

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON OCTOBER 9, 2012, 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
Louis Praino
Helen Reynolds
Gwen Washington
Daniel Taber, Town Manager
Christine Sanders, Town Attorney

IN RE: CALL TO ORDER AND ROLL CALL

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

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

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

IN RE: APPROVAL OF THE MINUTES

Mr. Toney moved, seconded by Mr. Brewer, to approve the minutes from the April 17, 2012, April 26, 2012 budget work session, and the May 8, 2012 meetings as presented. The motion carried and was approved by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Praino, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes.

IN RE: ADOPTION OF THE AGENDA

Mr. Taber noted that Item XIII, A, Ginn Memorial Park Phase II was being requested to be removed from the agenda to allow staff time to continue gathering information and would be on the October 23, 2012 work session agenda for discussion.

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

IN RE: APPROVAL OF THE CONSENT AGENDA

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

RESOLUTION TO AUTHORIZE THE TOWN MANAGER TO SIGN AGREEMENTS WITH VDOT FOR TRANSPORTATION PROJECTS AND IN PARTICULAR, THE MULTIMODAL PROJECT ON ROUTE 1 IN THE TOWN OF DUMFRIES

WHEREAS, from time to time, the Town of Dumfries (the "Town") will enter into agreements with the Virginia Department of Transportation ("VDOT") for road and transportation improvements ("Projects") within the Town; and

WHEREAS, the Town will administer the work for the Projects and is in the process of administering work for VDOT project number 0001-212-250, also known as the Multimodal Project; and

WHEREAS, VDOT and the Town need to enter into a formal Agreement for the Multimodal Project and other transportation projects which occur from time to time; and

WHEREAS, the Town Manager is the Chief Executive Officer and Chief Administrative Officer for the Town pursuant to Section 4.01 of the Charter for the Town of Dumfries.

NOW, THEREFORE BE IT RESOLVED the Council of the Town of Dumfries on this the 9th of October, 2012, authorizes the Town Manager and/or his designee, to sign and enter into the road and transportation Projects with VDOT as necessary, and in particular, the Multimodal Project.

TOWN COUNCIL RESOLUTION TO PRINCE WILLIAM COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION

WHEREAS, the Town Council (hereinafter "Council") is applying to Prince William County, Virginia for Community Development Block Grant (CDBG) in the amount of \$60,000; and

WHEREAS, the Town of Dumfries will use the requested \$60,000 CBDG funds to purchase park equipment for Ginn Memorial Park, located at 3876 Graham Park Road in Dumfries; and

WHEREAS, the Council is committed to promoting healthy lifestyles which includes recreation for our Town's youth; and

WHEREAS, the Town has approved \$37,500 in general funds in FY13's budget dedicated for improvements of this property, with \$12,500 being allocated for park equipment; and

WHEREAS, the Town is dedicated to pursuing available funding sources and in-kind donations to supplement the Town's financial commitments for park enhancements; and

WHEREAS, where applicable it is understood that the total amount of assistance provided to the Town by the County for improvements will be secured by a Deferred Deed of Trust ("Trust") and Note on the property. The Trust will not be due and payable until the property ceases to be used for the designated purpose, or is sold, or the borrower fails or neglects to pay the taxes, assessments, or premiums for hazard, flood (if required) or mortgage insurance, or terms of the Deed of Trust are violated, the principal only amount of the loan becomes due and payable to the County; and

WHEREAS, where applicable, the loan will not be subordinated at any time during the 30 year deferral period to a Home Equity Loan, or other loan. Nor will the loan be refinanced during the deferral period such that it results in removing of equity from the property for any reason (i.e. cash, loan consolidation, debt repayment, home improvements, education expenses, etc.).

NOW, THEREFORE, BE IT RESOLVED that the Town Council authorizes the Town Manager to submit a CDBG application to Prince William County, and we proclaim our full support of this project.

PLANNING COMMISSION

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Town of Dumfries Town Council that the following individual, Michele Denise Beasley, be and hereby is appointed to the Planning Commission for terms that shall expire on June 30, 2016.

IN RE: CITIZEN COMMENT PERIOD

Eileen Thrall invited everyone to attend the Friends of Quantico Bay meeting being held on Thursday, October 11, at 7:00 p.m. in the Town's Community Center. Topics that will be discussed are Deweys Run, Swan Creek, and evasive species.

Nancy West read the following comments.

"I am here this evening to express my concern, and the concern of several of our citizens, over the actions taken by this council at the meeting of August 21. It was at that meeting that you voted to not only not televise the second meeting of the month, commonly called the work session, but to not even have Mrs. Johnson make a video of the work session for the record.

At a recent meeting of the Dumfries Seniors Luncheon, when Mayor Forman was questioned about this, Mayor Forman replied that citizens were welcome to come down to Town Hall and attend the meeting. This is not always possible. Within our community we have citizens who are shut-ins, citizens who have handicapping conditions that prevent them from "coming down," citizens who are unable to drive at night due to vision problems, citizens who have small children and attending meetings would require that they get a babysitter, and citizens who arrive home from work too late that would have to skip dinner in order to "come down to Town Hall." All of this segment of our Dumfries citizens are interested in Town government and could watch the Town Council meetings in the comfort of their homes. But the Council has denied these citizens this privilege. Some would also like to see "reruns" of the meetings at a later date, on Channels 2 or 35, but this too has been denied as only the first meeting of the month will be shown.

At the same Seniors Luncheon that I mentioned earlier, Mayor Forman stated that he realized that one of the problems of not recording the work session was that much that is discussed ends up on

the Consent Agenda at the regular meeting and is passed with no further discussion. Therefore, citizens who did not attend the work session did not understand what was being voted on. Yes, Mr. Mayor, that is a problem.

Another concern that citizens have expressed is that in not televising the second meeting of the month, citizens do not have the opportunity to hear the reports of the ARB, BZA, Planning Commission, and Historic Dumfries. These are all given at the second meeting of the month (work session) and are all informative reports that need to be heard by our citizens. Historic Dumfries always has a very informative report and Mrs. Barron, the Weems-Botts Director, uses this report as a means of getting information about the many activities going on at the museum out to all our citizens. Only those citizens who choose to physically come to Town Hall will have the privilege of hearing these reports.

For over a year now, the “by-word” of this Council and the Council that preceded it was “transparency.” Mayor Foreman, you have been the champion of transparency. There is now no transparency in the Dumfries Town Council. It would appear that you are trying to hide from the public. What are you trying to hide?

I would ask that you seriously reconsider your vote of August 21 and again vote to televise all meetings of the Dumfries Town Council.”

IN RE: MAYOR’S COMMENTS

Mr. Foreman noted he continues to schedule meetings with elected officials and hopes to have met with all of them by the end of December.

IN RE: PRESENTATIONS

A. BOYS AND GIRLS CLUB OF DUMFRIES – WESLEY CHERRY

Mr. Cherry, Athletic/Social Recreation Director, announced that the General Heiser Branch of the Boys & Girls Club located at 17565 Old Stage Coach Road has reopened its doors. The hours of operation will be Tuesday through Friday from 3:00 p.m. to 8:00 p.m. and Saturday from 10:00 a.m. to 3:00 p.m. Sign-ups are being taken for summer camps and sports clinics. He could be reached between the hours of 12:00 p.m. to 8:00 p.m.

IN RE: STAFF COMMENTS

A. TOWN MANAGER – DAN TABER

Mr. Taber noted that his report would be given at the October 23 work session.

B. CHIEF OF POLICE – ROBERT FORKER

Chief Forker reported the following items.

- The Police Department continues to work on its goals and objectives established for 2012.
- Christmas in Dumfries will be held on December 25.

C. DIRECTOR OF PUBLIC WORKS – GREG TKAC

Mr. Tkac reported the following items.

- The MS-4 annual report for the Department of Conservation and Recreation has been completed and submitted.
- The streetlight is being installed at Summer Duck Drive.
- The reestablishment of ditches will be worked on in the Old Towne community.
- There have been three meetings held with the Virginia Department of Transportation (VDOT) regarding crosswalks in the Town.
- There have been 3 Certificate of Occupancy inspections performed, 10 building permits issued, and 6 building permits closed.
- A meeting was held to discuss the roadway options regarding the alignment of Route 1 and Route 234 for the Potomac Shores Development. There is a concept drawing available for review.

Mr. Tkac notified Council the street sweeper was taken in for routine maintenance and some needed repairs, which has never required any repair of substance other than regular maintenance. The repairs consisted of replacing hopper screens, the separator skimmer plate, the blower wheel and blades, worn skirts, the muffler stack and rain cap due to excessive rust caused by salt. The estimate for the work was \$8,617.40. With the addition of the regular maintenance and the installation of two additional brooms, the total cost was \$10,736.65.

Mr. Praino asked if using a water truck prior to the street sweeper would alleviate the rust problem.

Mr. Tkac explained that the idea was to sweep the salt up before going into the stormwater drains.

Mr. Toney asked if the feasibility of purchasing a new sweeper would have been more economical since the current one is old.

Mr. Tkac noted that staff is looking at different options since it is expensive and time consuming to maintain.

D. DIRECTOR OF COMMUNITY & ECONOMIC DEVELOPMENT

There was no report given.

E. DIRECTOR OF COMMUNITY SERVICES – CYDNY NEVILLE

Ms. Neville reported the following items.

- The Farmers Markets last day will be October 27. There will be two new vendors this Saturday. Baked goods by Quality Thyme and flowers and plants grown by JK Home Work.

- The 38th Annual Christmas Holiday Parade will be held on December 8. Applications to register will be available later this week.
- She thanked everyone who volunteered at the Fall Festival.
- Write in candidates will have the opportunity to speak at the Senior Luncheon on October 19.

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

A. DELEGATE LUKE TORIAN – 9-20-12 – MAYOR FOREMAN

B. MARK GIBSON (INDEPENDENT CANDIDATE FOR CONGRESS VA-11 DISTRICT) – 9-21-12 – MAYOR FOREMAN

Mayor Foreman went over the following items with Delegate Torian.

- Interstate 95, Route 234, and Route 1 impacts on Dumfries
- Route 1 widening efforts (CIP)
- Crosswalk installation and safety
- Quantico Creek, Quantico Bay and its tributaries (Resolution)
- Tourism and Preservation of Historic Sites
- Economic Development
- Level of Service for taxes paid / eliminate redundancy (double taxation)
- Identify areas where Town, County, and State can leverage efforts
- Our efforts should fit into State plans (inclusion not exclusion)
- Delegate and Council and staff need to communicate

He went over the following items with Mr. Gibson.

- Interstate 95, Route 234, and Route 1 impacts on Dumfries
- Route 1 widening efforts (CIP)
- Crosswalk installation and safety
- Quantico Creek, Quantico Bay and its tributaries (Resolution)
- Tourism and Preservation of Historic Sites

IN RE: ACTION ITEMS

A. ORDINANCE TEXT AMENDMENTS – PUBLIC HEARING – SECTION 70-13(H)(1), 70-13(K), 70-282(B)(14), AND 70-287 – MORGAN BRIM

Mr. Brim noted the ordinance text amendments were driven by the request of an applicant, have been reviewed, and a public hearing was held by the Planning Commission. Section 70-13(h)(1) is a change in the definition for the calculation of off-street parking. It changes floor area to mean gross floor area, which is multiplied by .80 to determine the number of parking spaces needed. Section 70-13(k) is to allow a parking credit to accommodate different parking needs at different times of the day. Section 70-282(B)(14) is to allow up to 10 percent of the ground floor to be dedicated to residential amenities pursuant to a conditional use permit in the B-2 zoning district related to multifamily/residential units

above commercial, retail, or office space. Section 70-287 would allow a modification to height and setback requirements subject to a conditional use permit in the B-2 zoning district.

The applicant had no additional comments.

The public hearing was opened to public comments.

There being no comments the public hearing was closed.

Mayor Foreman moved, seconded by Mr. Brewer to introduce the ordinance text amendments for Section 70-13(h)(1), 70-13(k), 70-282(B)(14), and 70-287. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Praino, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes.

B. ORDINANCE TEXT AMENDMENTS – PUBLIC HEARING – SECTION 70-542 AND 70-679(A)

Mr. Brim noted the Town initiated these text amendments and the Planning Commission has held a public hearing. Section 70-542 reduces the review and decision timeframe of site plans from 60 to 30 days for the Planning Commission and the site plan be forwarded to the Town Council for its next available meeting. Section 70-679(a) deletes the meeting time for the Architectural Review Board (ARB).

Mr. Toney asked why the change with the ARB meeting time.

Mr. Brim noted that the ARB likes to meet earlier in the evening.

Mayor Foreman moved, seconded by Mr. Brewer to introduce the ordinance text amendments for Section 70-542 and 70-679(a). The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Praino, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes.

C. DISCUSSION ON TERMS OF APPOINTMENTS AND RESOLUTION MAKING APPOINTMENTS TO THE BOARD OF ZONING APPEALS – MORGAN BRIM

Mr. Brim noted there are two vacant seats with different terms of expiration. One expires on November 13, 2012 and the other on November 13, 2015. He asked Council to determine who will be recommended for which seat and to consider making the recommendation for the seat that expires on November 13, 2012 to be for an additional term that will expire on November 13, 2017. The two individuals being recommended for appointment are Nancy West and William Murphy.

Ms. Forrester moved, seconded by Ms. Reynolds, to recommend Ms. West for the seat that shall expire on November 13, 2015 and to recommend Mr. Murphy for the seat that shall expire on November

13, 2012 to include an additional term. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Praino, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes.

BOARD OF ZONING APPEALS

WHEREAS, the Dumfries Town Council has traditionally made recommendations to the Circuit Court concerning needed appointments to the Town of Dumfries Board of Zoning Appeals; and

WHEREAS, the Dumfries Town Council has learned that two appointments are needed to fill vacancies on the Board of Zoning Appeals; and

WHEREAS, the first vacancy results from Mr. Uson’s resignation and his term expires November 13, 2012; and

WHEREAS, the second vacancy results from Ms. Reynold’s election to the Town Council and her term expires on November 13, 2015; and

WHEREAS, the Dumfries Town Council wishes to make a recommendation of two qualified individuals to the Circuit Court on these vacancies.

NOW, THEREFORE, BE IT RESOLVED by the Town of Dumfries Town Council that Nancy West be recommended for a term that shall expire on November 13, 2015 and William A. Murphy for a term that shall expire on November 13, 2012 and an additional term to expire on November 13, 2017.

D. DISCUSSION/DECISION ON THE THEME AND GRAND MARSHALL FOR THE 38TH ANNUAL PARADE – CYDNY NEVILLE

Ms. Neville announced the following options for the theme and Grand Marshall for the 38th Annual Parade.

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|----------------|--|
| Theme Options | Christmas Past, Present, and Future
Christmas Around the World
Red, White, and Blue Christmas |
| Grand Marshall | Melvin Michie, Dumfries Elementary School Principal
Chief Charles Ester, Dumfries-Triangle Rescue Squad & Chief Miles Young, Dumfries-Triangle Volunteer Fire Department
Elsie Garrison
Town of Dumfries Living Past Mayors |

Ms. Forrester moved, seconded by Ms. Reynolds, to nominate Elsie Garrison as the Grand Marshall.

Mr. Brewer was going to nominate Living Past Mayors. He mentioned that Ms. Garrison was the Grand Marshall about three years ago.

Ms. Forrester did not realize that Ms. Garrison was the Grand Marshall previously.

Mayor Foreman asked if there was a list of previous Grand Marshall's.

Ms. Neville did not have a list; however, she noted that she could research it. She was not sure that the list would go back 38 years.

Ms. Washington asked if it could be verified that Ms. Garrison has been the Grand Marshall and a vote taken at the next Council meeting.

Ms. Forrester withdrew her motion.

It was decided to hold off on appointing the Grand Marshall until the next Council meeting so that a list can be compiled.

Ms. Washington moved, seconded by Ms. Reynolds, to have the 38th Annual Christmas Parade theme be Christmas Past, Present, and Future.

Mr. Brewer suggested having the Grand Marshall reflect the theme of the parade.

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

Mr. Brewer moved, seconded by Mr. Toney, to nominate Living Past Mayors for Grand Marshall. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Praino, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes.

E. POTOMAC LANDFILL OPTIONS FOR CONTINUED OPERATION – MAYOR FOREMAN

Mayor Foreman reminded Council that on August 21, 2012 Dennis Leake from the Potomac Landfill (PL) presented to Council two choices for continued operation.

1. Current operations in accordance with the Prince William County Circuit Court of VA Stipulation and Order dated December 22, 1987
2. Allow for Vertical Expansion

PL's request for options for continued operations are proceedings, not negotiations. Negotiations would necessitate a mutual discussion and arrangement of the terms of a transaction or agreement. As a business entity within the Town, PL's request for options for continued operations needs to be sent back to the PL for further clarification. PL's request is incomplete and needs to be chaired appropriately through staff and the appropriate commission(s). No additional consideration or action on Council's part should be taken until an appropriate document is provided from PL. Questions were compiled from citizens, staff, and Council. The Town Manager and Town Attorney have provided the questions to PL. The Town government cannot change the Court agreement without proper dialogue between the Council

and PL. There is no further action required on the Council's part. If PL desires to open dialogue between the PL and the Town then the proper entry point is through the Town Manager and Town Attorney.

Ms. Forrester agreed the typical process is to go through staff when the staff has the option to approve, and if staff does not approve it, then the matter can be brought to Council for consideration as a second line. In this case, staff does not have the authorization to approve what is being requested. The PL is requesting a change in a court order that is already in place so staff cannot make any decision on that other than to deny it and the reason it was placed on the agenda in the first place. It has been well established in the last two years since she has been on Council that the Town Manager sets the agenda and since the Town Manager saw fit to, at least two months ago, place this on the agenda, she felt that Town staff has already taken the appropriate course of action. It is late going down the road to state that the process is not being followed.

Mr. Taber pointed out that the landfill has been cooperative in answering many of Council's questions and he felt they were in the stage where information was still coming in. Staff wants to be able to give Council as much information as possible for staff to eventually decide to move forward with the decision making process or not. Any action will require an amendment to the stipulation order, but in order to determine whether that is the best thing for the Town to do, more information is needed. He believes that is where the Town is at this point.

Mayor Foreman did not think he gave the impression that staff was making any decision. Staff is compiling the information, the packet will be presented after legal review, and the questions have been answered, then Council can make a decision. Right now Council would be making a decision on how it was presented on up to 310 feet or continued operation to the court order. What has been learned in the last two months through a series of questions is there are no questions and answers. He did not want to give the impression, and he speaks for himself, he is willing to listen to going up to 310 feet. He has not been presented all the information, facts, or questions. He did not want to sit there and say he is not willing to work with anybody as a business entity. This business came forward, presented a plan, a great concept. Here Council is two months later and he did not think they were any closer to a decision because the questions have not been answered. He did not want to confuse any sort of Department of Environmental Quality (DEQ) action and set the wrong tone with this particular business or any business. He thinks the proper thing to do at this point is to give this back to PL and let them work with staff to prepare the package as was done with Pete Singh, the Hashimi's, the Campbell's, or any other business entity. Council can provide the questions, get back the answers, if any are provided, have a public hearing, and move forward. That is what the Council should be doing. Two meetings have been held along with a public hearing, and questions have been asked. The agenda item is being closed out.

Let the PL work with staff and give the Council the appropriate information in order to make an informed decision, meet with the citizens and business leaders, and move forward.

Ms. Forrester noted there was nothing on the agenda for Council to make an uninformed decision on. She pointed out the Town Manager just stated that the PL is working through the process of answering questions. She noted that a decision would not be made until the recommendations came from staff, until questions have been answered, that is the process the Council is going through. She did not understand why it would be taken from Council to be put on staff and brought back at another time to be brought back up.

Mayor Foreman asked how to proceed.

Ms. Forrester wanted to continue proceeding the way it has been, working out the details and questions, and when the time is appropriate to vote, that Council vote.

Mayor Foreman reiterated no additional consideration or action should be taken on Council's part until the proper documentation has been provided from the PL.

Ms. Forrester pointed out that this was an action item to close this out that requires a vote. She was confused. Unless Council votes not to continue with this staff will continue to work with the PL on the process that Council has been following until the appropriate time to vote comes. The way the agenda item was written Council is going to close it out from Council's consideration until staff decides they are ready to bring it back to Council. She thought that was the wrong way to go.

It was decided to leave it open until staff brings it back for Council to consider.

Ms. Reynolds was confused about the procedures. She did not understand why Council was still entertaining anything since the PL was still in violation. She asked if, when the PL comes back, whether the items would be corrected or a timeline would be provided showing when they will be.

Mayor Foreman explained there are two separate issues that came along parallel to each other. There is the DEQ letter, the consent letter, and the presentation from the PL. It would only make sense that when PL presents the plans, this business entity, they would state what their required actions have been and where they sit. Any business presenting to the Council would naturally have to address any violations, corrective actions, and long-term fixes.

F. DISCUSSION AND VOTE BY COUNCIL FOR CONSENSUS ON FORWARDING THE TOWN'S LEGISLATIVE PACKAGE FOR THE 2013 SESSION – MAYOR FORMAN

Mr. Taber explained that each year around this time Town Council has an opportunity to contact the elected officials and representatives to provide information on what it would like to see them concentrate on with their legislative efforts for the year. One of the ways this is done is by reviewing the

Virginia Municipal League's (VML) legislative package. VML represents all the governing agencies in the Commonwealth of Virginia; however, it does not give full voice to specific issues that smaller jurisdictions usually have and would like to see addressed. A couple of weeks ago an email went out asking for suggestions from Council of any items in particular to be included in the resolution that will be passed and forwarded to all of the elective representatives.

Mayor Foreman did not necessarily agree with VML's legislative agenda. Sometimes the little Town's get washed into the bigger issues. He noted VML is a great organization. He asked for the following items to be considered for the legislative agenda.

- **Waterway Restoration - Examine state conservation of waterways (silt removal, invasive fish eradication, and invasive plant removal) to protect natural resources and restoration of erosion programs to be modified to alleviate some of the financial burden on state and local taxpayers.**
- **Transportation Corridor Maintenance - Examine state roadway maintenance and expansion of major roadways adjacent to interstate highways to determine those that can be modified to alleviate some of the financial burden on state and local taxpayers.**
- **Economic Development - Community and economic development are essential to the continued vitality of the Commonwealth of Virginia. The state should partner with localities to develop and carry out the state economic development strategic plan.**
- **Historic Site Preservation - Examine state conservation of historic sites and buildings to protect local, state, and national resources.**

Mr. Brewer submitted the following items.

1. In the Town of Dumfries, no activities from all political parties shall be conducted from the collection of signatures, submission of signatures, campaigning on behalf of a candidate, including the ballot thru the election process.

He explained this was brought forward for legislation and it was messed up. It ended up just being no designation on the ballot. He wanted that to be specific. The Town is supposed to be having non-partisan elections here and it truly needs to be non-partisan.

2. Give DEQ more enforcement powers in regards to negotiating when a violation is found, in addition, the ability to set forth a monetary fine for the violation. The fines set forth will be shared with the governmental entity.

He explained there have been quite a few dealings with DEQ in several areas of the Town, along with the Environmental Protection Agency. The negotiating process is ridiculous. If he were to have a zoning violation or a traffic ticket, he does not get to negotiate the violation.

Mr. Toney asked for clarification on the non-partisan elections.

Mr. Brewer noted it would only apply to the Town elections.

Mr. Toney questioned the wording including candidates running for office somewhere else and his ability to collect signatures.

Mr. Brewer agreed it sounded general. He suggested putting in there a candidate from the Town. It would be like him running for office in the Town and the Republican Party going around collecting signatures and campaigning for him. Currently that can be done; however, the legislation that was taken forward in 2002 was to eliminate that because there were outside influences from political parties and have non-partisan elections without any influences. The Town was under the impression that it was approved when in fact the only thing that was approved was for the ballot.

Mr. Toney would not support eliminating the ability to be backed by a particular party.

Mr. Brewer explained if there were officials running for a County or State office designating themselves to a particular party then they know that in the Town you are truly non-partisan. The advantage would be if you are pushing one party versus another, the opposite party that you are supporting is elected, and then they would throw a cold shoulder on you.

Mr. Toney felt the reality is that either people support you or they do not. He felt this was ludicrous and would not support it.

Mayor Foreman could not support it unless the language was tweaked. He did know how politically active parties would be in this Town since only one candidate came forward in November. He suggested the language be for all townships.

Mayor Foreman made the motion, seconded by Mr. Brewer, to accept VML's legislative positions for 2013. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, no; Mr. Praino, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes.

Mr. Praino did not notice anything mentioned of fracking for gas. He asked Council whether they should take a position on the matter. He recommended not supporting it in the Town and in the State unless several environmental options are done. He noted that same information used for uranium mining is pertinent to the fracking. There are a lot more unanswered questions with that and more possibilities for damage to areas in the environment that do not show up until it is too late to do anything about it.

Mayor Foreman asked for an explanation of what fracking was.

Mr. Praino explained it consists of drilling through the shale and injecting highly pressurized water in, it busts the shale up, and natural gas is extracted. In the process of doing that, and with the Town sitting on a radiation belt, you can get radiation in the water as well as other contaminants, there is contamination. There have been suspicions of excessive amounts of water being injected causing mini earthquakes in certain areas. It looks good, is efficient, and the answer to a lot of natural gas problems. It is beginning to pick up as an alternate fuel and is a big money maker now. The potential for contamination by that type of mining with the code regulations that are enforced are not stringent enough to cover possible injury and damage to people and the environment right now. He felt Council should recommend a moratorium or non-support of it until such time it is proven safe.

Mr. Praino made the motion, seconded by Mayor Foreman, to be non-supportive of the fracking process until such time it can be proven safe. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, no; Mr. Praino, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes.

Mayor Foreman moved, seconded by Ms. Forrester, to consider waterway restoration, transportation corridor maintenance, economic development, and historic site preservation.

Mr. Toney made the friendly amendment to add to the transportation corridor maintenance verbiage to alleviate some of the traffic congestion, which would alleviate the financial burden as a side bar.

Mayor Foreman explained the verbiage was written the way it was because of discussions he had with elected officials. He explained that when the widening occurs on Highway 95 the State receives money for major arteries, like Route 1, to widen and improve infrastructure. This would generate an automatic switch to have some of that funding trickle down to the different localities within the improvement section who maintain their own roads for major arteries.

Mr. Toney asked that the verbiage be added "with infrastructure" between the words modified and to alleviate.

Mayor Foreman was agreeable to include the verbiage in his motion.

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

Mayor Foreman moved, seconded by Ms. Forrester, to give DEQ more enforcement powers. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Praino, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes.

Mr. Brewer noted he would tweak the verbiage on his proposal for non-partisan elections and bring it back to Council.

G. DISCUSSION REGARDING THE NUISANCE ORDINANCE – CHRISTINE SANDERS

Ms. Sanders explained the Town has been responding to inquires regarding the appearance of the Town and whether these issues could be addressed through the nuisance ordinance. She placed this on the agenda to determine if there was a consensus of Council to revisit the current nuisance ordinance for an update. The ordinance was adopted in 1990. There is enabling legislation that allows for civil penalties. Right now, it is a criminal statute for the Town, so that would be an option to look at. The current ordinance has items that do not make sense anymore. For instance, stables, cattle yards, hog, sheep, cow pens, etc. are all deemed to be a nuisance if they are annoying, injurious, offensive, to the public. There are no more in the Town and why the ordinance seems outdated.

Mayor Foreman moved, seconded by Mr. Brewer, to have staff review, address, and amend the language for nuisances.

Ms. Washington asked if the ordinance was going to have any teeth, be enforceable.

Ms. Sanders did not feel like it was worth anything unless there is a good enforcement mechanism. The enforcement mechanism that the ordinance has now is fine in some fashion. She explained that the process now is issuing a violation and taking the individual to court; however, if it can go straight to civil penalties this can assist in getting quicker compliance.

Ms. Washington was not sure where this came from, but she was sure the discussion that has been centered around this would be the landfill. She did not feel that if the State could not enforce any of the problems with odor from the landfill that anything the Town would draft would do a better job of that.

Ms. Sanders clarified the landfill could be one of the many objectives of the update; however, there are many other instances that have been brought to staffs attention.

Mr. Toney asked for some examples.

Ms. Sanders used the example of overhanging limbs from trees, storage of inoperable vehicles, fences that are dilapidated, and alarms. She noted that some of these issues are dealt with in the ordinance. She was happy to do some further research.

Mr. Toney hoped so since the agenda item only spoke to odor related complaints. He wanted an inclusive ordinance.

Ms. Sanders explained that odor was not well defined in the ordinance now. She was looking to have an objective standard rather than a subjective standard.

Mr. Praino asked how one would determine what an unpleasant or annoying odor is.

Ms. Sanders noted it would require some research. She mentioned odors can be measured. She is looking for something objective.

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

IN RE: INFORMATION ITEMS

A. NOTIFICATION OF REPAIR TO STREET SWEEPER – GREG TKAC

This item was covered under the Public Works Staff Comments.

IN RE: COUNCIL MEMBER COMMENTS

Ms. Washington thanked the Police Department for the extra care and attention that has been given to Dumfries Elementary.

Mr. Brewer wanted Council to consider contributing money to the Boys and Girls Club during the budget session.

Mr. Praino thanked Council for giving him the opportunity to serve.

Ms. Reynolds noted that Dumfries was redistricted to Congressional District 11, which is Congressman Gerry Connolly. She mentioned the article written in the paper about the Boat Tour generated some phone calls to her about the people who attended. It was noted that some elected officials were not invited. She did not think this looked good and was disappointed that the U.S. Congressman was not invited.

Ms. Forrester thanked Mr. Praino for serving on the Council.

IN RE: CLOSED SESSION

Mr. Toney made the motion, seconded by Mayor Foreman, to convene into closed session. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Praino, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes.

WHEREAS, the Dumfries Town Council desires to discuss subjects in Closed Session during the course of its meeting of October 9, 2012, 2012; and

WHEREAS, the nature of the subjects are the discussion and consultation with legal counsel regarding the disposition of publically held real property and consultation with counsel pertaining to probable litigation or legal matters requiring the provision of legal advice. The discussion of same in Closed Session is expressly permitted by Section 2.2-3711(A)(3) and (7) of the Code of Virginia, 1950, as amended.

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

Mr. Toney made the motion, seconded by Mayor Foreman, to reconvene into open session. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Praino, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes.

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

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

NOW, THEREFORE, BE IT RESOLVED that the Town of Dumfries does hereby reconvene in Open Session at its meeting of October 9, 2012 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

IN RE: ADJOURNMENT

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

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Gerald M. Foreman
Mayor