

**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON NOVEMBER 12, 2013, AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:**

**THERE WERE PRESENT:** Mayor Gerald Foreman  
Vice-Mayor Willie Toney  
Charles Brewer  
Kristin Forrester  
Helen Reynolds  
Daniel Taber, Town Manager

**THERE WERE ABSENT:** Gwen Washington  
Derrick Wood

**IN RE: CALL TO ORDER AND ROLL CALL**

Mayor Foreman called the meeting to order. Dawn Hobgood, Town Clerk, took roll call. It was noted that Mr. Wood and Ms. Washington notified staff that they would not be attending the meeting.

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

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

**IN RE: APPROVAL OF THE MINUTES**

Mr. Brewer moved, seconded by Ms. Forrester, to approve the minutes of the January 22, 2013 meeting as presented. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, absent; Mr. Wood, absent.

**IN RE: ADOPTION OF THE AGENDA**

Mr. Taber requested pulling item V-G, Resolution Making Appointments to the Towing Advisory Committee due to an additional towing company joining the committee. The resolution will come back to Council once the addition is made. It was also requested to pull item XIV-A, Amendments to the Temporary Roadside Food Vendors Ordinance. Since there were two Council members unable to attend the meeting, he felt, it should wait until the December 10 meeting.

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

**IN RE: CITIZEN COMMENT PERIOD**

There were no citizen comments.

**IN RE: MAYOR'S COMMENTS**

Mayor Foreman wished a happy birthday to the men and women of the U.S. Navy who celebrated their birthday on October 13, and those in the U.S. Marine Corps, who celebrated their birthday on November 10. November 11 was Veteran's Day, which was established in 1918, and thanked all veterans and military members still on active duty, for their bravery, courage, and sacrifices are never questioned and we appreciate all that you do for us. Thanksgiving is coming and he encouraged everyone to pause and take time with loved ones, families, and friends. Only in America are we blessed with the great liberties we have. He welcomed the new Town Attorney, Olaun Simmons, who is attending his first Town meeting tonight. He thanked those who participated in the memorial dedication to Fred Yohey, a citizen, former Council Member and Mayor. He thanked the Police Department, Town staff, and local businesses who contributed time and money to the third annual I-Walk fundraising event, which raised \$24,000. He thanked Susie Branko Zinn of RE/MAX Gateway Realty for her \$500 contribution to Dumfries Elementary School as part of their "My Town Heroes" campaign which she donates a portion of her commission to local schools. The sound wall is going up along the freeway bordering Prince William Estates to the end of the Knolls. He reminded parents to be mindful of their kids' safety as winter approaches and inclement weather occurs, combined with the increasing darkness, can pose danger.

**IN RE: APPROVAL OF CONSENT AGENDA**

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

**ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES,  
VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 26 ENVIRONMENT,  
ARTICLE II NUISANCES, BY ADDING SECTION 26-22(a)(14) GRAFFITI  
PREVENTION AND REMOVAL**

WHEREAS, the Town of Dumfries has experienced issues with graffiti throughout the Town and the current Dumfries Town Code does not allow for a way to require the remediation of graffiti; and

WHEREAS, graffiti is unsightly, injurious to the public at large and constitutes a public nuisance; and

WHEREAS, the prevention and remediation/removal of graffiti is in the interest of the public safety and welfare of the Town; and

WHEREAS, a review of the Town Code shows there is no Town Ordinance requiring a minimum standard of maintenance and care for residential properties, and

WHEREAS, Town Council discussed the matter at their August 20, 2013 meeting and directed staff to move forward with scheduling a public hearing on an ordinance to adopt the amendment to Article II, Chapter 26, Section 26-22(a)(14) making graffiti a nuisance, and

WHEREAS, Town Council requested the Town Manger advertise a public hearing at their September 3, 2013 meeting, and

WHEREAS, Town Council held a duly advertised public hearing on October 1, 2013.

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries on this the 12th day of November, 2013, that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending and adding Section 26-22(a)(14) to Chapter 26, Article II and is enacted as follows:

Article II of Chapter 26, Sect. 26-22(a)(14)

Sect. 26-22

14. Graffiti Prevention and Removal

(a) It shall be unlawful for any person to willfully or maliciously damage or deface any public building, facility or personal property or any private building, facility or personal property.

(b) Definition. "Graffiti" or "defacement" shall mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching or marking of an inscription, word, mark, figure or design of any type on any public or private building or other real estate or personal property owned, operated or maintained by a governmental entity or agency or instrumentality thereof or by any private person, firm, or corporation.

(c) Graffiti declared a nuisance. Damage to or defacement of property within the Town is expressly declared a public nuisance, and is subject to the removal and abatement procedures specified in this article.

This ordinance shall become effective on November 12, 2013.

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES,  
VIRGINIA, AS AMENDED, BY ADDING ARTICLE IV, TO CHAPTER 14,  
SECTIONS 190-195 RELATING GENERALLY TO MAINTENANCE AND  
CARE FOR RESIDENTIAL PROPERTIES**

WHEREAS, a review of the Dumfries own Code shows there is no Town Ordinance requiring a minimum standard of maintenance and care for residential properties, and

WHEREAS, it is in the public interest, health, safety and welfare that the Town Council adopt a maintenance code to provide for minimum standards of maintenance for residential properties in Town; and

WHEREAS, Town Council discussed the matter at their August 20, 2013 meeting and directed staff to move forward with scheduling a public hearing on an ordinance to adopt the Virginia Maintenance Code of the Virginia Uniform Statewide Building Code to require property owners to maintain their property, and

WHEREAS, Town Council requested the Town Manger advertise a public hearing at their September 3, 2013 meeting, and

WHEREAS, Town Council held a duly advertised public hearing on October 1, 2013.

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries on this the 12th day of November, 2013, that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by adding Article IV, to Chapter 14, Sections 14-190 through Section 14-195 and is enacted as follows:

Article IV of Chapter 14, Virginia Maintenance Code

Sect. 14-190 Code Official

The Zoning Administrator shall be appointed to Code Official, or any Town official with requirements as set forth by the State of Virginia by having achieved Advance Official certification by the VA Department of Housing and Community Development.

Sect. 14-191 Adoption

The Maintenance Code provisions, Part III of the Virginia Uniform Statewide Building Code and amendments thereto, as adopted by reference and promulgated by the State Board of Housing and Community Development, are hereby adopted by reference as the official Property Maintenance Code of the Town of Dumfries (the "Maintenance Code"). A copy of the Maintenance Code will be available for review at the Town office.

The Maintenance Code shall be the standard of maintenance, rehabilitation, development, and reuse of existing buildings and structures, and their associated equipment, whether occupied or vacant, after completion of construction, or where not otherwise regulated by the building code.

Sect. 14-192 Enforcement

Inspections and enforcement shall be conducted by the Code Official and/or Technical Assistant. The Code Official shall be responsible for assuring that all powers are carried out in accordance with the provisions of the Maintenance Code.

Interior inspections shall not be conducted unless invited into the dwelling by the occupant, or unless authorized by the court. Interior inspections will be used only to ensure adequate living standards are provided to the tenant from the landlord; however, life safety concerns will prevail in all circumstances.

#### Sect. 14-193 Landlord Tenant Disputes

All tenants reporting property maintenance complaints must first show proof that they have contacted the owner and allowed a reasonable amount of time for repairs to be made. If legal proceedings have begun between the tenant and landlord the Town will not become involved.

#### Sect. 14-194 Penalties

Whoever violates any provisions of this Chapter, by doing a prohibited act, or failing to perform a required act, or failing to perform permitted acts in the prescribed manner shall be subject to the penalties as specified in the USBC.

##### A. Criminal

Unless designated otherwise in this Article, violations of this Chapter are misdemeanors and, upon conviction, may be punished by a fine of not more than that amount authorized for violations of the USBC by Code of Virginia, Sect. 106 of Chapter 36; additionally if the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in good order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during which the violation continues after the court ordered abatement period has ended shall constitute a separate offense.

##### B. Civil Penalties

1. There are hereby established civil penalties for any violation of the provisions of Part III of the USBC, known as the Virginia Maintenance Code (Maintenance Code), excluding the provisions of Section 105 of The Code - Unsafe Structures or Structures Unfit for Human Habitation, which are prosecuted as set forth in Subsection (14-194A) above. Upon failure to abate or remedy pursuant to a notice of violation, the Code Official or designee may issue a civil summons to any person in violation of any of the provisions of the Maintenance Code as enumerated herein. The penalty for any one violation shall be a civil penalty of not more than \$150 for the initial summons, and not more than \$150 for each additional summons. However, subsequent specified violations arising from the same operative set of facts shall not be charged more frequently than once in a ninety day

period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$3,000.

2. Any person summoned for a scheduled violation may make an appearance in person or in writing by mail to the Town Treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such person shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. As a condition of waiver of trial, admission of liability and payment of a civil penalty, the violator and representative of the locality shall agree in writing to terms of abatement or remediation of the violation within six months after the date of payment of the civil penalty.

3. If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the General District Court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

4. If the violation concerns a residential unit, and if the violation remains uncorrected at the time of the assessment of the civil penalty, the court shall order the violator to abate, or otherwise remedy through hazard control, the violation in order to comply with the Code.

#### Sect. 14-195 Appeals

The Maintenance Code Board of Appeals for the town is hereby designated as the appeals board to hear appeals arising from the code official's application of the Maintenance Code.

This ordinance shall become effective on November 12, 2013.

### **RESOLUTION TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO A PROJECT ADMINISTRATION AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE US ROUTE 1 WIDENING PROJECT**

WHEREAS, the US Route 1 (Fraley Boulevard) Widening Project to widen Route 1 throughout the Town to accommodate a six lane, median-divided facility with a multi-use path adjacent to the northbound shoulder and a sidewalk on the southbound lanes is identified in the Town Comprehensive Plan as the Number 1 Traffic Project Priority; and

WHEREAS, funding is included in the current VDOT Six-Year Improvement Program sufficient to begin project scoping; and

WHEREAS, Town staff has insufficient resources to effectively deliver a federal aid project of the magnitude of the Route 1 Widening Project; and

WHEREAS, Virginia Department of Transportation (VDOT) staff has the experience, training and a demonstrated ability to effectively deliver federal aid projects; and

WHEREAS, the TOWN has expressed its desire to have VDOT administer the project and VDOT has expressed a willingness to do so.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Town Manager be authorized to enter into a Project Administration Agreement with VDOT for the US Route 1 Widening Project # 0001-212-249, UPC 90339.

**RESOLUTION TO AUTHORIZE THE TOWN MANAGER ADVERTISE A  
PUBLIC HEARING TO SEEK CITIZEN INPUT ON WHETHER TO MOVE  
TOWN ELECTIONS FROM MAY TO NOVEMBER**

WHEREAS, the Prince William County Electoral Board petitioned the Town Council to consider changing its biennial Town Elections to the November General Election in June; and

WHEREAS, at the August 20, 2013 Council meeting Council directed to the Town Attorney to provide information regarding having a referendum placed on the May ballot; and

WHEREAS, at the September 9, 2013 Council meeting Council discussed the options provided by the Town Attorney and requested further information on the number of registered voters in the Town; and

WHEREAS, at the October 1, 2013 Council meeting discussions were held on whether to hold a referendum or public hearing; and

WHEREAS, Council voted to hold a public hearing at the December 10, 2013 Council meeting to seek citizen input on whether a change was desired by the citizens to move the May elections to November before moving forward with a request to the General Assembly to change the Town Charter.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Town Manager is authorized to advertise for a public hearing to be held on December 10, 2013 to consider citizen input on whether to change the biennial Town elections from May to November.

**AN ORDINANCE TO AMEND THE TOWN OF DUMFRIES FEE SCHEDULE**

WHEREAS, the Town Staff initiated the process to amend the fee schedule that was adopted in 2004 for zoning fees and banner signs for religious and nonprofit organizations; and

WHEREAS, the Town Staff introduced proposed changes to the fee schedule in a discussion meeting with the Town Council at the August 20, 2013 meeting of Town Council; and

WHEREAS, per the request of Council, staff amended the fee schedule for fees to be equal to or less than similar fees found in the Stafford and Prince William County fee schedules; and

WHEREAS, the Dumfries Town Council held a duly advertised public hearing on the fee schedule on October 1, 2013; and

WHEREAS, the Dumfries Town Council finds that the fee schedule proposed by Town Staff, serves a valid public purpose and furthers the goals of the Town of Dumfries Comprehensive Plan.

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries on this the 12th day of November, 2013, the amended fee schedule, attached, is hereby adopted and approved.

This ordinance shall become effect November 12, 2013.

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# Fee Schedule

## for the Town of Dumfries, Virginia

### *effective July 1, 2012*

*Amended 11-12-13 to include SP-1 and Temporary Signs for Non-Profit/Religious Institutions*

SITE PLAN REVIEW FEES	
Application	Fee
Nonresidential Site Plan, Multi-Family Site Plan, and major revisions to an approved plan	\$1,000
Single-Family & Townhouse Subdivision Plan, Minor Nonresidential Site Plan, and Grading Plan (over 2,500 square feet)	\$500
Plat Review (Subdivision, easement, consolidation, vacation)	\$350
Waiver request	\$300
Pre-submission Meeting	\$100 per hour per discipline, \$75 minimum
Subsequent reviews and minor revisions to an approved plan	\$100/sheet

*The Zoning Administrator and Director of Public Works reserve the right to assign fees for items not shown above.*

LABOR AND EQUIPMENT RATES	
Activity	Fee
Labor, without tools	\$25 per hour
Labor, with tools including: Weed eater & cord, weed eater & blade, sidewalk edger, shovels, rakes, pitchforks, grubbing hoe, machete, bush axe, pruning saws, and hand pruners	\$35 per hour
Labor with chainsaw	\$35 per hour
Labor with push mower	\$35 per hour
Labor with riding behind mower	\$45 per hour
Labor with riding mower	\$45 per hour
Labor with tractor & bushhog	\$65 per hour
Labor with dump truck (minimum 5 ton)	\$75 per hour
Labor with pickup truck (minimum 3/4 ton)	\$40 per hour
Labor with stake body truck (minimum 1 ton)	\$50 per hour
Skid steer and attachments with operator	\$60 per hour
Mini excavator with operator	\$65 per hour
Small rubber-tire loader/scratcher with operator	\$65 per hour
Director of Public Works	\$100 per hour
Building Inspector	\$100 per hour
Administration	\$50 per hour

*Immediate response services (within 24 hours): additional 50% on labor and equipment rates*

*The Director of Public Works reserves the right to assign fees for items not shown above.*

<b>BUILDING FEES</b>	
<b>Application</b>	<b>Fee</b>
<b>Construction Plan Review</b>	
Residential Plan Review (new construction)	\$300
Residential Plan Review (additions, remodeling, alterations)	\$150
Commercial/Industrial Plan Review (new, additions)	\$300
Subsequent Review Fee	\$100 per sheet
Commercial/Industrial Plan Review (tenant layout, alterations)	\$150
Subsequent Review Fee	\$100 per sheet
<b>Residential Construction Permit Application</b>	
Residential (new construction)	\$700 minimum (Includes permit and 4 inspections*)
Residential (additions, remodeling, alterations)	\$500 (Includes permit and 4 inspections*)
Residential (Decks)	\$300 (Includes permit and 4 inspections*)
Residential (Plumbing)	\$50 permit fee \$100 per inspection**
Residential (HVAC)	\$50 permit fee \$100 per inspection**
Residential (Electrical)	\$50 permit fee \$100 per inspection**
Residential (Occupancy Permit)	\$50 permit fee \$100 per inspection**
<b>Commercial Construction Permit Application</b>	
Commercial (new, additions)	\$1,100 (Includes permit and 10 inspections*)
Commercial (tenant layout, alterations)	\$900 (Includes permit and 8 inspections*)
Commercial (Plumbing)	\$50 permit fee \$100 per inspection**
Commercial (HVAC)	\$50 permit fee \$100 per inspection**
Commercial (Electrical)	\$50 permit fee \$100 per inspection**
Commercial (Occupancy Permit)	\$50 permit fee \$100 per inspection**
Fire Marshal Inspection (sprinklers, fire alarm)	As set by Prince William County Fire Marshal's Office
<b>Other Fees</b>	
Minor Plan Review	Determined by Building Official
Site Inspection (storm sewer, water, sewer lines)	\$150 per inspection
Code Compliance Inspection (requested by customer)	\$200 per inspection
Pre-Design Meeting	\$100 per hour - \$75 minimum
Construction Meeting	\$100 per hour per discipline - \$75 minimum
Reinstatement of Rescinded or Suspended Construction Permit	\$100
Reinstatement of Responsible Parties for Construction Permits	\$100
<b>FAILURE TO OBTAIN BUILDING OR GRADING PERMIT</b>	\$500 plus cost of Permit

\* Additional inspections: \$100 each

\*\* Inspections may be combined into one inspection at \$150

A 2% levy for building fees is already included in the cost shown above.

The Building Official reserves the right to assign fees for items not shown above.

<b>ZONING FEES</b>			
<b>Application</b>	<b>Fee</b>		
<b>Buildings, Occupancy, &amp; Accessory Structures</b>			
Zoning Approval for Occupancy (tenant known)	\$25		
Zoning Approval for accessory residential structures	\$25		
<b>Planning Applications</b>			
Application for Rezoning	For less than 3 acres:	\$2,000 + \$1,000 per acre or portion thereof;	
	for 3 or more but less than 6 acres:	\$4,750;	
	for 6 or more acres:	a base fee of \$6,250,	
		plus the following fee per acre based on desired zoning district:	
		residential: \$175;	
		B-1: \$150;	
B-2: \$125;			
FB/O-1: \$175;			
SP-1 and M-1: \$200			
Zoning Text Amendment	\$500		
<b>Special Exceptions</b>			
Conditional Use Permit (residential)	\$500		
Conditional Use Permit (non-residential)	Base fee:	\$500	
	Plus:	\$2,500 per acre or portion thereof above 1	
	Or, for these specific instances:		
	\$1,250	Adult day care facility or Child care facility over 1 acre	
	\$1,750	Religious institution without related services or Veterinary hospital with kennel over 1 acre	
	\$5,750	Motor vehicle sales or Religious institution with related services over 3 acres	
\$7,750	Marina over 5 acres		
<b>Board of Zoning Appeals</b>			
Appeal to the Board of Zoning Appeals	\$600		
Variance application to the Board of Zoning Appeals (residential)	\$600		
Variance application to the Board of Zoning Appeals (non-residential)	\$600		
<b>Architectural Review Board</b>			
Certificate of Appropriateness	\$25		

*For any applications that require public hearings, applicant is also responsible for the cost of advertising such public hearings*

*The Zoning Administrator reserves the right to assign fees for items not shown above.*

<b>ZONING FEES (cont'd)</b>	
<b>Zoning Determinations &amp; Certifications</b>	
Certification of Non-Conforming Use (residential)	\$30
Verification of/interpretation of/changes to Non-Conforming Use (Commercial / Industrial)	\$30
Zoning Interpretations/ Proffer/ SUP Determinations	\$100
Zoning Certification Letter required by banks prior to lending	\$65
Zoning Compliance Certification - Signature of Zoning Administrator required on DMV forms (for Motor Vehicle sales, salvage, vehicle removal operator, etc.)	\$25
<b>Home Businesses</b>	
Home Occupation	\$25
Home Business	\$25
<b>Signs</b>	
Sign (new - also requires building permit, possibly electrical permit)	\$55.00 + \$1.00 per square foot, or \$75, whichever is less
Sign (reface - no building or electrical permit needed)	\$25.00 + \$1.00 per square foot, or \$50, whichever is less
Temporary Sign/ Banner	\$25 * **& ***
*Fee is waived for a single "Grand Opening" banner for new businesses upon initial start of business	
**Fee is waived once a year for businesses that have supplied proof of BPOL and submitted application for a business license by the required date	
*** Fee is waived for Religious Institutions and Non Profits Organizations if no zoning violations are on file for the subject property within the previous 12 months	
*, ** & *** In these instances, a permit is still required and sign still must conform to Zoning Ordinance	
Temporary Sign Deposit	Minimum \$50, subject to increase by the Zoning Administrator if previous approvals were violated in any way
<b>Temporary Uses</b>	
Temporary Use Permit	Minimum \$25 for small events, \$100 for medium-impact events, \$500 for large events such as carnivals and circuses
Temporary Use Deposit	Minimum \$50 for small events, \$500 for medium-impact events, \$5,000 for large events such as carnivals and circuses, subject to increase by the Zoning Administrator if previous approvals were violated in any way
<b>Failure to Obtain Zoning Permit</b>	
<b>FAILURE TO OBTAIN ZONING PERMIT</b>	<b>\$500 plus cost of Permit</b>

*For any applications that require public hearings, applicant is also responsible for the cost of advertising such public*

*The Zoning Administrator reserves the right to assign fees for items not shown above.*

**A RESOLUTION TO ADOPT THE 2014 COUNCIL MEETING SCHEDULE AND HOLIDAY SCHEDULE FOR THE TOWN OF DUMFRIES**

WHEREAS, the Council of the Town of Dumfries must schedule its meetings for the calendar year 2014; and

WHEREAS, the Council of the Town of Dumfries follows the holiday schedule set by the Virginia Department of Human Resource Management; and

WHEREAS, the Council of the Town of Dumfries has considered the attached calendars for meetings, work sessions, and holidays and finds it to be acceptable.

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Dumfries that

- 1) The attached schedule containing the dates and times hereby established for 2014 meetings of the Council with all meetings being held on the first and third Tuesday of each month (unless noted) to be held in Council Chambers, 17755 Main Street, Dumfries, Virginia, all to begin at 7:00 p.m.
- 2) The same schedule containing the dates for holidays is hereby established for 2014 and the offices for the Town of Dumfries will be closed in observation of the specific holiday.
- 3) The dates scheduled for “work sessions”, the third Tuesday of the month, are also hereby designated as the dates for continued Regular Meetings should that become necessary due to inclement weather or other conditions.

<p><b>Town Council</b>  <b>7:00 p.m.</b>  <b>Council Chambers – Town Hall</b>  <b>17755 Main Street</b>  <b>Dumfries VA 22026</b>  <b>2014 Meeting/Holiday Calendar</b>  <b>Adopted 11-12-2013</b></p>		
<b>Regular Meeting</b>	<b>Work Session</b>	<b>Holiday Schedule</b>
Previously scheduled January 7	January 21	January 1 – New Year’s Day
February 4	February 18	January 17 – Lee-Jackson Day

March 4	March 18	January 20 – Martin Luther King, Jr. Day
April 1	April 15	February 17 – George Washington Day
May 7 (Wednesday)	May 20	May 26 – Memorial Day
June 3	June 17	July 4 – Independence Day
July 8 (2nd Tuesday)	July 22 (4th Tuesday)	September 1 – Labor Day
August 6 (Wednesday)	August 19	October 13 – Columbus Day
September 9	September 23	November 11 – Veterans Day
October 8 (Wednesday)	October 21	November 26 – ½ day
November 5 (Wednesday)	November 18	November 27 and 28 – Thanksgiving
December 2	No meeting	December 24 – ½ day
January 6, 2015		December 25 and 26 - Christmas

**RESOLUTION TO ADOPT THE JEFF SIMPSON COMMUNITY AND CULTURAL ARTS CENTER USAGE POLICY**

WHEREAS, the Town of Dumfries maintains the Jeff Simpson Community and Cultural Arts Center and in the past has allowed its use for many Town and community events; and

WHEREAS, there has been concern over the lack of a written policy governing the use of the Community and Cultural Arts Center; and

WHEREAS, Council directed the Town Manager to develop a written use policy for the Community and Cultural Arts Center that would specify approved uses and procedures for use of the facility while protecting the facility from damage; and

WHEREAS, Council engaged in rigorous discussions on a proposed use policy over the course of several months; and

WHEREAS, Council has reviewed the final draft of the Jeff Simpson Community and Cultural Arts Center Usage Policy.

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Dumfries that the Jeff Simpson Community and Cultural Arts Center Usage Policy be adopted on November 12, 2013 with an effective date of March 1, 2014.

**RESOLUTION TO AUTHORIZE THE TOWN MANAGER ADVERTISE A PUBLIC HEARING FOR A CONDITIONAL USE PERMIT TO ALLOW FOR KID'S ZONE DAYCARE TO OPERATE AT 17926 MAIN STREET**

WHEREAS, the Town of Dumfries has received a conditional use permit application to allow for a daycare, namely Kid's Zone Daycare, to operate in the B-2 Neighborhood Business Zoning District located at 17926 Main Street; and

WHEREAS, the Planning Commission reviewed the application on October 7, 2013, and on October 22, 2013 when the Planning Commission voted to move the application forward to Town Council for review and to hold a joint public hearing; and

WHEREAS, the Town Council reviewed the application at the October 22, 2013 work session where Town Council directed staff to move forward with scheduling a public hearing on the conditional use permit.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Town Manager is authorized to advertise for a public hearing to be held on December 10, 2013 to consider the conditional use permit for Kid's Zone Daycare to be located at 17926 Main Street.

**IN RE: COUNCIL MEMBER COMMENTS**

Mr. Toney sends his best wishes to the people of the Philippines affected by the recent natural disaster and asked that people keep those affected in their thoughts and prayers.

Ms. Reynolds thanked the Board of the Boys & Girls Club for appointing her. She thanked Supervisor Caddigan for meeting with Council. She thanked Congressmen Connelly for the large grant awarded to the Town. She wished everyone a Happy Thanksgiving.

**IN RE: PRESENTATIONS**

**A. RESOLUTION COMMENDING THE SERVICE OF JENNIFER STRINGFELLOW ON THE ARCHITECTURAL REVIEW BOARD (ARB)**

Mayor Foreman presented a resolution to Jennifer Stringfellow recognizing her years of service on the ARB.

Ms. Stringfellow thanked the Council for the opportunity to serve for the past six years. It was an honor serving with the other members of the Board.

The resolution was adopted on October 1, 2013.

**B. FIRST HOME ALLIANCE - LARRY LAWS, EXECUTIVE DIRECTOR/FOUNDER**

Mr. Laws, Founder and Executive Director of First Home Alliance, which was established in 2002, noted the mission is to provide first-time homebuyer education, financial literacy, and foreclosure prevention. The organization has assisted 3,000 people become first time homebuyers in the area and helped 900 families prevent foreclosure. He has been a member, as a sub-grantee,

to the Virginia Housing Authority since 2006. In 2011, he became an affiliate to HomeFree-USA, which is a Housing and Urban Development (HUD) intermediary. He was before Council to extend his services and to dispel some myths about why people are facing foreclosure. The biggest factors are loss of employment and family illness. It is not from people who were given loans who did not qualify.

Mayor Foreman asked if First Home Alliance was a nonprofit organization.

Mr. Laws confirmed that it was.

Mayor Foreman suggested Mr. Laws work with the Town Manager, as there was a standing policy for use of the Town’s Community Center, which the Alliance could use for meetings and classes.

**IN RE:           BOARDS AND COMMISSIONS**  
**A. ARCHITECTURAL REVIEW BOARD (ARB)**

There was no report.

**B. BOARD OF ZONING APPEALS (BZA)**

There was no report.

**C. HISTORIC DUMFRIES**

Joanne Barron reported a silent auction fundraiser for the Weems-Botts Museum, hosted by the Dumfries Triangle Rescue Squad, would be held this Saturday, November 16 with a luau buffet provided by Jeremiah’s Kansas City Style BBQ. She provided the following statistics for the Weems-Botts Museum.

Year	2011	2012	2013
Attendance	5,432	6,773	7,749
Volunteer Hours	563	1,992	3,388

The number continues to climb with the billboard sign on I-95 attracting visitors. She is also getting volunteers from the local colleges.

**D. PLANNING COMMISSION (PC)**

Mr. Webb reported the following.

- Highlights from the work session
  - Grace Church, 1006 Williamstown Drive, has requested adding 200 parking spaces, which would be in the Resource Protection Area (RPA).

- Reviewed a Conditional Use Permit (CUP) request for a daycare at 17926 Main Street.
- The Commission also discussed some housekeeping issues.
- Highlights from the regular meeting
  - There were no items to discuss.
- ✓ Special Meeting Held
  - Commission passed a motion to request Town Council schedule a public hearing for the CUP request for a daycare at 17926 Main Street.

Mr. Toney received a call regarding the PC meeting for December.

Mr. Webb stated the PC always holds its meeting the first Monday after the Town Council meeting.

Mr. Brewer asked about the location for the additional parking spaces at Grace Church and asked if there was a Dominion Virginia Power easement behind the Church.

Mr. Webb was not sure of the exact location. He noted the Church is no longer able to use the parking across the street and that is the reason the Church is requesting the parking spaces to accommodate the ones being lost.

**IN RE: COUNCIL REPORTS**  
**A. BOYS AND GIRLS CLUB**

Ms. Reynolds reported attending her first meeting on October 18. She did not have anything to report. She mentioned there would be some fundraisers that she will be reporting on at a future meeting once information is available.

**B. EVENTS COMMITTEE**

Cydney Neville, Director of Community Services, announced that on December 14 the Town will be holding its Annual Christmas Parade. The Christmas Tree Lighting will be held on December 7.

Mayor Foreman asked if the Fairfax Shriners had been contacted to participate in the Christmas Parade.

Ms. Neville noted they were going to participate.

Mayor Foreman asked if the Wounded Warriors would be participating.

Ms. Neville had not received anything back from them after they were invited, but would follow up with them this week.

### **C. PARKS AND RECREATION COMMISSION**

Ms. Neville reported the Parks and Recreation Commission is working on the by-laws and standard operating procedures. They are getting the documents in order to be able to run a full scope of programs next Spring.

Mayor Foreman asked if the pictures of the new playground equipment and the Yohey Memorial at Ginn Memorial Park are linked to the website or are they just on Facebook.

Mr. Taber thought they were just on Facebook.

Teresa Young, IT Manager, noted the new playground equipment was on the website as part of the slideshow.

Mayor Foreman requested the photo be placed under the Ginn Memorial Park link on the website.

Ms. Young stated it would be done.

Mayor Foreman pointed out the Parks and Recreation Commission section of the website has information about Ginn Memorial Park and has nothing about the other two parks. He felt a better effort should be made to highlight the other parks as well.

### **D. NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)**

Mayor Foreman attended a meeting on October 24. The highlight of the meeting was the commuter ferry market analysis. The Commission talked about the ferry starting from somewhere around the Dumfries area. The ferry will have to make nine to ten trips per hour in order to make it profitable and qualify for subsidies. Discussions were held on the legislative agenda program. He spoke with the Town Manager about the Town's legislative agenda. The last item discussed was the Base Realignment and Closure (BRAC) Committee report which addresses regional transportation, housing, and employment issues.

Mr. Toney asked whether the ferry would be open to the public or just the military.

Mayor Foreman stated it would be public transportation. He noted the study was not complete.

### **E. NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA)**

Mayor Foreman provided a copy of the NVTA reports to Council and staff. The most important issue addressed was House Bill 2313 and the distribution of funds for the localities. The NVTA wants the memorandum of understanding (MOU) in place by the end of December, which

the Town will not be able to meet. A special work session was called for November 22, which he plans on attending, and he will provide a report to Council on the meeting.

**F. NORTHERN VIRGINIA CIGARETTE TAX BOARD (NVCTB)**

Mr. Brewer noted there was no report; however, updates are being sent out that include information about a terrorist group in New York that is being prosecuted for using funds from cigarettes acquired in North Carolina and South Carolina. He would provide a formal report to Council in January after the meeting in December.

**IN RE: STAFF PRESENTATIONS**

**A. DIRECTOR OF COMMUNITY SERVICES – CYDNY NEVILLE**

Ms. Neville reported the following items.

- ✓ Free English as a Second Language (ESOL) classes are offered on Tuesdays from 10 a.m. to Noon.
- ✓ The senior luncheon will be held Friday with a Thanksgiving theme in the Community Center at 1 p.m. and will feature a presentation by Wheels to Wellness. It is a grant-funded program ran through OmniRide that provides free transportation to medical appointments.
- ✓ Applications are still being accepted for the Christmas Parade.
- ✓ The Dumfries Cares Program has been extended through December 31 of next year.
- ✓ The Systematic Training for Effective Parenting (STEP) program is being offered free. This program is about sharing ideas on child rearing. It starts Monday at 7 p.m.
- ✓ The Elementary Emerging Leaders Program will be offered on Wednesday and Thursday as two separate groups in order to serve more youth in the community and the Middle School Monday Program as well.

Mayor Foreman asked for the senior luncheons to be posted on the website under the Town's calendar of events.

**B. PLANNER/ZONING ADMINISTRATOR – LAURA O'DELL**

Ms. O'Dell reported the following items.

- ✓ Reviewed plans for a subdivision on Duke Street that consists of a five-acre lot that will be subdivided into two lots in order to build a house. The PC will be reviewing it this month.

- ✓ She worked with Grace Church on their CUP application for 200 additional parking spaces, which would be in the RPA. If you face the Church, the proposed location would be off to the left of the parking area that already exists. Most of the area is on a decline.
- ✓ Met with the Campbell's and visited the site noting that a large portion of the tires have been removed; however, not all of them. Department of Environmental Quality (DEQ) informed her they cannot get involved until the Town exhausts all efforts to remedy the problem. The Prince William County (PWC) Fire Marshall's office will be going out to the property, along with the Building Code Official, to inspect for fire hazard violations.
- ✓ Met with the Virginia Department of Transportation (VDOT) and the Curtis brothers regarding the billboard sign on Route 1, which was destroyed. Clear Channel Communications owns the sign. They lease the piece of property the sign sits on and they have not provided permission to remove the sign. VDOT has issued a notice of violation and they will remove the sign once the Town exhausts all legal avenues, which could take up to a year.

Mr. Brewer asked for clarification regarding what DEQ meant by "exhausting all efforts" before becoming involved with tire clean up.

Ms. O'Dell explained that the Town must prove that all ordinances and regulations have been used and have been unsuccessful before DEQ will get involved. DEQ stated they could require an industrial stormwater/wastewater permit, but that would allow the Campbell's to continue the illegal activity on the property.

#### **C. DIRECTOR OF PUBLIC WORKS – RICHARD WEST**

Mr. West asked Council if they had any questions.

There were none.

#### **D. CHIEF OF POLICE – CHIEF REBECCA EDWARDS**

Chief Edwards noted the annual Christmas in Dumfries program will take place December 7. Applications are being accepted for children to participate in the event until December 2. Donations will be accepted until December 6. Volunteers are needed to help with the event too. The event is similar to the "Shop with a Cop" program. Many of the volunteers that have

participated in the past were not police officers. If you have any questions or would like more information, contact the Police Department.

Mr. Brewer and Ms. Reynolds asked to be signed up to volunteer.

#### **E. TOWN MANAGER – DAN TABER**

Mr. Taber reminded Council that staff continues to look at opportunities to obtain federal and state grants. Public Works responded to an issue on Wilson Street. After the several heavy days of rainfall last month, it became evident that there was a problem with drainage from the McDonald's parking lot. An assessment was done and it was determined that some stormwater work that had been done many years ago, was not done properly, which left no place for all the stormwater runoff to go. The problem was worked on over the past three weeks and has been corrected.

Ms. Reynolds asked for more details about the grant that Congressman Connelly gave the Town.

Mr. Taber explained as a result of Hurricane Sandy that hit the east coast there was a large sum of federal money that was made available through grants to address impacts from the storm. If you go down Possum Point Road, there is Dewey's Creek that empties from upstream down through a culvert system under the roadway into the larger bay area. A lot of erosion occurred and sediment was building up downstream. The Public Works Department applied for and received approximately \$330,000, which will allow the Town to deal with the approach, cleaning out the existing culverts, and realigning the creek to allow the system to work, as it was developed to work. This will probably take a year before work can begin since it would be wise to wait until PWC completed the project upstream. He forwarded to Council a timeline on the project detailing what work is being done upstream.

Mr. Brewer complimented Public Works for fixing the culvert in the McDonald's parking lot. It has been an issue for quite some time.

Mayor Foreman mentioned the Dewey's Creek work will commence in the January/May 2014 timeframe and will not be completed until December 2015.

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

Mayor Foreman announced that Council met with the PWC Potomac District Supervisor and County Executive Melissa Peacor on October 29. Discussions included the following items.

- Ethanol facilities
- Status of Dewey's Run stream restoration
- Quantico Creek restoration
- False alarm fee charge by PWC
- Update on Montclair Library
- Update on Fuller Heights Park
- Route 1/Route 234 proposed intersection
- Your Tax Dollar at Work

He sent an e-mail, after that meeting, to Ms. Peacor about the following items.

- The by category comparison – Town administration versus County administration - without the school budget in the mix.
- Your Tax Dollar at Work on PWC website – the model shows fees for solid waste and stormwater management – it has been noted on the website that Town residents do not pay solid waste or stormwater fees to PWC.
- The false alarm fee – It was confirmed that the residents of Dumfries are paying a fee. This service is not being provided by PWC. PWC will provide a total refund upon request to residents who have paid the fee.

**IN RE:**

**ACTION ITEMS**

**A. AMENDMENTS TO THE TEMPORARY ROADSIDE FOOD VENDORS ORDINANCE**

The item was removed and will be brought back at the December 10 meeting.

**B. RESOLUTION TO PROCLAIM THE INFLUENZA SEASON FOR 2013-2014 TO BE A CONCERN OF STATEWIDE IMPORTANCE – VICE MAYOR TONEY**

Mr. Toney read the following background information. “For the last 30 years, the severity of the influenza seasons has differed substantially year-to-year with a low of 3,000 to a high of 49,000 and the African American community continues to have lower vaccination rates in the State of Virginia in comparison to the general population. Therefore, the National Influenza Vaccination Disparities Partnership was launched by the Centers for Disease Control and Prevention specifically to address flu-related health disparities within African American communities and to promote annual flu vaccinations for everyone six months and older.”

Mr. Forman moved, seconded by Ms. Reynolds, to adopt the resolution as presented. The motion carried and the following resolution was adopted by the following roll call: Mr. Brewer,

yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, absent; Mr. Wood, absent.

**RESOLUTION TO PROCLAIM THE INFLUENZA SEASON FOR 2013-2014  
TO BE A CONCERN OF STATEWIDE IMPORTANCE**

WHEREAS, for the last 30 years the severity of the influenza seasons have differed substantially year-to-year with a low of 3,000 to a high of 49,000; and

WHEREAS, each year in the United States on average 5 to 20 percent of the population can be infected with the flu, more than 20,000 people may be hospitalized during the flu season; and

WHEREAS, the African American (46.2%) community continues to have lower vaccination rates in the State of Virginia in comparison to the general population; and

WHEREAS, African Americans in Virginia can adopt healthy lifestyle behaviors that include annual flu vaccination and management of chronic health conditions to minimize health complications that impact the physical and economic well-being of an entire community; and

WHEREAS, the National Influenza Vaccination Disparities Partnership was launched by the Centers for Disease Control and Prevention specifically to address flu-related health disparities within African American communities and to promote annual flu vaccinations for everyone six months and older; and

WHEREAS, the Town Council hereby proclaims the 2013-2014 influenza season to be a concern of statewide importance.

NOW THEREFORE BE IT RESOLVED that Dumfries Town Council urge all citizens to participate in local flu vaccinations drives and promotional activities planned here forth.

**IN RE: CLOSED SESSION**

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

WHEREAS, the Dumfries Town Council desires to discuss a particular subject in Closed Session during the course of its meeting of November 12, 2013; and

WHEREAS, the discussion, consideration, or interviews of prospective candidates for employment and an appointment to a board, committee, or commission is expressly permitted by Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Dumfries does hereby reconvene in Open Session at its meeting of November 12, 2013 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

Mr. Foreman moved, seconded by Ms. Forrester, to approve the resolution appointing Jimmy Vinson to the Parks and Recreation Commission, the resolution recommending the appointment of Milton Webb to the Board of Zoning Appeals, and the resolution affirming the Mayor and Town Manager have the authority to enter into a contract of employment for the Town Attorney, Olaun Simmons. The motion carried and the following resolutions were adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, absent; Mr. Wood, absent.

**RESOLUTION MAKING APPOINTMENTS TO  
THE PARKS AND RECREATION COMMISSION**

WHEREAS, the Town Council has created Committees to be responsible and give oversight over the functions of Town government and administration; and

WHEREAS, Council created a Parks and Recreation Commission at their February 5, 2013 meeting; and

WHEREAS, the Parks and Recreation Commission is to consist of five residents, a Council Member to serve as Chair, and a staff member; and

WHEREAS, the Commission serves in an advisory role to the Town Council; and

WHEREAS, Council has learned that there is a vacancy and an appointment is needed to the Parks and Recreation Commission; and

WHEREAS, Council is prepared to make an appointment to the Parks and Recreation Commission to fill an unexpired term once a background check has been completed.

NOW THEREFORE BE IT RESOLVED, that Jimmy Vinson be appointed to the Parks and Recreation Commission to serve for a term that shall expire on June 30, 2015.

### **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 an appointment is needed to fill a vacancy on the Board of Zoning Appeals; and

WHEREAS, the Dumfries Town Council wishes to make a recommendation of reappointment of qualified individual, Milton Webb, to the Circuit Court on this vacancy.

NOW, THEREFORE, BE IT RESOLVED by the Town of Dumfries Town Council that Milton Webb be hereby recommended to fill this position for a term of five years that shall expire on November 13, 2018.

### **TOWN ATTORNEY CONTRACT RESOLUTION**

WHEREAS, the Town of Dumfries ("Town") acting through its Town Council, is authorized by law to appoint a Town Attorney; and

WHEREAS, the Town Attorney serves at the pleasure of the Town Council, serving as the chief legal advisor to the Council and the Town Administration; and

WHEREAS, Olaun Simmons was appointed Town Attorney on November 12, 2013; and

WHEREAS, Mr. Simmons represents that he is fully qualified to serve as Town Attorney for the Town; and

WHEREAS, the Town and Mr. Simmons, after negotiations, desire to enter into this agreement to provide for the appointment and employment of Mr. Simmons as Town Attorney for the Town.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries this 12<sup>th</sup> day of November, 2013, does hereby affirm that the Mayor and Town Manager had the authority to enter into the contract which was executed on November 5, 2013 for employment as Town Attorney.

**IN RE:           ADJOURNMENT**

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

Minutes submitted by

Approved by

\_\_\_\_\_  
Dawn Hobgood  
Town Clerk

\_\_\_\_\_  
Gerald M. Foreman  
Mayor