

AT A JOINT MEETING OF THE DUMFRIES TOWN COUNCIL AND THE PLANNING COMMISSION, HELD ON OCTOBER 23, 2012, AT 7:00 P.M., IN THE COMMUNITY CENTER, 17757 MAIN STREET, DUMFRIES, VIRGINIA:

THERE WERE PRESENT: Mayor Gerald Foreman
Vice-Mayor Willie Toney
Charles Brewer
Kristin Forrester
Helen Reynolds
Gwen Washington
Daniel Taber, Town Manager
Christine Sanders, Town Attorney

THERE WERE ABSENT: Louis Praino

THERE WERE ALSO PRESENT: William O'Kelly Russell, Chair
Louise Waggy, Vice-Chair
Naeem Arshad
John Webb

IN RE: CALL TO ORDER AND ROLL CALL

Mayor Foreman called the meeting to order. Dawn Hobgood, Town Clerk, took roll call for Town Council and the Planning Commission.

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: PLANNING COMMISSION OVERVIEW ON THE COMPREHENSIVE PLAN A. WHERE IT IS NOW AND WHAT HAS BEEN UPDATED

Mr. Russell, Chair, noted the technical updates to the Comprehensive Plan (CP) completed recently consisted of cleaning up a large part of the language. Major updates were done to the census data, descriptions of and background information for the Town, infrastructure for public utilities, the land use map, the Transportation Plan, the Parks and Recreation Plan to include Ginn Memorial Park, and the Historical and Cultural Resources.

Mayor Foreman asked if the process used in the past that allowed the Council to review the document and make comments was going to be continued.

Mr. Brim asked if a document was provided preliminarily or when the Planning Commission (PC) was done.

Mayor Foreman explained that there was an update done that did not come to Council before being placed on the website. He wanted any updates, once completed, to come to Council for the opportunity to review it.

Mr. Taber asked if it was too early to provide a rough timeline.

Mr. Brim mentioned that was part of what was going to be discussed along with the possibility of setting aside some funding to hire a consultant. He noted that without a consultant it would take approximately nine-months. The process includes public hearings and several work sessions to vet it thoroughly before bringing it to Council. With a consultant, the amount of time can be cut in half. Part of the reason the PC wanted to talk about the CP was to determine where in the process the Council wanted to get involved and the areas to concentrate on.

Mayor Foreman wanted Council apprised of what has been written to date and the areas the PC will be asking the consultant to assist with to allow Council the opportunity to determine whether to fund a consultant.

B. ITEMS THAT NEED TO BE ADDRESSED

Mr. Russell noted the PC has discussed several areas the CP can be expanded on. One is looking at the future of the area along Route 234 and northern Fraley Boulevard in the Land Use Plan. Previously the water front area, Fraley Boulevard, and Main Street were looked at. The subcommittee who looked at those areas developed some strategies that could be looked into further by getting citizen and Council input.

i. MAPS/GRAPHICS

- 1. MAP OF PARKS/TRAILS**
- 2. SECTION SHOWING FUTURE ROUTE 1**
- 3. POTENTIAL OPEN SPACE AND PARK AREAS**

Mr. Russell pointed out the CP does not have many maps of future parks or trail systems that the Town may want to develop. The CP currently has language that describes some of these improvements. Most CP's have some type of graphic or map defining these areas for potential development.

ii. TRANSPORTATION SECTION REFLECTING CHANGES TO ROUTE 1 AND THE OVERALL VISION OF THE AREA

Mr. Russell noted the CP currently defines a six-lane highway for Route 1, but there is no general concept of where the expansion is going to be to allow future businesses to have an idea of what will be developed.

iii. PEDESTRIAN CROSSING CONNECTING BOTH SIDES OF ROUTE 1

Mr. Russell noted one of the things that came up with the future development of Fraley Boulevard was defining pedestrian crossings connecting both sides of Route 1. The PC wanted to make sure Dumfries is a walkable community and that any changes made to Route 1 does not cut one side of the Town off from the other.

Mayor Foreman asked if the PC received copies of the letters that were sent to the Virginia Department of Transportation (VDOT). On VDOT's website there is a map of the Route 1 widening that could be included that has the bus stops and crosswalks identified.

Mr. Taber asked Mr. Brim if he was going to get that information together.

Mr. Brim noted he would get a copy of the letter and the map to the PC. He wanted to make sure things brought up by Council are addressed in the CP in order to keep all the tools and planning documents in line with each other.

C. TECHNICAL UPDATE OF THE ZONING ORDINANCE FOLLOWING THE UPDATE OF THE COMPREHENSIVE PLAN

Mr. Russell explained the PC understands its role in dealing with amendments to the zoning ordinance brought about by property owners and developers. The PC wants to make sure that the changes in the CP end up being reflected in the zoning ordinances. This way there will be no questions about why the CP reflects one thing and the zoning ordinance another. This is where looking at getting a consultant would allow a quicker turnover in making sure all the changes are made. He mentioned the CP helps drive the Capital Improvement Plan (CIP) and these should be in both documents.

Mayor Foreman noted when the zoning ordinance was changed 18 months ago the shape and flavor of the Town was unintentionally changed. The amendments were sent back with the intention of conscientiously shaping the future of the Town for the long haul. He wanted to know at what time the changes were going to come back to Council.

Mr. Brim noted the PC has been working on the changes to the B-1, B-2, and FB/O-1 zoning districts and discussion will continue after the joint meeting this evening. He mentioned the PC is planning on going to a public hearing in November or December and having it to Council after that.

D. FUNDING FOR CONSULTANT SERVICES

Mr. Russell noted this was mentioned previously.

Mr. Taber felt it would be best for the PC to develop deliverables that are expected from the consultant and then some estimates can be gotten on the cost. The timing is good since the mid-year budget review is coming up.

Mayor Foreman suggested using the same reasoning as the Architectural Review Board did.

Mr. Taber explained that it would be four and a half months with a consultant and nine months without.

E. WHAT ARE THE TOWN COUNCIL'S EXPECTATIONS FOR THE PLANNING COMMISSION FOR THE NEXT YEAR

Ms. Washington noted the PC has quite a few months ahead of them for updating the CP and the technical updates to the zoning ordinances. She wanted to make sure there was a timeline. This will keep

Council from stressing that the deliverables being brought back are not enough and will assist with the consultant.

Mr. Brim noted the matter would be placed on the next PC agenda to discuss so that a timeline can be presented to Council.

Mayor Foreman felt the biggest travesty last time was not contacting the businesses. He suggested having the requirement to contact the businesses in the contract with the consultant.

Ms. Washington thanked the PC for all of the excellent hard work.

Mr. Toney commended the PC for the work they do.

Mayor Foreman asked what the PC wants from the Council.

Mr. Webb wanted a clear definition of what the Council's vision for the Town is. This would assist the PC with the CP and zoning ordinance updates.

Ms. Forrester wanted to find a good balance. She felt that all the Council members had a beautiful image of what the Town should look like. She noted there has to be a way to work with the businesses that are here and phase in the changes being made.

Ms. Washington thought there should be a way to use the timeline premise with the businesses to phase them into compliance.

Ms. Sanders explained there has been an effort to determine what the nature is of the businesses in the Town and what those businesses are permitted to do. There are businesses that have gone through the process and got a certificate of occupancy that defines the scope of the business; however, many businesses have not. An outreach started with David Moss to create a database to determine who was here. Whether they are permitted to be here or did they just set up shop and are operating without the necessary documentation. There has to be a level playing field. She did not know how to draft an ordinance, unless there is a sunset provision, to phase compliance. She noted that might be one way to handle the mobile food vendor issue.

Ms. Washington noted the answer was good; however, she did not think that everyone was on the same page. She understood bringing the existing businesses up to the ordinance as it is now. She was talking more about the vision for the Town. She used the example of, in ten years, all the buildings along Main Street having plate glass safety windows. She explained that would not be something written in right away. That would be something the Council would say by a specific year all the businesses would have the safety windows. She asked if it was possible when looking at the vision for the Town that can be staggered in.

Ms. Sanders noted that would be a design issue and would be coming to Council from the Architectural Review Board (ARB) as guidelines. She did not think that there was a push to make something required.

Mayor Foreman mentioned wanting to have an economic summit in November with the goal of putting the major property owners of the Town in one room. If the major property owners do not improve their land and a new façade is not going to be placed on the Dumfries and Triangle Shopping Center the Town is never going to be able to attract the businesses the Town needs to attract. He noted the economic summit will play into the CP and will help the Council with the vision for the Town. He mentioned having the economic summit in the January, February timeframe should work

Ms. Forrester explained that many times Council expresses what their desire is, staff explains their position on it, and then it disappears. She noted 30 years ago, it was a matter of a handshake, and business was conducted. This is not the way it should operate now, but that is the way things operated before. New businesses can certainly comply. She felt the handful of people who have been operating off a handshake have to be handled differently.

Mr. Toney clarified the vision for Main Street has been being articulated and has been the same since 2002. He felt it was the implementation and direction that is needed. This has been on the table for years and nothing has changed. Some continuity needs to be had and it cannot be changed every time new people come along.

Greg Tkac, Public Works Director, mentioned the Town had a Charrette five years ago, that cost the Town \$38,000, to develop the Town's vision. He felt it was a huge problem with not being properly staffed in order to implement some of the priorities that Council, the Town, and all the businesses are screaming to have done. He felt the Town needed to reach out to consultants and get additional staff to be able to do things professionally and implement some of this. He did not feel the Town was going to move forward in a meaningful way until an analysis is done to see who can do what work.

Ms. Waggy noted the PC has been working very diligently and sees long hours ahead of them still. She noted they have had homework on more than one occasion. She explained their bylaws require they cut off any new business at 10:00 p.m. and have had to make a motion to continue discussions many times. She also foresees having to have some extra meetings in order to get things to Council in a timely manner.

Ms. Washington agreed the Town needs to move forward. She felt Council and staff needed to do a better job with having a timeline and stop getting sidetracked with other things.

Mr. Brewer explained it all has to do with continuity. He noted the disconnect was from having different Town Manager's, the turnover of staff, and the Council changing every two years. This can be remedied by implementing the vision, getting the ball rolling, with the proper people in place.

Ms. Forrester asked if recommitting to the Charrette could be used as the backbone for planning and the documents the PC will be revising.

Mr. Taber noted the Charrette could be pulled up and reviewed to see how far the Town has strayed from the plan.

Mayor Foreman asked how the Town has drifted from the Charrette. He has heard from all of the Boards and Commissions that they have used the Charrette as a founding document. He did not state the vision statement needed to be rewritten. He felt that if the Council were looking at the CP, the budget, and the CIP it would only make sense to review the vision statement. He wanted clarification on the comment Ms. Forrester made about older businesses. He pointed out that some of the older businesses are not even trying to comply with the new regulations. He used the example of a restaurant that has been here for 40 years ago with health standards of that time and a new restaurant comes in has to comply with today's health standards. The old restaurant has to comply with the newer health standards. There are businesses that have complied with cleaning things up and others that say they have always conducted business this way. He understood setbacks or environmental issues would take years to clean up.

Ms. Forrester felt that health standards, which are put in place to protect people's best interest, are different then regulations that are put in place for design. A business here for 40 years is not likely to be here for more than 20 or 30 more.

Mayor Foreman wanted some examples of older businesses that need more leniencies.

Ms. Washington is leasing an older business in the Town and feels it is her responsibility to bring the business up to where the ordinances state it needs to be. It does have an expense. The property owner needs to be notified as well as the owner of the business.

Mr. Webb thought what has happened is when some of the uses were changed in the zoning districts it placed some businesses in a non-conforming status and the reason why some of the older business owners are complaining. One of the things that has to be looked at is the business districts that have been set up, B-1, B-2, and FB/O-1, there are certain businesses permitted in each. For instance, B-2 is the neighborhood business district, do you want a concrete plant or an auto repair shop. He explained that if you do not then you change the zoning district it is permitted in from that point forward. It does restrict the current business that is operating from expanding. If the owner wishes to sell his business and the exact same type of business comes in it is allowed to operate; however, if the business stays vacant for two or more years it can no longer operate as that type of business.

Ms. Forrester understood. She pointed out that some of it has not changed it just has not been enforced. She is talking about changing the way they are doing business or coming to the Town wanting to be in compliance only to find out that it is no longer allowed.

Ms. Sanders asked if she was speaking about a specific business.

Ms. Forrester explained there are several who have talked to her that do not want her to intervene. She noted that everyone knows without officially stating it that the Town does not want automobile dealers.

Ms. Sanders noted it has been stated as a Council, in the CP, and zoning text amendments. It was properly advertised and as a Council that has been said. As a Council, she understood that is a problem because per capita the Town probably has more automotive uses than just about anywhere in the County. She explained that the Council plans the Town as they want it and staff implements it.

Ms. Forrester noted the key point is the phase out. She asked if that is choking out the ones that are here or just preventing new ones from coming in.

Ms. Sanders noted that is the non-conforming piece, which is the built in phase out.

Ms. Forrester thought that an example could be given where former staff successfully accomplished running a business off.

Mr. Brewer asked if the two-year timeframe is State law.

Ms. Sanders noted it was enabling legislation from the State and the Town has no way to deviate from that.

Mr. Taber liked the idea of using a timeline and will be moving in the direction to use that approach. He was disappointed in Mr. Tkac's comments. He noted that Mr. Tkac just reviewed applications for a position with a job description that was changed with an increased amount of requirements to allow the individual to do some of the things that Mr. Tkac and Mr. Brim have been tasked with doing. He noted there is a need for more staff, which needs to be balanced against Council's overall desire to lower the tax rate.

Mr. Russell felt that everyone wants to do what is best for the Town, its citizens, and its businesses. The CP is a living document. The thing to remember is that the CP is the vision for the Town. This vision is not a short-term plan, but 20 years in the future. The CP is what justifies the zoning ordinance and what is included in the CIP. He mentioned that there have been numerous Charrettes and studies done that are different pieces of the puzzle that were not put together.

Ms. Waggy did not feel that the Town had the proper enforcement out on the street that is needed. She pointed out the Town has a million dollar Police Department and only one enforcer.

Ms. Washington indicated that Council needs to look at the size of the Town and did not think the citizens would be impressed with Council if there are discussions held about adding a lot more staff. She felt the Town had a sizeable staff for the amount of people in the Town. She mentioned not working harder but smarter. She thought that making the citizens more prideful in the Town that there would not be a need for more staff out there. She suggested a help line for people to call in.

Mayor Foreman noted the Town Manager has not worked with a full staff.

**IN RE: RECESS (MEETING MOVED TO COUNCIL CHAMBERS)
17755 MAIN STREET**

Mayor Foreman moved, seconded by Ms. Forrester, to add Item XIII-I, 2013 Legislative Package to the agenda. The motion carried by the following voice vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Praino, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes.

IN RE: CITIZEN COMMENT PERIOD

There were no citizen comments.

IN RE: MAYOR'S COMMENTS

Mayor Foreman thanked Gwen Washington and Lou Praino for their service on the Council.

IN RE: BOARDS & COMMISSIONS

A. ARCHITECTURAL REVIEW BOARD (ARB)

Jennifer Stringfellow, Chair, reported the following items.

- The ARB met, for a second time, with Darren Coffey from the Berkley Group. The draft Design Guidelines were reviewed in detail. Comments and changes will be made. The second draft will be reviewed at the next meeting.
- There were no certificates of appropriateness to approve.

B. BOARD OF ZONING APPEALS

There was no report.

C. HISTORIC DUMFRIES

There was no report.

D. PLANNING COMMISSION (PC)

There was no report.

IN RE: COUNCIL REPORTS

A. GINN PARK COMMITTEE

Mr. Toney noted the Committee assessed the status of Phase I. The trails have been constructed and the swing set has been purchased and should be installed by the end of next week. Phase II construction includes a Port-A-John, fencing, and signage, which will be addressed by Mr. Tkac later. The basketball court is complete other than the goal posts and striping, which should be completed next week. The Police Chief made the suggestion of removing some of the trees because they hinder the view of traffic and raising the skirt of the trees allowing for a better view of the area and lessen the chance of hiding.

Mayor Foreman asked the meeting dates be placed on the website calendar.

Mr. Brewer suggested having the park secured when the park is not open.

Ms. Washington suggested having the police patrol the area more.

Mr. Toney reminded everyone that at this time last year there was demolition going on and the park has come a long way. He felt the park was something that the Council will be proud of.

B. EVENTS COMMITTEE

Ms. Washington noted the big thing on the agenda is the Christmas Parade being held on December 8. There will be a Christmas Tree Lighting Ceremony held on December 1. Children in the community will make the ornaments. Several suggestions were made of things that people would like to see in the parade that is being worked on.

Mr. Toney mentioned that new this year at the end of the parade there will be an area in the Dumfries Shopping Center where a show mobile with a DJ and Santa will be available for photos. The announcement of the parade winners will be made there.

Mr. Brewer asked where the Christmas Tree was going to be located.

Ms. Washington noted it would be behind Town Hall.

Mr. Brewer asked if there was a tree.

Ray Lowry, Public Works Maintenance Worker, announced that a ten foot Frasier Fir was ordered.

Mayor Foreman mentioned that Mr. Singh had approached him about a discussion that was had three Mayors ago about where a Town Christmas Tree could go and how the neighboring businesses could decorate and pay for it. He told Mr. Singh that he would pass it by the Town Manager, then the Events Committee. When he received the package, he noticed a Christmas Tree Lighting was already planned. He thought committees were supposed to come up with ideas and if they are the same ideas every year staff just reports to Council, but if it is a new event Council is supposed to determine if it wants to do it and if the funding is available.

Ms. Washington wanted to know why it was being kept a closely guarded secret and not mentioned before. The Committee would have loved working with the businesses and Mr. Singh.

Mayor Foreman noted he was called on Thursday to meet on Friday and did not know why it was not made known. His own observation or opinion is if a committee comes up with something new it should be brought to the Council.

Mr. Toney disagreed with that. He explained that a committee is designed to come up with plans, bring it to the Council, and if the Council wants to reject it, then it can. He noted the buck stops with the Council. The committee presents a proposal and the reason a committee is developed. In his mind that is the purpose of putting the committee together.

Mayor Foreman was confused by the comment of disagreeing and then stating the committee presents it to Council to vote on.

Ms. Forrester noted the reason for having a Council Member on the committees was for the involvement, because if not, staff was just going to do. She did not recall any discussion about specific plans being brought back for a vote. Cydny Neville, as the Community Services Director, could handle on her own. The Council Member was there to add input. At least that is how the committees have worked to her knowledge. Not that everything would be brought back for a vote.

Ms. Washington felt this was something that needed to be worked on and was thoroughly confused. She felt there needed to be a flow chart for anybody new to the Council. She understood that Mr. Taber would be in charge of those things, Ms. Neville would work under him, and if he approved the suggestions then she would carry them out. The Council Member was just sitting on the committee to bring any suggestions that Council as a whole had as a liaison. She thought everybody probably had a different idea on how things should work and maybe a flow chart should be set up as to how this is supposed to take place.

Mr. Taber thought the Ginn Park Committee fueled some of the confusion with the discussions on what had to come before Council before any decisions were made. He noted a flow chart could be done in 30 minutes but he needed some general idea of how Council wants it to go. Does the Council want the Council Member to facilitate ideas between the Council and the committee? The committee could put together their understanding of what it is the Council wants to do and bring that back to Council. He noted another way to do it would be to cut out the Council part and leave it up to the Council Member being the decider of what is shared or sought from the other Council members then come back and be given a plan. The Town Manger would check the funding and in that, the Town Manager would be making the decision. It is a shame that Mr. Singh waited so long in the process to mention it. Involving the Council more there may be information like that found or there might be information on what happened five years ago with an event. The decision is ultimately the Council's.

Ms. Washington hated going to voting on everything when it comes to these types of artistic things. It can stifle a person's creativity if every little thing has to be brought back before Council. She wished Council had known about Mr. Singh's proposal.

Mr. Taber indicated that Council could ask Ms. Neville to meet with Mr. Singh to try to blend the two together. He mentioned the possibility of having Mr. Singh donate the tree and decorations placed across the street as was mentioned.

Mayor Foreman mentioned after he attends a meeting he comes back compiles his notes, sends out an email, and places items in the Council's boxes. He believed it would be helpful for those Council Members who sit on a committee to provide a brief highlight after the meeting rather than waiting until time to give a report.

Ms. Forrester saw things differently. She felt that if Council were going to give input into every decision being made on a committee then the whole Council would be on all the committees. She mentioned that the Ginn Park Committee was different because the park is a permanent fixture that Council agreed to provide votes on from the beginning. She noted if someone came to her with a great idea she would immediately email the individuals involved on the committee rather than waiting.

Mr. Brewer mentioned this is why he is not a fan of committees. Staff has always handled the Christmas Parade and Christmas Tree Lighting. He felt things need to come back to Council if there is a monetary decision to be made. He asked what the purpose was of the committee.

Mr. Toney noted it was designed for planning events.

Mr. Brewer explained that all activities came to the Council and if there were any changes made, they were discussed.

Mr. Toney explained the budget is already set with a certain amount of money for each event. He felt if there was a need to go over the budgeted amount that Ms. Neville would go to the Town Manger for direction. He pointed out that at no time has the budget been exceeded. The committee was set up to help plan the events.

Mr. Taber noted funds could be moved around within a department without Council's approval. This is a communication issue. A solution is to have the Council Member on the committee be given the responsibility of updating the Council and the staff member who is working with the committee. If Council wants that involvement it will keep the line of communication open, which will allow the staff member to do the staff work associated with it. He was concerned with the communication problem over this. Does Council have to approve it or does it come under him as long as funding is in the budget. He felt the budget piece was small with the events that the Town holds.

Mr. Brewer was aware of how the budget process works. When there are grandiose ideas, he wanted to make sure that it falls within the budget; however, when adding things he wanted to make sure money is not being spent that the Town does not have.

Ms. Washington felt a process still needed to be set up. She thought that not only having a staff member report at the Council meeting, but also have the staff member responsible for sending out the minutes for each meeting is held, whether a Council Member sits on it or not. That way if there are any concerns or suggestions that are being planned the Council can respond to those before things are too far in the process. She did not see any problem as long as a department stays within its budget, reports are given after each meeting, and Council has the opportunity to give feedback. If for some reason, something is going to go over the budget the department has to go to Mr. Taber who in turn will have to come to Council to determine whether to approve additional funding.

Ms. Forrester asked for this matter to be on the next agenda as an action item to clarify that a Council Member when assigned to a committee is the representative of the Council. As long as there is no budget issue, which would automatically come back to Council, could be included as well. She did not think it was a bad idea to have an email sent out; however, if everyone has a separate opinion then everyone is involved again, in what is ultimately staff's role.

Mr. Toney agreed this should move forward for a vote. The issue about doing minutes and sending them out immediately may be overtaxing on the person since a report is provided to Council. Staff is hired with the skill level to perform what they were hired for. He did not think that Council should be micromanaging staff.

Mr. Brewer agreed with Mr. Toney that Council should not interject in staff's job.

Mayor Foreman did not think the budget is an issue. A year ago, he asked that at the bottom of the staff report that a list of what is being worked on over the next six months as well as grants being applied for because Council had the discussion then about continually being broadsided with decisions staff was making. This was in the best interest of the Town and no one was trying to micromanage. His intention is not to micromanage what a committee does.

C. NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

Mayor Foreman noted the following items were discussed.

- BRAC - transportation community impact on workforces and the Fort Belvoir Road infrastructure
- The Northern Virginia Transportation Authority (NVTA) merging with the NVRC

D. NORTHERN VIRGINIA CIGARETTE TAX BOARD (NVCTB)

There was no report.

IN RE: STAFF COMMENTS

A. TREASURER – RETTA LADD

Ms. Ladd was not available; however, Mr. Taber noted that any questions Council may have could be sent to her by email.

B. TOWN MANAGER – DAN TABER

Mr. Taber reported the following items.

- Halloween is October 31 – safety tips will be placed on the website, sent out on blackboard, and the Town will try to coordinate the times with Prince William County

Mr. Brewer mentioned the former Chief provided an update on the shut-ins for the child molesters.

Mr. Taber noted that an email would be sent to Council of the location for shut-ins.

Mr. Toney asked what check number 23917 was for.

Mr. Taber noted it was a transfer and would find out exactly what it was for.

Mr. Toney noted that in the Budget vs. Actual report that the business license percentage was at 449 percent and questioned why it was so high.

Mr. Taber explained that was due to the collection of some past due business licenses. It was determined that some companies never got a business license or paid the Business Professional Occupational License (BPOL) taxes. He noted there were about 20 or so businesses and two of those made up about 80 percent of the additional revenue.

C. TOWN ATTORNEY – CHRISTINE SANDERS

Ms. Sanders reported the following items.

- The bulk of her time has been spent working on the Tripoli Heights project, the Potomac Landfill, and personnel matters.
- She attended the Local Government Attorney's conference in Alexandria.

IN RE:

DISCUSSION ITEMS

A. GINN MEMORIAL PARK PHASE II OPTIONS AND ADDITIONAL PHASES – GREG TKAC

Mr. Tkac noted that Phase I was close to completion. He explained a couple of mistakes were made in Phase I. One was not including punitive damages for the contractor as far as not being on schedule. The second was not being flexible with the equipment being installed. The multipurpose field, perimeter controls, and the parking lot are complete. Foundation was installed today for the benches and trashcans. The park signs were ordered and are in the process of being installed along with the portable bathroom facility and swing set. The park is scheduled to open at the end of the month. We are 25 percent of the way through FY13 budget that has \$37,500 allocated and \$8,969 have been expended so far. Included in Phase II, there is an eight-foot vinyl chain link fence around the perimeter that adjoins the townhomes, portable restrooms, and the Ginn Memorial Park sign. In November, staff will have a resolution before Council to approve. The Ginn Park Committee has been tasked with looking at the cost for a permanent rest room. For a very basic facility, the cost is estimated at \$90,000 and a more elaborate facility was estimated at \$175,000. There has been discussion about constructing the facility with what is commonly referred to as prison grade fixtures that are virtually indestructible with larger disposal lines. The reasoning behind this is because of the issues that have been had at other parks in Town. The Committee at this point is not ready to make a recommendation to Council. The hope is to have something at the beginning of next year to allow time to insert it as an amendment to the CIP and part of Phase III.

Mr. Brewer asked if during the discussions the Mayor has had with Maureen Caddigan, Prince William County (PWC) Potomac District Board of Supervisor (BOS), whether there was an agreement made for the parks to be maintained by PWC.

Mayor Foreman mentioned the conversation was about the construction of parks, not losing control of the parks, and that PWC should maintain the parks because the Town is paying property taxes. He noted Supervisor Caddigan would explore the matter. He explained that this was nothing more than an example of double taxation. He asked that the graphics and information be updated on the website of the various phases and what is being accomplished.

B. PEDESTRIAN SAFETY CONCERNS – GREG TKAC

Mr. Tkac noted it has been a priority of Council and part of the CP to have a community that is multimodal. The Town has been doing everything it can to promote walking by installing crosswalks, sidewalks, and handicap ramps. Council very strongly suggested installing crosswalks along a facility that is not the Towns. Staff has made several attempts with VDOT and Council wrote a letter. A response was received from the letter in September and a copy was provided to Council. Since the response was received, he has met with VDOT several times. He did not expect Council to be happy with the response that was received; however, there are things that the Town can do and things that the Town cannot do. He started with the following things that the Town can do. At the intersection of Route 1 and Possum Point Road there is a bus stop that appears to have a high frequency of pedestrian traffic going from Pointe Center north and south during the morning and afternoon hours. The pedestrians cross Possum Point Road and Route 1 at an uncontrolled intersection. VDOT is willing to work with the Town to make that crossing a reality. He tentatively agreed to construct ADA receiving ramps if VDOT would construct the pedestrian signals on the mast arms and the actual crosswalks. He also agreed to talk with the Pointe Center north property owner about getting a permanent easement for a sidewalk that would lead up to the bus stop that will turn into a bus shelter requiring the guard rail to be removed which is no longer warranted. Work will begin on the crosswalk in the vicinity of Route 1 and Graham Park Road. The Town will be putting in the ADA receiving ramps and VDOT will put in the crosswalk and pedestrian signals. He did not expect any of this to occur sooner than 90 days. The Route 1 and Route 234 intersection will be counted again; however, VDOT does not see a need to install pedestrian facilities due to a lack of demand. VDOT looks at the adverse impacts that would occur at that location with a pedestrian head. He explained when a pedestrian button is pushed it takes 120 seconds to two minutes away from the traffic signal, which causes it to no longer work to its fullest capacity moving traffic at peak hours. The letter references a plan being reviewed by the State, County, and Town for the Potomac Shores development. He did not see that as having any effect on that intersection for four or five years. He asked how Council would like staff to proceed.

Mayor Foreman noted that 120 seconds does not make that much difference when you are stuck on Main Street for 45 minutes waiting to go through Graham Park Road. When VDOT eliminates the congestion on Main Street then maybe the Town would entertain not having a crosswalk at Stage Coach Road. He asked that VDOT supply the traffic count by the hour. He did not understand how VDOT could put a crosswalk with a light in Triangle that never had one before when there is a bona fide traffic intersection in Dumfries. There is only one legal crosswalk in 1.26 miles and that is by the McDonalds on Route 234.

Ms. Washington was pleased with the response received from VDOT since this was the first attempt at being proactive. She felt that in addition to Mr. Tkac writing a letter, the Council and Mayor should write another letter. Council is on to something since Council has never gotten this far with them before.

Mr. Tkac asked if Council wanted staff to draft the letter for Council.

It was determined that staff would meet with the Mayor to draft the letters.

C. UPDATE ON CHRISTMAS PAST, PRESENT, AND FUTURE – CYDNY NEVILLE

This matter was discussed under the Events Committee Council Report.

D. UPDATE ON TRIPOLI HEIGHTS PROJECT – CHRISTINE SANDERS

Ms. Sanders noted that negotiations are underway with the 30 plus landowners. The negotiations consist of trying to acquire a slice of land permanently and fee simple and/or a permanent easement and/or a temporary construction easement for the drainage, gutter, sidewalk, and curb project. Rinker Design Associates (RDA) has been the consultant throughout the project up until now. RDA has had staff go out and create basic acquisition reports, which values the different nature of the property acquisitions including collateral damage. She is in contact with RDA, if not daily, at least three times a week to determine where the project is. She is aware of one property being in bankruptcy that they have been unable to get any relief on so far that is a key parcel where some utilities need to be relocated in order for the project to move forward. The project cannot go out to bid until the Town has all of the property acquired or negotiated for.

E. RENEWAL OF COMCAST CABLE FRANCHISE AGREEMENT – CHRISTINE SANDERS

Ms. Sanders noted the Comcast Cable Franchise Agreement does need to be renegotiated. Since the last agreement was entered the General Assembly passed a new law where franchising is obtained at the local level. Council needs to move forward and enact a franchise ordinance and at the same time as the renewal for this particular franchise agreement. Because it is delegated from the State, there are certain things that have to be in each franchise agreement and be part of the ordinance. The Local

Government Attorneys have put together an ordinance so she is not starting from scratch in an area of law that she has little to no experience. She hoped to bring it to Council in November.

Mr. Brewer mentioned when the last franchise agreement was negotiated the Town had a huge fight with Comcast due to having problems with broadcasting. Comcast brought new equipment for televising the meetings. He asked if the Town was in need of any updated or new equipment from Comcast in order to bring a better signal to the citizens.

Mr. Taber noted there have been some glitches over the past few months that Teresa Johnson, IT Manager, has been working with Comcast to fix. He noted that would be included in the negotiations.

Mr. Brewer noted any time there is equipment at Town Hall needing to be updated it needs to be included in the negotiations with both Comcast and Verizon.

F. POLICY FOR RECORDING/BROADCASTING TOWN COUNCIL MEETINGS; RECORDING TOWN COUNCIL MEETINGS/WORK SESSIONS – CHRISTINE SANDERS

Ms. Sanders explained the primary reason for bringing this before Council is to better understand and develop a policy staff can memorialize moving forward. In the past, there have been work session formats that had the indicia of meetings where actions were taken. Council has moved back to a work session format which are more information oriented and no action is taken. Other reasons include getting caught up on the minutes and how the Council wants to capture the Town's business. She noted minutes need to be kept and the actual requirements for minutes are very basic. She explained minutes can just be a summary, but that does not really do the Council or constituents that much good if staff is not able to have a broader recording of the discussion to look back on. She noted that without an audio recording it presents a challenge. She clarified staff knows the Council does not want the work sessions broadcast but at a minimum, she asked that an audio recording be made. She asked Council for clarity on what it wants from the work sessions, whether Council wants an audio recording or an audio/visual recording without broadcasting the meeting. She noted that all of this impacts the Town Clerk in trying to prepare and keep minutes for Council.

Mr. Brewer noted the Town for years did not record work sessions and voted at work sessions. He did not know where the problem lies. He knew that before the meetings were broadcast the minutes were kept on a cassette recorder. He asked what the problem was, whether it was not recording the meeting or not voting at work sessions.

Ms. Sanders noted the issue is minutes. She asked if Council wanted a summary only of the work sessions or something that will capture more of the discussion. She mentioned it has been very difficult to research past records. It was noted at a previous meeting that a discussion on the type of minutes

Council wanted taken was had. Staff tried to research that and found nothing that captured any meaningful guidance other than the recollection of the Council member who mentioned it.

Mr. Brewer noted that a number of discussions have gone about throughout the years about minutes. He mentioned that at one point there was discussion about taking minutes and only putting down any motions that were done.

Ms. Sanders stated no minutes were being taken at work sessions and the reason it is before Council.

Mr. Brewer asked if it was up to Council or the State. He asked what the State requires.

Ms. Sanders explained the State requires a summary. She was sure that Ms. Hobgood was adept enough to provide that; however, is that sufficient for Council.

Mr. Brewer asked Ms. Sanders if she was looking for something that could be used for research.

Ms. Sanders noted she was looking for Council to decide today, moving forward how Council wants minutes, if Council wants them at all, of it work sessions. She asked if Council wanted a recording of them that can then be transcribed or just summary minutes.

Ms. Forrester mentioned she was not at the meeting when this was voted on, but her understanding was the reason Council wanted this, and it was made very clear, was because Council did not want a recording. The Council, which is not recorded apparently in any minutes anywhere, decided to put as much in the minutes in addition to summary knowing that some things would be missed. There was a time when, and she does not know why it is not being done now, Council would review the minutes before adopting them. If there were certain points that a Council member made they wanted included they would provide that information to the Town Clerk to be included.

Ms. Washington's reason for wanting a work session was so that Council would have a more professional timely productive meeting. She was not interested in knowing who said what. She was interested in getting a general idea of what was discussed to make sure that everything that was discussed that needs to be voted on would be carried over to the regular meeting.

Mr. Brewer agreed.

Mayor Foreman mentioned this came up at the Virginia Municipal Leagues Mayors conference. The one thing that came out of the discussion was how many Council's have policy. The Council has policies but they are unwritten. This may be something that Council may want to address later. He noted City's tend to have a policy manual and Town's do not.

Ms. Washington thought that was a good idea.

Mayor Foreman asked the Town Manger to start putting together a policy manual.

Mr. Taber noted that staff would do their best.

Mayor Foreman noted it would be named Council Policy.

Ms. Forrester noted Council has such a good set up now that many of these things have taken care of themselves. She remembered there was a time when contentious things would be put under the Consent Agenda, a motion and second were made, and there was no removing an item.

Mayor Foreman mentioned there was no Virginia Code that states a meeting has to be convened at 11:59 p.m. and reconvened.

Ms. Sanders noted that would have to be researched. She thought it was statutory, but if Richard Kaufman told the Mayor then you probably do not have to.

Mayor Foreman brought it up at the conference. He asked if Council answered Ms. Sanders's question.

Ms. Sanders thought Council did and thanked Council for bearing with staff on this. She noted staff has discussed a policy manual. She was delighted to have Council bring it up organically because it will be helpful for Council and staff. It will provide what the history was, what is being done moving forward, and the next iteration of Council can change the policy if they do not like something. She noted staff would work on that and bring it back to Council to vote on. She asked if Council wanted to see this as an action item in order to clarify the policy on work sessions. She noted Council just wants a summary of the salient topics and whether or not Council wants action brought the next time around.

Ms. Washington asked if Council agreed.

Ms. Forrester did.

Mayor Foreman explained that the policy manual should not be a code of conduct.

G. COUNCIL AGENDA FORMAT FOR REGULAR AND WORK SESSION MEETINGS – DAN TABER

Mr. Taber was looking for Council's input on how the agendas would look now that the second meeting of the month has become a work session where no actions will be taken. He did not need a resolution tonight and asked Council either for input tonight or by email.

Mr. Brewer noted the work session was not being broadcast and the reason for Council Member Comments was to convey to the citizens things that were happening, etc. He felt there was no need for Council Member Comments at a work session.

Ms. Forrester and Mr. Toney agreed.

Mr. Toney noted that Boards and Commissions only report to Council and no action is required. He felt that in order to streamline the regular meeting that they could be moved to the work session so that Council could have dialogue.

Ms. Hobgood thought the reason for having the Boards and Commissions report at the first meeting was to inform the citizens watching the broadcast of what was happening.

Ms. Forrester pointed out that Council could invite a Board or Commission to the work session for further discussion if needed.

Ms. Washington pointed out this way the Boards and Commissions could provide a more streamlined report. If Council has questions, comments, wants a discussion, or strongly disagrees, the Board or Commission could come to the work session.

Mr. Toney did not think Staff Comments reflects what staff is supposed to be doing. He pointed out that staff is supposed to be reporting to Council.

Mr. Taber explained the reason it was changed from reports was because staff was referring to the report and the minutes were reflecting that the report was attached which is not what was occurring.

Mr. Toney suggested using the word “presentations” instead.

Council agreed.

There was a brief discussion reiterating that the Boards and Commissions would provide a brief report at the regular meeting and Council could request that a Board or Commission come to a work session for matters that require an in depth discussion or questions. It was also noted that if a Board or Commission has questions or wants to discuss a matter with Council that it would be scheduled for a work session.

Mayor Foreman noted that there was no longer an Information Items on the regular agenda.

Ms. Hobgood noted that there are items placed in the Council’s packet that are not part of the packet itself that are information only items.

Ms. Washington pointed out that if the Council Reports and Staff Presentations are both on the regular session that there would be repeated information. For example, the Events Committee and the Community Services presentation may be the same.

Mayor Foreman noted that the Events Committee should be about the plans and the Community Service report may be about the fair.

Ms. Sanders noted it could be included in the written report and not mentioned publicly as well.

Mayor Foreman noted that Presentations needed to be on the work session agenda. He also noted that even though it is a work session Council still has the option to go into a closed session.

Ms. Sanders advised Council that closed sessions could only be held at regular meetings.

Mr. Brewer noted all meetings are public meetings.

Ms. Sanders agreed, anytime there is an assembly of the body, but when talking about the actual meeting and conducting the public business of the Town and taking action those have to be in Council meetings. Council cannot take action in a work session.

Council was okay with that.

Mayor Foreman noted the Mayor’s Comments would be removed from work sessions.

It was asked if the Treasurer's report needed to be placed on an agenda.

Mayor Foreman noted the Town Manger said the Treasurer could make her report. He was thinking that since Council had questions about checks that it would be better for the work session.

Mr. Taber noted the Treasurer needs a couple of days to balance the books.

Ms. Hobgood asked for clarification. She understood that the Treasurer's report would just be provided and she would not be on an agenda unless Council requested.

Vice Mayor Toney was concerned with not getting the Treasurer's report.

Mayor Foreman clarified that the Treasurer's report would be at the regular meeting.

H. SCHEDULE FOR TOWN COUNCIL MEETINGS FOR 2013 – DAN TABER

Mr. Taber noted this was the first draft of the proposed meeting schedule for 2013 taking into consideration the Virginia Municipal League conference. He asked Council to review the proposed schedule. He noted that in the past there has been some discussion about whether to have two meetings in November and December.

Ms. Reynolds asked if when there is a holiday just before a Council meeting whether it could be moved to the week after.

Mr. Taber indicated that Council decides when to meet. Statute requires that the meetings be posted in advance. He mentioned that Council has set the first and third Tuesday for their meetings; however, it can be changed.

Ms. Washington mentioned that if she is reelected she already has a commitment on the second and fourth Tuesday.

Mr. Toney asked about moving the meeting to a Wednesday.

Mr. Brewer asked what the purpose was for only having one meeting in November.

Mr. Taber noted it was holiday commitments.

It was clarified there was the appearance that November did not have two Council meetings; however, it was on the schedule in a different place as a joint meeting with the Planning Commission. It is the Council's work session.

I. 2013 LEGISLATIVE PACKAGE – DAN TABER

Mr. Taber might have inadvertently created some confusion. He mentioned that at the last meeting some Council members brought forward a particular issue to be included in the Legislative Agenda. In most cases, it is one or two lines on a piece of paper that has to be researched to write a resolution for Council to review and determine if this is what the intent was before moving it forward. Tonight allows Council the opportunity to review the proposed resolutions and recommend changes. No action will be taken on the Legislative Agenda tonight and will be done at the next meeting. He mentioned that a couple of the suggestions were not suited for the Legislative Agenda. One of the items

was having the State identify historic property. The State already has a department that does that and is more of an executive function. The other dealt with making sure the Virginia Economic Development Partnership (VEDP) worked with local Directors of Economic Development. The State provides the overall statewide plan. Once the Economic Development Manager is in place one of the first things the individual will be tasked with is to go and meet with representatives of the VEDP. The other suggestions are being presented for the Legislative Agenda in a resolution.

Mr. Toney noted that Mr. Brewer presented a suggestion at the last meeting that was supposed to come back with amended language.

Mr. Taber explained Mr. Brewer provided the language that was placed in the resolution restricting the activity of political parties in local, Town of Dumfries, elections to include restricting their ability to assist candidates for Town Council in the collection of signatures, campaigning, distribution of materials, or other funding efforts.

Mr. Toney felt that before the language came before Council in a resolution in the packet it should have been provided to Council for review again. He felt Council was at a disadvantage since nothing can be done except having a discussion.

Mr. Taber indicated Council has the option to move the item to the next meeting as an action item for further review and discussion before voting on the matter. He placed all of the items that were previously discussed in a resolution other than the two previously mentioned.

Mayor Foreman explained the process at a work session is to discuss and decide on matters. At a regular meeting, Council has the ability to pull any item from the Consent Agenda for further discussion if a Council member does not agree with what is being proposed.

Mr. Toney wanted the matter put aside for further discussion.

Ms. Reynolds did not want this matter in the packet at all. She had a problem with Virginia Municipal League (VML) and does not fully support them since VML is not a non-partisan organization. She could support them on some things but would not fully support them.

Mr. Taber thought the vote was taken and everybody agreed to support it.

Ms. Reynolds did not see any wording that stated fully support.

Mayor Foreman noted the only person who voted no on VML was Ms. Forrester.

A ten-minute recess was called.

Ms. Reynolds asked that the items be presented as single items.

Ms. Sanders noted there was nothing wrong with bringing the items back procedurally as single items and voting on them one by one.

Ms. Forrester agreed the items should be addressed individually. She mentioned in the past Council had to either write their own resolution or make a motion to direct staff to develop a resolution.

Mr. Brewer clarified that Council asked him to rewrite the language at the last meeting and bring it back, which is exactly what is being done. He noted the Town Manager put all of the recommendations in a resolution that can be voted up or down. He explained that back in 2002 there were four independents running and an additional two individuals had the backing of the Democratic Party who went out, collected signatures, and campaigned for these individuals, came to the polls and campaigned against the others, and it was clear that these were not independent elections. It was not fair to the individuals who had to go out and collect signatures while the others did not to get on the ballot while the political party had so much influence over the elections. What was sent to the General Assembly was that the Town wanted to have non-partisan elections with no republicans, no democrats, and no independents in the Town trying to influence elections. If you want to be elected, be elected by the citizens on your own without any assistance from any outside entities. The Town is too small for any of these big political parties to come in and have any influence on the Town. He is afraid that is where the elections are going. We should be thinking for ourselves, doing for ourselves, without any type of influence from any political party. When you start interjecting political parties into a Town of this size, it causes many problems. The intent is not to get one party out but all party influences out.

Ms. Washington remembered the elections that Mr. Brewer was talking about because her husband was running. She felt things were being caught up in the republican/democrat race and probably a reason for this not being a good time to bring the subject up. She understood the intent of the proposal. She noted that since the election everybody has had assistance from the party he or she is affiliated with.

Several Council members spoke up that they were not.

Ms. Washington corrected her comment to mean the majority. She would like to think the Council is professional and knows that each member is non-partisan. She is a strong democrat and supports the Democratic Party; however, she would not be voting on items based on that, but based on what is in the best interest of the Town.

Mayor Foreman has spoken with both parties and it is a slippery slope when making an agenda item political. He could not support the language that has been presented. If a candidate wants to go out and do fundraising and the affiliated party assists them that is fine. Every candidate goes about his or her election a certain way. He did not necessarily agree with everything that VML does. He asked Council if they wanted to pull each item out from the VML resolution and vote on them separately.

Ms. Washington did not get the resolution was stating that the Council was supporting VML but was in support of their policy statements.

Ms. Forrester felt that everyone should have an opportunity to have his or her item voted up or down.

It was the consensus of Council to move forward to the Consent Agenda the resolution requesting support of increasing the enforcement powers of the Virginia Department of Environmental Quality, support of increasing waterway restoration in the Commonwealth of Virginia, and support of a study to examine State roadway maintenance and expansion of major roadways adjacent to interstate highways. It was decided to take no further action on the resolution restricting the activity of political parties in local Town of Dumfries elections and support of VML’s Legislative Agenda.

IN RE: COUNCIL MEMBER COMMENTS

Ms. Washington thanked the Council for appointing her to the position not once but twice. She has enjoyed the experience, working with Council, and serving the citizens of Dumfries. She asked Mr. Taber to forward the information to Ms. Neville about Mr. Singh. She thanked Mr. Tkac and staff for getting the four-way stop at Mine Road.

Mr. Brewer sent condolences to Sal at Padrino’s Pizza.

Mr. Toney mentioned a little girl was hit in his neighborhood the other day. He asked that signs or speed bumps be placed in the neighborhood. He mentioned that kids in the neighborhood have been playing with bb guns resulting in vandalism and a young boy being shot in the arm.

IN RE: ADJOURNMENT

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

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Gerald M. Foreman
Mayor