned that a future zoning administrator might not interpret the ordinance the same way that Ms. O'Dell does. If the goal were to clean up Route 1, this language would not address the service road that runs parallel with Route 1.

Mayor Foreman explained his motion means the frontage, which was what the language stipulated.

Ms. Washington clarified that the question is about streets that intersect with Route 1, so this ordinance would have no affect; however, if it were at the corner of the intersection at Route 1 it would be affected by the ordinance.

Ms. O'Dell noted the reference to on Route 1 would cover those intersections.

Ms. Washington recalled that there have been problems with people having yard sales on Route 1 on the weekend and leaving items in their yard weeks after. She pointed out that it is important to have something to address the major thoroughfares.

The motion on the floor is to add language to the yard sale ordinance stating that yard sales are not permitted on Main Street, Fraley Boulevard, Jefferson Davis Highway, and Route 234. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, no; Ms. Washington, yes; Mr. Wood, no.

Mayor Foreman asked if staff wanted a decision on churches.

Ms. O'Dell noted that Mr. Brewer stated churches should be included and she did not receive input from anyone else.

D. APPLICATION FOR A CONDITIONAL USE PERMIT (CUP) FOR KID'S ZONE DAYCARE – LAURA O'DELL

Ms. O'Dell advised this is a CUP for a daycare to be located at 17926 Main Street. This building was previously used for a coffee shop\bakery. Prior to that, it was used for a daycare for four years. The building is suited for daycare use, meets parking requirements, and the building next door is a church with a daycare. There is a fence separating the commercial use from the residential uses. The business would cater to families in the surrounding area that need daycare services. The daycare would have space for up to 30 children maximum, which has been confirmed by the state licensing board for daycares. The applicant has traffic and safety measures allowing vehicles to come in, park, and come out. There would be someone greeting the children as they are dropped off and signing them in. The applicant submitted documents earlier with changes that included diagrams showing traffic flow patterns, an increase in fence height from three to four feet, the first floor diagram shows an infant area and a handicap accessible bathroom, and a business plan showing the provider to child ratio as required by the State. The number of individuals hired will be based on the number of enrolled children. The Virginia State Licensing Department was contacted and it was confirmed that there are no specific requirements for fence height or type, which was a concern of the PC. The applicant is proposing six employees and up to 30 children, starting with 15 children when they open.

Mr. Brewer mentioned two previous Council's had concerns with a daycare/school going in at the corner of Route 1 and Mine Road because there are no barriers to keep a car from going into it and the proposed daycare would be in that same situation. He is not a fan of having daycares on Route 1, because there was no protection for the children, and Council needs to be consistent in the treatment of such proposals.

Ms. O'Dell stated this particular building is set back and is not located at an intersection.

Mr. Toney was somewhat struck by this application, because 45 seemed like an exorbitant number to have in that building. He did not think there was as much floor space as the Council Chambers on the top floor. He was relieved that the staff ratio had been increased.

Basima Alagrabawi explained that staff would be hired based on the number and type of children enrolled in the daycare. Her initial estimate of 45 children, plus staff, was high, and it would likely be between 25 and 30. She mentioned the State licensing board has not visited the site yet, but ultimately it would be up to them how many children will be allowed.

Mr. Toney explained that Council did not want to be anti-business, but the ultimate concern is the safety of the children. The applicant addressed some of his concerns. He hopes the daycare facility meets all the State requirements.

Ms. Forrester stated Council's only purview was whether the proposed use would work in this particular space. If Council granted the CUP and the State didn't approve the facility, the business could not open. The application that was referred to previously is on a curve where there is no stop sign or yield and at night people may not realize the road curves. The section of Route 1 this facility would be located at is straight. She pointed out that the other daycare was not going to be a State licensed childcare facility.

Mr. Wood agreed. The building next to the proposed business has a daycare facility. The number of children would be dictated by the State and Council does not make that determination. He could see this as a viable business for the community.

Mr. Brewer moved, seconded by Mr. Toney, to move the CUP to the November 12, Consent Agenda to authorize a joint public hearing.

Mayor Foreman mentioned that the sign for the daycare falls under another ordinance and needs to be applied for and approved. He noted the daycare is allowed one free banner for the grand opening.

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.

E. CHANGING COUNCIL POLICY TO REVERT BACK TO TWO REGULAR COUNCIL MEETINGS – COUNCILWOMAN FORRESTER

Ms. Forrester stated the reason Council changed to a work session and a regular session, was to have one meeting that would not be broadcast in order to discuss and hash out details, without taking votes, with the benefit that when the regular session came up the meeting would go faster. What has happened instead of having the benefit of a shorter regular session, the work of the Council has slowed because Council can only make decisions once a month. She thought Council should go back to every meeting being a regular meeting.

Mr. Brewer noted the reason the meetings lasted long was that things were added to the agenda.

Mr. Wood asked what the intention was. Whether it is to move things through faster or to make work sessions more efficient.

Mr. Toney explained the advantage of having a work session is the ability to hash things out. At a regular session, there is a two-comment rule, which makes sense after being able to discuss and hash out an issue at the work session. The work session enables Council the ability to exhaust an issue, which lets the citizens be clear on where Council stands. If meetings only allow two comments without that discussion, it may not provide adequate consideration. It was important, at some point, to have a work session for discussion. He did not feel the change needed rested with the work session and lies somewhere else.

Ms. Reynolds understood the work session was in order to gain more understanding of the issues. In a regular session, an applicant may not be able to interact with Council. The work session is less formal. The reason regular sessions were taking longer needed to be addressed as a separate issue. She did not agree with going back to two regular sessions.

Mayor Foreman pointed out that prior to him becoming Mayor the meetings often went until midnight. He has allowed Council members in regular session to go past two minutes. The reason for the two-comment rule was to allow everyone an opportunity to discuss an issue; however, he has allowed Council members to speak more than twice on numerous occasions. There have been occasions when time limit is placed on a meeting and when the time is reached anything that is left to be discussed is placed on the agenda for the next Council meeting. Regular meeting agendas have 17 items and the work session only has seven. The only thing he could see to move from a regular session to a work session was presentations noting that presentations that require a lot of discussion would be more feasible to have during a work session, which allows for a longer period of questions and answers. Boards and Commission Reports, Council Reports, and Staff Presentations should be at the first meeting of the month, and Council Reports on Meetings with Elected Officials Pertaining to the Town are very brief.

Ms. Forrester pointed out that at work sessions Council could ask questions and engage in dialogue; however, in the past this was done at both meetings, there had not been limits on talking enforced. She felt it was too long to wait a month before voting on an item. She would prefer going back to two regular sessions and suspending the two-comment rule. Presentations were never supposed to be at a regular session and was always supposed to be at a work session. Items were divided between discussion and action on each agenda depending on the matter before the Council. She would like to have a straw poll, because it would require another vote to bring the item back if it were defeated.

Mr. Brewer stated the reason they got rid of straw polls was to make everyone accountable. He brought up the motions discussion because motions could not be made at work sessions. This is just semantics. A meeting is a meeting regardless of whether it was called a work session or a regular meeting. He felt Council should be able to make a motion and take a vote during a work session. All this does is prolong things and Council should be able to vote at any time in order to keep from delaying the Town's business.

Ms. Forrester made the motion to move to the next meeting a vote on all meetings being regular meetings and suspend the two-comment rule that failed due to the lack of a second.

F. ROUTE 1 WIDENING EFFORT – MAYOR FOREMAN

Mayor Foreman explained this item is for Council to discuss and move forward a recommendation for vote at the November 12 meeting on how to proceed with administering the Route 1 widening effort, UPC 90339. His requested action of Council is to provide administrative direction on Route 1. He advised Council that the three options are as follows.

1. Town Manage the project
 - a. Requires a consultant
 - b. Town retain final decision authority
 - c. Receive a quarterly brief on project
 - d. Talking directly with VDOT
2. VDOT Administer the project
 - a. Require an Memorandum of Understanding (MOU)
 - b. Town retain final decision authority
 - c. Receive a quarterly brief on project
 - d. VDOT can leverage with other projects
 - e. Talking directly with VDOT
 - f. VDOT has provided all funding to date
3. PWC Administer the project
 - a. Require an MOU
 - b. Town retain final decision authority
 - c. Receive a quarterly brief on project
 - d. PWC can leverage other projects
 - e. Lines of communication are convoluted: who is the exact point of contact PWC Board of Supervisors, PWC Department of Transportation, or PWC Executive.

This is open for Council discussion. In his opinion, there are a lot of advantages working with VDOT. VDOT has been very responsive to Town staff. He did not feel the Town would lose any decision-making authority.

Ms. Reynolds asked why a consultant would be paid with option one if VDOT was paying for everything.

Mayor Foreman explained this is a large project for staff to handle. Staff is working with a consultant, the Berkley Group, who could do the work. The consultant would be paid from the \$1.6 million VDOT has set aside for the Town, which came from a visit to the Commissioner of the Commonwealth Transportation Board (CTB).

Ms. Reynolds asked if the funding was allocated for another purpose and why Council would pay for a consultant if VDOT has a plan in place.

Mayor Foreman explained that with option one, VDOT has a larger staff with design engineers and the project is too big for staff to handle, so a consultant would be needed. With option two VDOT would manage it and the Town would still have oversight.

Ms. Reynolds asked if what she was hearing was that Mr. Foreman did not want PWC to have anything to do with this.

Mayor Foreman indicated he just listed the options with the pros and cons as he saw them. He was certain that other Council Members would have thoughts as well to add to the pros and cons.

Ms. Reynolds asked why PWC was an option when it has been stated that PWC will not administer the project.

Mayor Foreman was certain that it was still an option.

Mr. Brewer took Ms. Peacor's email as being very condescending. Residents of the Town pay PWC taxes too. He encouraged Ms. Peacor to contact him. He brought up a comment that was made by the former PWC Executive about the Town being the little Section 8 Town when Council was trying to negotiate 911 funding through PWC for radios in the police cars. He did not want PWC to do anything for them. He would be in favor of hiring a consultant, since he was not familiar with VDOT's project management capabilities.

Ms. Forrester stated Council has the right and the obligation to discuss the project. PWC had already made plans to put in place an intersection at Potomac Shores that the Town did not agree with, which raised concerns about how the Route 1 widening project would be administered. In reading Ms. Peacor's email, it struck her as more arrogance that is typical from PWC. She had concerns about VDOT. Her preference is to hire a consultant and manage the project in-house.

Ms. Washington was thrown by the nature of the letter too. She did not understand how a discussion, without a vote being taken, would lead to this letter. She wanted to hear from Mr. West as to whether his department had the capacity to manage the project working with VDOT, or whether another resource was necessary.

Ms. Reynolds stated Council needs to work with everyone and should not isolate themselves if they need help. This was something the Town was doing for the people. Her concern was taking money out of the pot for a consultant, which means less funds are available for the actual widening. She hoped that Mr. West could clarify the need for outside help. The Council could be more professional than launching personal attacks. Council needs to have a goal of what is good for the Town. She was not concerned with what was said in the past. She was concerned with what was happening now and that is the problem with Route 1.

Mayor Foreman stated that Council would be working with Richard Burke's office, which is the office that builds roads. He noted that Mr. Burke has been professional from the beginning. Mr. Burke assisted the Town in getting to Richmond, opened doors, and works with the Northern Virginia Transportation Authority (NVTa), as well as the CTB. He wanted Council to understand that when talking about VDOT they are the ones who control the right-of-way funds and money for the UPCs. The Town has \$1.6 million; however, the widening project is estimated to cost \$60 million. When the Town asks for money, Mr. Burke is one of the Town's biggest advocates. VDOT hires consultants too for a focused effort. PWC brings a lot to the table and he never said he wanted to eliminate PWC from administering the project. Council correspondence should be between elected officials. The Town Manager should be corresponding with Ms. Peacor. He did not interpret Ms. Peacor's letter as saying anything other than "we are not interested." He felt VDOT was a good option for the Town, as they have willingly come to the table when asked, and the money started flowing to the Town the day after they left the Commissioner's office.

Mr. West stated that if the Town was to administer the project a consultant would be hired just as PWC would do if PWC administered the project. VDOT given the size of the project, will use staff, but will more than likely pull in a consultant or consultants. In his 38-year career, he has worked on infrastructure projects for local government that cost millions of dollars. Some of which have involved federal funding and federal audits. When VDOT looks at who will administer a project, VDOT wants proven experience in bringing in a 60 to 100 million-dollar project that is federally funded, which he did not have. The Town could act as the responsible party; however, the Town would need to hire a consultant to be the project manager who has experience in similar sized projects. The Town has a competent

consultant, but VDOT has hesitations working with them because of the project scope and lack of experience. If the Town were to manage the project, a request for bids would have to go out. The Town has two on-call engineering firms, but VDOT would likely have reservations about both of them. He mentioned PWC was one option and the reason the Town considered PWC was the resources. A fully staffed department of transportation, engineers, planners, budget staff, in conjunction with familiarity of VDOT's process, the required permits, and having administered Federal Highway Administration (FHWA) projects. To get through a FHWA project there are 87 steps. If a misstep is made along the way, there is the risk of having to give back some or all of the funding that was provided. VDOT has the staff and resources to manage the project. If the Town decides to manage the project in-house a request for bids would need to go out and that could delay things by six months. He was getting the inclination that the Town could be at risk of losing money for the project if it does not move diligently. There were three phases in VDOT projects: preliminary engineering, right of way acquisition, and construction. The Town has enough money to get well into preliminary engineering and will then know how much money will be needed for right-of-way, noting that the project was estimated to be 60 to 70 million dollars. The Town is a member of the Urban Construction Initiative (UCI), a VDOT program, and the smallest member of the group, which included cities like Newport News and Hampton Roads. What that means is that the Town has shown an ability to handle VDOT projects of a limited scope. He is in regular contact with a local administrative project manager with VDOT. UCI meets quarterly and the Town gets a lot of support from that group.

Mr. Taber explained that looking at a cost benefit analysis and the entire project intricacies; he would not hesitate to use VDOT to manage the project.

Mr. Brewer moved, seconded by Mr. Foreman, to accept the Town Manager's recommendation to have VDOT manage the project.

Ms. Forrester had already expressed her concerns about VDOT. She wanted to know how the project money was at risk. Council was not even aware this was an issue until the last meeting. She found the threat of losing the money in just three weeks to be a little bit odd. The money to manage the project would not be saved regardless of who managed it, even if it is an outside consultant, and it was misleading to imply that VDOT would somehow be cheaper.

Mayor Foreman stated the Town received the money in February, at which time they told VDOT they were pursuing an MOU with PWC. No one has said the Town was going to outright lose the money, but the question has been asked what the Town was doing with the money since it has been 10 months. If the Town has a plan as to what the money is going to be spent on, it should be ok.

Ms. Forrester advised that Council was not made aware that a decision needed to be made.

Mayor Foreman pointed out that was a discussion at the last Council meeting. VDOT had a July date that the MOU would be signed, because that begins the first of the fiscal year. The CTB was meeting now and typically, a locality would report on the progress of its projects. If the Town sits on the \$1.6 million for another few years, it will be unlikely the Town would have a strong case for more money. VDOT's general statement has been that if the money is not used, you will lose it. The money would be used for a consultant, no matter who does the managing.

A brief discussion was had about staff recommendations and it was clarified that any staff recommendations come through the Town Manager.

Ms. Washington asked if VDOT took on the project who would head up the finances for the project.

Mayor Foreman explained the Town would still request the money, and it might require a joint effort with the CTB or NVTA.

Mr. West explained the management of the money would work as any other funding did. The Town pays the consultant then a reimbursement request is made. The money is initially paid out of one of the Town's bonds. With a Federal project, the request is made to VDOT who turns around and requests the money from the FHWA. The Town's initial outlay for the \$1.6 million was about \$7,000.

Ms. Washington asked who would handle the finances if PWC managed the project.

Mr. West responded that had not been fully worked out, but the Town would likely see bills from PWC to the Town.

Ms. Washington was concerned with the project being botched, which she did not want to see happen while she was on Council. She stated the Town's Department of Public Works is very limited, with two staff members, and worried about being understaffed and missing a step that might jeopardize the projects funding. She noted PWC had more capacity and experience, the Town pays for those services, and perhaps they need to take a closer look to see what is needed to get the project done without overburdening staff that is already overworked. She asked if there is a way to work with both PWC and VDOT.

Mayor Foreman noted VDOT was the only one who said they would come down and provide a quarterly briefing on the project, as stipulated in the MOU, and VDOT was going to have to answer to the Town. He could not state whether PWC would too due to the breakdown in communication. He stated that everything was in place with VDOT, although there was always some red tape.

Ms. Reynolds appreciated the explanation of the difference between using VDOT versus PWC, but she would like to focus on the needs of the citizens and see a timeline for this project. She was tired of talking and listening and wants to see some action. She asked the Town Manager if that was possible.

Mr. Taber explained it was up to Council to set that in motion by establishing a management entity.

Ms. Reynolds stated that Council needed to start doing something. Council needs to use the money awarded wisely. She did not care who did the management, as long as the project was started soon.

The motion on the floor to accept the recommendation of the Town Manager to have VDOT manage the Route 1 widening project carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, no; Ms. Reynolds, no; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, no.

G. DISCUSSION ON THE COMMUNITY CENTER USE POLICY – DAN TABER

Mr. Taber reminded Council that the Community Center Use Policy has been discussed, at length, for several months. There are three outstanding issues to be resolved. The grandfathering of currently existing uses, which was not reflected in the draft. There was a thought that it was a decided factor from a previous discussion; however, he went back and could find that being decided. The use of the facility at no charge, once a month, to nonprofits headquartered and working directly out of the Town, which is included in the draft. There was discussion about whether for-profit uses would be prohibited from using the facility, which was not in the draft policy. The question is whether Council wanted to allow people or commercial entities to use the facilities in order to make money.

Mr. Toney moved, seconded by Ms. Reynolds, to amend the language on page four under “groups/categories” to include “Town of Dumfries officials,” in order for Council Members to use the building.

Mr. Brewer did not understand why a Town official should have preferential treatment over anyone else wanting to use the building. If he wanted to use the building, there was no reason why he could not. He did not think Council was better than anyone else in the community.

Mr. Toney explained that, as elected officials who do not have offices Council should be able to conduct affairs, as the building was available.

Mayor Foreman could support the use by elected officials, but the facility should not be used for political party or individual political purposes.

Mr. Toney did not feel it was wrong to use the facility for a political party meeting, but not for campaigning.

The motion carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman, no; Ms. Forrester, no; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

Mr. Foreman moved, seconded by Mr. Brewer, to amend the policy to not include the grandfathering clause and that there be no commercial for-profit use of the facility.

Mr. Toney asked if staff could clarify which groups currently used the facility.

Cydney Neville noted that since she has been with the Town the same groups have been using the facility. Women in Community Action, Rolling Thunder, Rebecca's Lodge, and Historic Dumfries use the facility once a month, except for Historic Dumfries who uses the facilities occasionally.

Mr. Toney felt these groups were in good standing and should be allowed to continue using the facility.

Ms. Washington pointed out she was the person who brought up grandfathering. She was not sure how many organizations were using it, but it does not speak well for the Town to have a Community Center that no one is using. These groups make contributions to the community and other localities show appreciation by grandfathering groups once the building becomes more popular.

Mayor Foreman asked if the groups would be advised that there was a new policy and whether they would sign a new use form.

Mr. Taber pointed out the groups are nonprofits and would be covered in the policy without needing the grandfathering clause. His concern is that someone who used the building three years ago could be grandfathered based on the language. The policy could clarify that a nonprofit could use the facility at no charge once a month.

Ms. Reynolds asked for clarification of the motion.

The motion on the floor is to direct the Town Manager to not include the grandfathering clause and that there be no commercial for-profit use of the facility.

Ms. Reynolds asked if the motion could be separated.

Mayor Foreman stated the motion could be removed entirely because the two items are not currently included. The only inclusion for the use of the facility is for Town officials. He rescinded his motion.

Mayor Foreman moved, seconded by Mr. Brewer, to not grandfather in current and existing users.

Mr. Toney felt a nonprofit group, in good standing, should be grandfathered.

Mayor Foreman pointed out that nonprofits were already grandfathered in under the nonprofit clause, and there were only three of them.

Mr. Toney asked who else was grandfathered in.

Mr. Taber explained that anyone who has used the building in the past could interpret they are grandfathered in.

Mr. Toney noted language needs to be specific if they were precluding for-profit organizations.

Ms. Neville indicated the four groups would need to be written into the policy. She suggested Council include a timeframe to review the policy, at which time Council could review the grandfathering.

Mr. Taber understood the suggestion was to grandfather those four organizations. In addition, any nonprofit that is not grandfathered would be allowed to use the facility once per month free, under another category.

The motion on the floor to not include grandfathering failed by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, no; Ms. Reynolds, no; Mr. Toney, no; Ms. Washington, yes; Mr. Wood, no.

Mr. Toney moved, seconded by Ms. Reynolds, to amend the policy to grandfather Women in Community Action, Rolling Thunder, Rebecca's Lodge, and Historic Dumfries. The motion passed by the following roll call vote: Mr. Brewer, abstain; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

Mr. Foreman moved, seconded by Mr. Brewer, to amend the policy to prohibit commercial use of the facilities. The motion passed 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. Foreman moved, seconded by Ms. Washington, to move the policy to the November 12, Consent Agenda, for adoption as amended. The motion passed 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.

H. 2014 MEETING AND HOLIDAY SCHEDULE – DAN TABER

Ms. Forrester moved, seconded by Mr. Wood, to move the meeting and holiday schedule to a November 12, Consent Agenda for adoption.

Mr. Wood asked if the meeting for September 2 could be moved to September 9, since it is the first day of school and would be after the Labor Day weekend. It was agreed that if the meeting is changed that the September 16 meeting would be moved to the 23.

Ms. Forrester and Mr. Brewer were okay with the change.

The motion passed 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.

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, abstain; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

Ms. Forrester abstained noting she would not be attending the closed session.

WHEREAS, the Dumfries Town Council desires to discuss a particular subject in Closed Session during the course of its meeting of October 22, 2013; and

WHEREAS, the discussion, consideration, or interviews of prospective candidates for employment and an appointment to a board, committee, or commission 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 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, 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 Council of Dumfries does hereby reconvene in Open Session at its meeting of October 22, 2013 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

Mr. Toney moved, seconded by Mr. Wood, to direct the Town Manager to proceed with contract negotiations as discussed in closed session for the Town Attorney position. The motion carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: ADJOURNMENT

Mr. Foreman moved, seconded by Ms. Reynolds, to adjourn the meeting. The motion carried by unanimous voice vote: Mr. Brewer, yes; 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