

**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON NOVEMBER 13, 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  
Helen Reynolds  
Gwen Washington  
Derrick Wood  
Daniel Taber, Town Manager  
Christine Sanders, Town Attorney

**THERE WERE ABSENT:** Kristin Forrester

**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**

There were no minutes available for approval.

**IN RE: ADOPTION OF THE AGENDA**

Mr. Brewer moved, seconded by Ms. Washington to move Item VIII - A, Presentations, Toymeika Braithwaite-Dingle, VDOT GEC Public Affairs Manager I-95 HOT/HOV Lanes Project to after the adoption of the agenda. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**IN RE: PRESENTATIONS**

**A. TOYMEIKA BRAITHWAITE-DINGLE, VDOT GEC PUBLIC AFFAIRS MANAGER I-95 HOT/HOV LANES PROJECT**

Ms. Braithwaite-Dingle went over the following information in a PowerPoint presentation.

**I-95 Express Lanes**

- Build 9-mile extension of existing HOV lanes from Dumfries to Garrisonville Rd in Stafford County
- Expand existing HOV lanes from 2 to 3 lanes for 14 miles between Prince William Parkway to vicinity of Edsall Road on I-395
- Improve the existing two HOV lanes for six miles from Rt. 234 to Prince William Parkway
- Add new or improved access to and from HOV/HOT network at key interchanges



## Partnership Delivers Benefits

### Public-Private Partnership

- 95 Express Lanes are the product of a public-private partnership between the Virginia Department of Transportation, the Virginia Department of Rail and Public Transportation, the Federal Highway Administration and Transurban-Fluor
- The nearly \$1 billion 95 Express Lanes are funded through a contribution from the Commonwealth, private equity, and private activity bonds.

## Project Scope

One-half of Virginia’s growth over the last decade has been along the I-95 corridor.

- Roadway Construction and Widening
- Drainage
- Noisewall Installation

- Installation of Toll Facilities
- 9 New Bridges, including 4 flyovers
- Sign Structures
- Arterial Signs

### Enhanced Travel & Safety

*Active traffic management for faster, more predictable travel*

- Dynamic tolling based on real- time traffic conditions to manage traffic levels
- Electronic signs display price
- Improved incident response and traffic management
  - State Troopers
  - Cameras
  - Automatic incident detection technology
  - Express Lanes Operations Center
  - Lane Use Management System (LUMS)
- Enhanced driver information

### Construction in 4 Segments

Segment 1

- Garrisonville Road to Dumfries Road

Segment 2

- Dumfries Road to Prince William Parkway

Segment 3

- Prince William Parkway to I-495

Segment 4

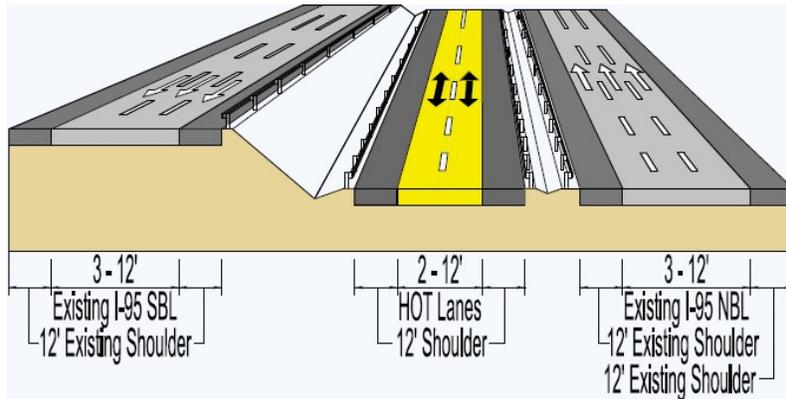
- I-495 to North of Edsall Road



Segment 1 and 2

**Segment 1**

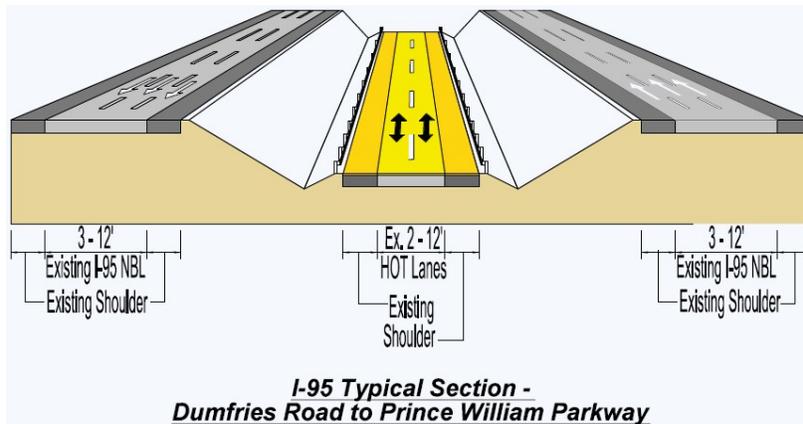
- Garrisonville Road to Dumfries Road
- 9-mile, two-lane extension
- Flyovers at Joplin Road and Garrisonville Road
- Telegraph Road Closed 9 Months – Spring 2013
- Majority of work within median of I-95 general purpose lanes.



***I-95 Typical Section – Garrisonville Road to Dumfries Road***

**Segment 2**

- Dumfries Road to Prince William Parkway
- Maintains Geometry of Existing Roadway
- Adding Toll Locations
- Pull-off/Enforcement Areas
- Resurface Roadway



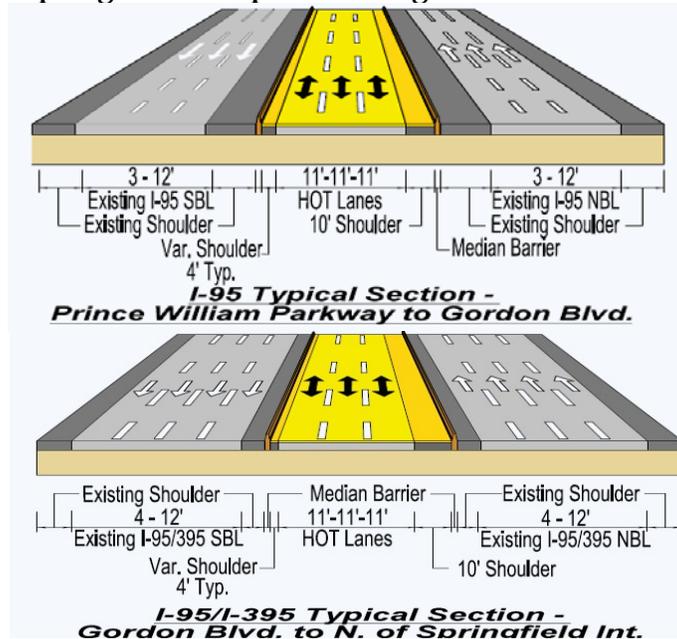
***I-95 Typical Section - Dumfries Road to Prince William Parkway***

Segment 3 and 4

**Segment 3**

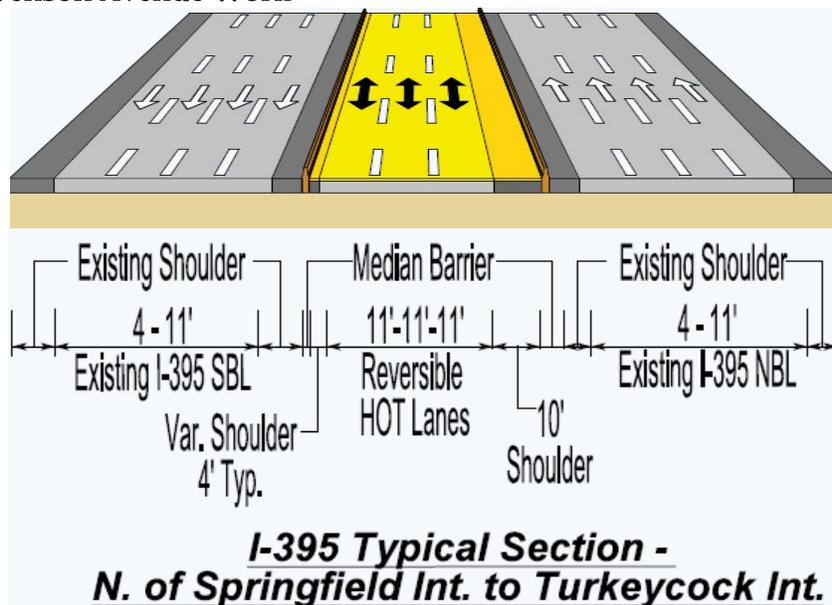
- Prince William Pkwy to I-495
- Adding 3rd Lane
- Fairfax Co. Pkwy Flyover
- Traffic Pattern Changes
  - Closure of SB HOV Slip Ramp to 95SB (Lorton) just south of Fairfax Co. Pkwy

- Closure of 95SB Ramp from Alban/Boudinot
- Franconia Springfield Ramps and Bridge Work



**Segment 4**

- I-495 to North of Edsall Road
- Adding 3rd Lane
- Flyover between Edsall Road and Duke Street
- Replacement of Guardrail north of 495 w/Barrier
- Stevenson Avenue Work



**Design Update**

- Design work progressing
- Design Finished in early 2013

**Construction Activities/Schedule**

- Work Zone Setup

- Barrier Placement
- Traffic Shifts
- Lanes Narrowed from 12' to 11'
  
- Work Activities
  - Conduit Installation
  - Clearing from Dumfries to Garrisonville
  - Demolition of concrete barrier
  - Erosion & Sediment Control
  
- Dayshift & Nightshift Work
  - 9:30 a.m. to 3:30 p.m. (NB Lane Closure)
  - 8:00 a.m. to 2:00 p.m. (SB Lane Closure)
  - 8:00 p.m. to 5:00 a.m. (HOV closure)
  - Nightly closures of HOV Lanes
  - Extended Weekend hours 11 p.m. to 9 a.m

### TMP During Construction

- Virginia State Police Patrol
- Safety Service Patrol
- Wrecker Services
- Public Outreach
- Lane Closure & MOT Coordination
- Transit Services
- Coordination with Other VDOT Projects
- Travel Demand Management (TDM) programs
- Local Arterial Network Support
- Local Police Enforcement

### HOV South Slip Ramp (Lorton) and Alban/Backlick Rd. access to 95 south Closed

#### ***Lorton slip ramp***

- » On October 1, 2012 the High Occupancy Vehicle (HOV) slip ramp from the southbound HOV lanes (south of the Fairfax County Parkway/Lorton) to the general purpose lanes **closed permanently** to allow for construction of an additional travel lane on the 95 Express Lanes system.
- » Motorists can transition from the HOV lanes to the general purpose lanes at the slip ramp south of the Springfield Interchange. The next opportunity to exit southbound HOV lanes will be at Route 1, Exit 161 or further south at Exit 160, Gordon Boulevard (Route 123) in Woodbridge.

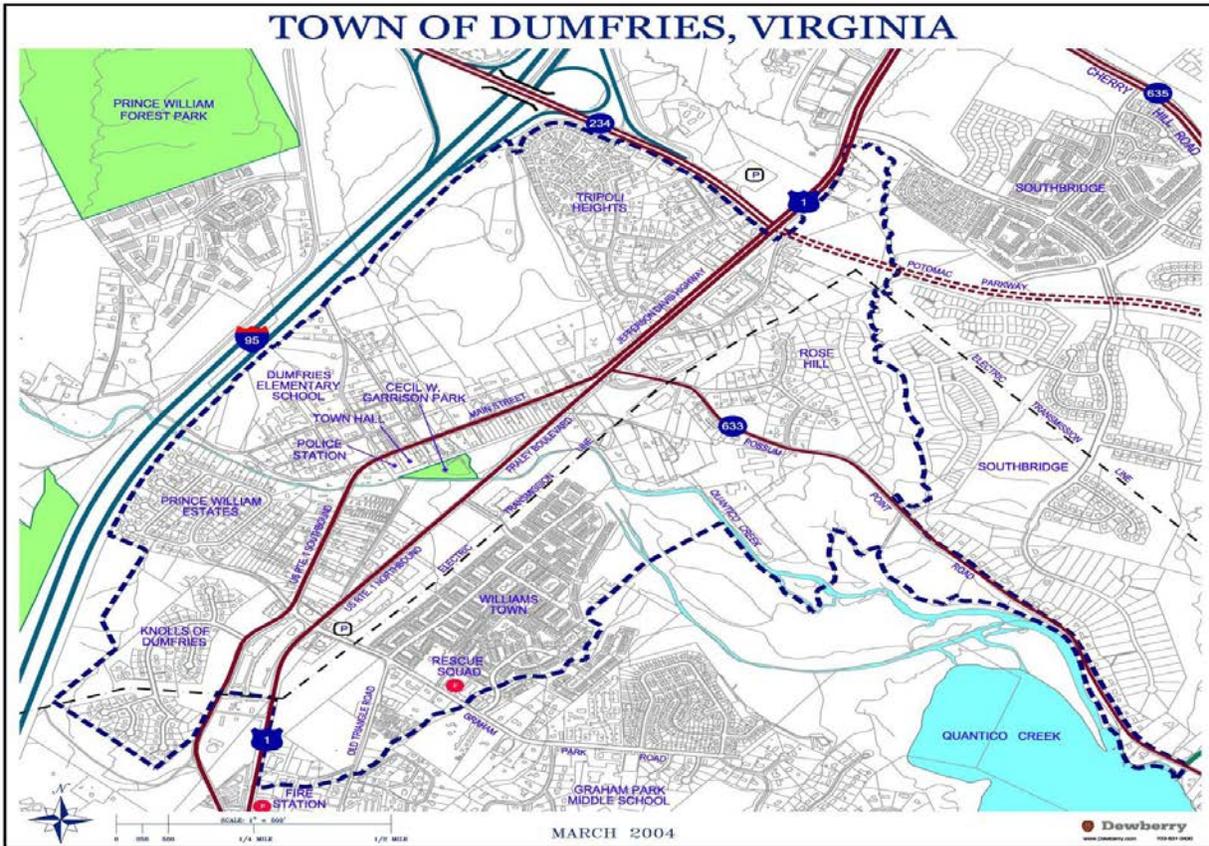
#### **Ramp from Alban Road to 95 south**

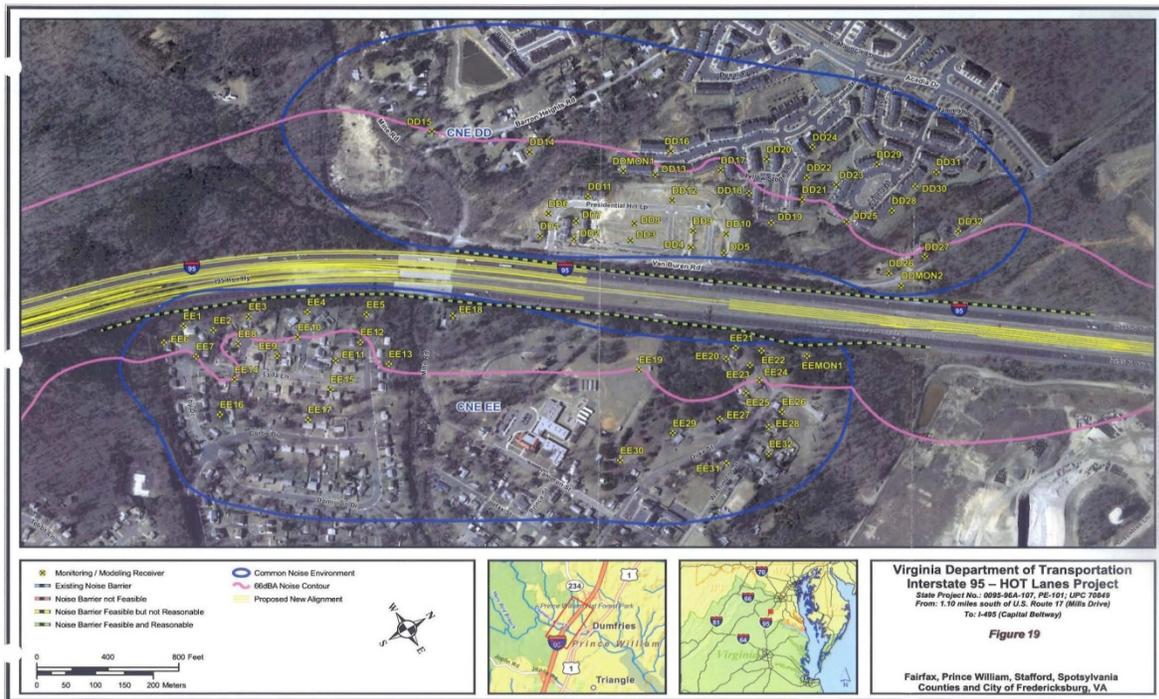
- » On October 22, 2012 the on ramp from Alban Road (Route 790)/Boudinot Drive near the Fairfax County Parkway to I-95 south closed to allow construction crews to advance work on the future Express Lanes reversible flyover ramp. The current ramp will be closed until late 2014, and will reopen as a new High Occupancy Vehicle/Express Lanes ramp.

### Storm Water Management

- The 95 Express Lanes are not expected to increase the velocity of the water for Quantico Creek
- Water treatment areas are included in Quantico Creek Watershed
- Final design of outfalls are still in progress

PW Estates and Knolls of Dumfries Sound wall Concerns  
Noise study under review





**Related VDOT Improvement Projects**

- Seminary HOV/Transit Ramp
  - Link HOV Lanes on I-395 to serve growing Mark Center employment center
- Connect Auxiliary Lane on I-395 NB between Duke St. & Seminary Rd
  - Significantly improve traffic flow to growing Mark Center and north
- I-395 Widening HOV Off Ramp to 2 Lanes
  - Improve the safety of the I-395 HOV NB Off-Ramp to Eads Street (Pentagon) by widening the off ramp to two lanes
- Mark Center Short Term Improvement
  - Provide intersection and pedestrian improvements
- Safety Improvements
  - Auxiliary Lane on I-95 NB
  - Auxiliary Lane on I-95 SB
  - I 95 Left Shoulder Upgrade in Prince William (from Occoquan River to Dumfries)

**DRPT Initiatives**

- DRPT’s planning team will determine cost-effective transit and TDM improvements for I-95 corridor for 2015, 2035 and beyond 2035. The study has the following objectives:
  - Preserve and increase transit capacity, use, and operational efficiency in I-95 corridor
  - Increase transit levels of service in a cost-effective manner and provide increased service to activity centers
  - Maintain or improve corridor transit market share
  - Maximize transit utilization of HOT/HOV lanes

**Planned Park and Ride Expansions**

- Fairfax County-Saratoga Lot - 600 spaces
- Prince William County- Telegraph Road lot - 700 spaces
- Stafford County- Garrisonville Road lot - 1,000 spaces
- Spotsylvania County- Route 3/Gordon Road - 1,000 spaces
- Virginia Railway Express
  - Leeland Road Station- 200 spaces
  - Brooke Station- 200 spaces
  - New Spotsylvania Station- 1,000 spaces

### For More Information

For construction information, please visit: [www.vamegaprojects.com](http://www.vamegaprojects.com)

For information on how to use the Express Lanes and E-ZPass information, please visit: [95ExpressLanes.com](http://95ExpressLanes.com)

Mr. Wood questioned the HOV lanes only being closed on Saturdays.

Ms. Braithwaite-Dingle clarified the lanes close only at night every Monday through Friday and on some Saturdays.

Mr. Toney asked how long the toll would be imposed.

Ms. Braithwaite-Dingle explained the toll would be 24/7. If there are three or more people in the vehicle there is no toll; however, you will have to have an EZ-Pass Flex in order to switch it from regular EZ-Pass mode to HOV mode. This will also give the option to, even if you are traveling alone, to use the HOV lane and pay the toll.

Mayor Foreman had a couple of concerns with the water runoff. The presentation stated that there would be no additional runoff into Quantico Creek. He noted the I-95/Mine Road under bridge drainage does not have the proper outfall now and there is no containment facility. He asked how this was going to affect the Town and Quantico Creek.

Mike Snare, Engineer, explained the design of the roadway would be routing the impervious area into the median. Some of the water is going to be trapped, treated, and reduce the flow that is getting into Quantico Creek now. VDOT is required to meet certain water quality and outfall requirements in order to not have an impact. What is flowing there now will be rerouted further up and the outfall will go to another tributary. That is the preliminary design for the area today. The outfall locations will be upgraded to make sure they meet the requirements, which they do not meet today.

Mayor Foreman noted the outfall currently is a waterfall. He felt the right things were said; however, the same thing was said when I-95 was built. The containment facility does not exist. If the outfall is going to be further upstream, Route 234 is upstream, comes down along the side of the landfill, and ends up in Dumfries, which is a low point. He wanted to see the study that shows how much rainfall the Town is going to get or water is going to be shed into the Creek. He agrees that rain is rain, but now

it is running. There is dirt and woods between the two roads now that will be strictly asphalt. It may not increase; however, he does think the water velocity will change.

Mr. Snare pointed out that when the road was originally built it was under a lot less stringent standards. Anytime a major upgrade is done everything has to meet current standards with water quality and quantity to make sure no one is flooded downstream or erosion is created. It has been agreed that all the designs and calculations will be shared with Greg Tkac, Public Works Director, as the project proceeds. They are doing some deep drainage work now by connecting culverts all the way down to Garrisonville Road. That is part of Phase I, which is initial grading and drainage. The final design is being worked on in the Quantico Creek area.

Mayor Foreman wanted to make sure the right questions were asked rather than waiting until after it is built and being told you should have asked before the money was spent to build it.

Steve Titunik, VDOT Regional Transportation Communications Director, noted that VDOT is committed to meet with anyone, anytime, who may have a concern.

**IN RE: APPROVAL OF THE CONSENT AGENDA**

Mayor Foreman asked that Item V-D, Resolution for Ginn Park Phase II, be removed from the consent agenda to be further discussed. Mr. Brewer asked that Item V-C, Town's Legislative Package for the 2013 Session, specifically the Resolution Requesting Support of Increasing the Enforcement Powers of the Virginia Department of Environmental Quality (VDEQ) Regarding Negotiating the Settlement of Notices of Violation and Distribution of Assessed Fines be pulled from the Consent Agenda for further discussion.

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

**ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA,  
AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE III, SECTION 70-13(h)  
AND ADDING SECTION 70-13(k) RELATED TO THE DEFINITION OF FLOOR  
AREA AND ADDING PARKING CREDITS**

WHEREAS, an application was submitted by Pete Singh to amend Chapter 70-13 to change the definition of floor area and to add allowances for parking credits; and

WHEREAS, the Planning Commission discussed the matters in several works sessions and held a public hearing and a positive recommendation to the Town Council on August 13, 2012; and

WHEREAS, the Town Council authorized a public hearing on this matter, duly advertised for the purpose, was held on October 9, 2012 and all interested citizens were heard.

THEREFORE BE IT ORDAINED by the Dumfries Town Council on this 13<sup>th</sup> day of November that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article III, Section 70-13(h) and adding Section 70-13(k), and is reenacted as follows:

**Sec. 70-13. - Minimum off-street parking.**

(a) *Generally.*

(1) Every use or structure instituted, constructed, erected, enlarged, or structurally altered after January 18, 1979, shall provide off-street parking and loading facilities in accordance with the provisions of this article, except as otherwise provided for in this article.

(2) Such off-street parking and loading facilities shall be maintained and continued as long as the main use is continued.

(3) No owner or operator of any structure affected by this article shall discontinue, change, or dispense with the required parking and loading facilities without establishing alternative vehicular parking and loading facilities which meet the requirements of this article.

(4) No person shall utilize such structure or use without providing the off-street parking and loading facilities to meet the requirements of and be in compliance with this article.

(5) When a permitted use is nonconforming as to required parking, and such use is enlarged with respect to the unit of measurement specified in this article as the basis for determining the amount of parking spaces, additional parking shall be required only on the basis of the enlargement of the permitted use.

(b) *Location of off-street parking.* The off-street parking facilities required by this article shall be located on the same lot or parcel of land that they are intended to serve; however, when the size or shape of land, or a nonconforming building or structure presently existing on the parcel of land, prevents the establishment of such facilities on the same lot or parcel, they may be permitted on a properly zoned lot or parcel within 300 feet of the premises they are to serve. However, before such parking facilities are approved, a written agreement thereto assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the town attorney, and shall be filed with the zoning administrator.

(c) *Combined off-street parking.* Nothing in this article shall be construed to prevent collective provisions for or joint use of off-street parking facilities for two or more buildings or uses by two or more owners or operators; provided that, the total of such parking spaces when combined or used together shall not be less than the sum of the requirements for the several individual uses computed separately in accordance with this article. However, before such spaces are approved for use, a written agreement thereto assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the town attorney, and filed with the zoning administrator.

(d) *Buffer required where adjoining property is residential.* Where a parking area for a medical, hospital, commercial, or industrial use adjoins a lot in a residential district or is located closer than 100 feet to a lot in a residential district without an intervening street, a solid wall or fence six feet in height, with its finished side facing the adjacent residential lot, shall be erected on the lot providing the parking. However, the wall or fence shall not extend into the front yard required on the lot on which it is located.

(e) *Delineating parking spaces.* Whenever five or more parking spaces are provided, such spaces shall be laid out on the parking surface with paint or plastic stripping which shall provide a permanent delineation between spaces.

(f) *Surfacing of parking areas.* Offstreet parking areas or loading or service areas shall be surfaced with a stable material, that will not track onto pavement, such as asphalt, concrete, or other approved all-weather surface. Construction shall be to town specifications. This requirement shall also apply to interior travel lanes or driveways.

Parking in front and corner side yards on lots in the R-1 and R-2 zoning districts shall be surfaced with a stable material. No such parking surface shall exceed more than 30 percent of any such yard.

(g) *Site planning.* Ingress and egress to the property, and traffic lanes, parking spaces and loading and service areas on the premises shall form a convenient and well-organized system appropriate to the uses in the building. Entrances and exits shall be so arranged as to minimize conflicts with traffic on public streets and to reduce traffic noises on portions of the lot where there might be adverse effects on residential uses on the property or on any uses on adjacent property. Driveways, parking, loading, and service areas shall be located, designed, constructed, maintained, and operated so as to minimize the impact or adverse visual effects and noise on other portions of the property and on surrounding property, particularly residential property and, where necessary, fences, walls, and/or vegetative screening shall be provided and maintained to further these purposes. Any lights used to illuminate said parking areas shall be arranged and hooded so as to confine all direct light rays entirely within the boundary lines of the parking area.

(h) *Calculating number of off-street parking spaces.* In calculating the number of such parking spaces, the following rules shall govern:

- (1) The term "floor area" shall mean the gross floor area of the specific use [multiplied by a core factor of .80](#).
- (2) When the units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one additional parking space.
- (3) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- (4) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, [except as allowed in section 70.13\(k\)](#).
- (5) Off-street parking facilities supplied to meet the needs of one use shall not be considered as meeting the off-street parking needs of any other use, [except as allowed in section 70.13\(k\)](#).
- (6) Each parking space shall be a minimum of nine feet in width and 18 feet in length.

(i) *Amount of off-street parking required.* The off-street parking required by this article shall be provided and maintained on the basis of the following requirements specified in the following tables, except as otherwise provided in this article:

Use Type	Required Off-street Spaces
<i>Residential uses:</i>	
Single-family dwellings	1 for each dwelling unit
Two-family detached townhouses, mobile homes, planned unit development	2.5 for each dwelling unit
<i>Multifamily dwellings:</i>	
Efficiency with no bedroom	1.5 for each dwelling unit

One-bedroom unit	2 for each dwelling unit
Two-bedroom unit	2.5 for each dwelling unit
Three or more bedroom units	2.5 for each dwelling unit
Assisted housing for the elderly and physically handicapped	1 for each 2 dwelling units
<i>Group quarters:</i>	
Boardinghouse, lodginghouse, or roominghouse	1 for each residential unit, plus 2 spaces for employees
Convalescent, nursing or rest homes, sanitariums	1 for each 6 beds
Dormitory, fraternity or sorority houses	1 for each 2 beds
<i>Transient lodgings:</i>	
Hotel and motel	1 for each guest room, plus 1 employee space for each 10 guest rooms
Tourist home	1 for each guest room, plus 2 for employees
<i>Educational uses:</i>	
Kindergarten, day care center, nursery	1 for each 175 square feet of floor space plus 2 for employees
Elementary, intermediate, or junior high schools, private or public	1 for each teacher, employee, or administrator, whether full- or part-time if activities of personnel are conducted between 8:00 a.m. and 4:00 p.m.
High school, college or preparatory school, public or private	1 for each teacher, employee, or administrator, whether full- or part-time if activities of personnel are conducted between 8:00 a.m. and 4:00 p.m. plus 1 for every 10 students for maximum capacity
<i>Trade uses</i>	
<i>Business:</i>	
Retail space (unless otherwise specified)	1 for each 200 square feet of retail floor area
Furniture, hardware, home furnishings, and other similar establishments	1 for each 400 square feet of floor area
Gasoline filling station	1 for each lubrication pit or maintenance stall plus 1 for service vehicle, plus 3 for employees
Restaurant, nightclub, or similar establishment	1 for each 100 square feet of retail floor area
Shopping center	1 for each 200 square feet of retail floor area
Wholesale, inventory, storage not otherwise classified	1 for each 1,000 square feet of floor area devoted to enclosed storage
Automobile rental agencies	1 for each 200 square feet of floor area, plus 1 space for each vehicle to be rented
<i>Industrial uses:</i>	
Factories, laboratories, laundries, etc.	1 for each 1½ employees on the maximum working shift, plus space to accommodate all trucks and other vehicles used in connection therewith
<i>Cultural, entertainment, and recreational uses</i>	
Auditoriums, assembly halls, community	

center, dance halls, legitimate and motion picture theaters:	
With fixed seats	1 for each 4 seats based on maximum seating capacity
Without fixed seats	1 for each 100 square feet of floor area
Amphitheaters, sports arena, stadium or gymnasium	1 for each 5 seats or 10 feet of bench space
Art gallery, library, museum	1 for each 400 square feet of floor area
<i>Sports activities:</i>	
Bowling	4 for each alley
Indoor (swimming pools, skating rinks, recreation centers and similar establishments)	1 for each 125 square feet of usable recreational or social floor area
Outdoor (swimming pools, skating rinks, miniature golf, and similar establishments)	1 for each 200 square feet of usable and improved recreational area
Golf course	2 per hole
Outdoor court games (tennis, basketball, and similar establishments)	1 per 2 players based upon maximum capacity
<i>Office uses:</i>	
Business, general and governmental buildings, professional office buildings, but not including medical offices	1 for each 300 square feet of floor area
<i>Medical uses:</i>	
Doctor's or dentist's office, clinic, and out-patient clinic	1 for each doctor, 1 for each employee working between 9:00 am and 5:00 pm, and 3 for each examination room or dentist's chair
Hospital	1 for each 3 beds, plus 6 spaces for each employee or staff member on the maximum working shift, plus 5 spaces for each doctor on the staff
Veterinary hospital	1 for each 300 square feet of floor area
<i>Service uses</i>	
Barber, beauty salon	2 for each chair
<i>Laundry:</i>	
Self-service	1 for each 2 cleaning or laundry machines
Dry cleaning establishment	1 for each 200 square feet of floor area
<i>Funeral home, mortuary:</i>	
	1 for each 4 seats in chapels or parlors with fixed seats, or 1 for each 100 square feet of floor area for assembly rooms without fixed seats for services, plus 5 for employees
Other	1 for each 200 square feet of floor area
<i>Institutional uses:</i>	
Churches, synagogues, temples, and other places of worship; and civic fraternal, political, private, religious, and social nonprofit organizations	1 for every 4 seats of the maximum seating capacity in the main place of assembly or 1 for each 100 square feet of usable floor area in the main place of assembly in places which do not have fixed seats

(j) *Amount of off-street loading required.* There shall be provided, on the premises used for the following purposes in any district at the time any building or structure is constructed,

reconstructed, enlarged, extended, or structurally altered, spaces for off-street loading, except as otherwise provided in this article in accordance with the following schedule.

(1) For each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of:

- a. Over 10,000 square feet but not over 25,000 square feet: one space.
- b. Over 25,000 square feet but not over 60,000 square feet: two spaces.
- c. Over 60,000 square feet but not over 120,000 square feet: three spaces.
- d. Over 120,000 square feet but not over 200,000 square feet: four spaces.
- e. Over 200,000 square feet but not over 290,000 square feet: five spaces.
- f. For each additional 90,000 square feet or major fraction thereof: one space.

(2) For each apartment building having over 50 dwelling units: one space.

(3) For each auditorium, museum, assembly hall, community center, hotel, office building, sports arena, stadium, gymnasium, hospital, sanitorium, or similar use which has an aggregate gross floor area of:

- a. Over 10,000 square feet but not over 40,000 square feet: one space.
- b. For each additional 60,000 square feet over 40,000 square feet or major fraction thereof: one space.

(4) For any use not specifically mentioned in this section, the requirements for off-street loading, for a use which is so mentioned and to which the unmentioned use is similar, shall apply:

- a. Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting the off-street loading needs of any other use.
- b. No area of a facility supplied to meet the required off-street parking facilities for a use shall be utilized for or deemed to meet the requirements of this article for off-street loading facilities.

(k) The Public Works Director, with concurrence of the Zoning Administrator, may authorize, upon request of a property owner, a parking credit allowance. Such requests shall be in writing, shall state the reasons for the request, and shall include studies, surveys, reports or other evidence to support the request. A parking credit allowance may be authorized as follows:

A. Up to thirty percent (30%) of the required parking spaces may be waived when the use is located in an area of development that is so intense that normal individual demand will not be generated. In considering this waiver request, weight shall be given to the availability of public transportation, the proximity of commercial parking garages or lots, and the expected overlap of commercial and employment activities in the area.

B. Credit may be given for parking spaces required for one use when parking spaces required for another use on the same lot, or on an adjacent lot, can be used because of a difference in normal operating hours. This credit may be given for up to seventy-five percent (75%) of the required spaces when no overlap in normal operating hours occurs, and up to twenty five (25%) of the required spaces when an overlap of less than four (4) hours per day occurs, provided legally sufficient agreement is executed when different property owners are involved.

**ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA,  
AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE III, SECTION 70-  
282(b)(14) RELATED TO RESIDENTIAL AMENITIES ON THE GROUND FLOOR  
IN THE B-2 ZONE**

WHEREAS, an application was submitted by Pete Singh to amend Chapter 70-282(b)(14) to allow up to 75% of the ground floor in the B-2 zone to be dedicated to a residential use; and

WHEREAS, the Planning Commission discussed the matters in several works sessions and felt that this proposal was not in conformity with the comprehensive plan of the Town; and

WHEREAS, the Planning Commission amended the original proposal to allow 10% of the ground floor in the B-2 zone to be dedicated to residential amenities and held a public hearing and recommended approval to the Town Council on August 13, 2012; and

WHEREAS, the Town Council authorized a public hearing on this matter, duly advertised for the purpose, was held on October 9, 2012 and all interested citizens were heard.

THEREFORE BE IT ORDAINED by the Dumfries Town Council on this 13<sup>th</sup> day of November that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article III, Sections 70-282(b)(14), and is reenacted as follows:

**Section 70- 282(B). Uses Allowable Pursuant to a Conditional Use Permit.**

(a) Structures to be erected or land to be used for one of the following uses shall be allowed subject to a Conditional Use Permit in accordance with Sec. 70-10 of the Zoning Ordinance. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

- (1) Amusement parlors
- (2) Banks and financial institutions with a drive-through
- (3) Bed and breakfast inn
- (4) Child care or adult day care center
- (5) Churches and places of worship
- (6) Cultural arts and entertainment centers
- (7) Dog grooming, without indoor or outdoor kennel facilities
- (8) Drug store with a drive-through window
- (9) Furniture store, with retail floor area not exceeding 20,000 square feet
- (10) Locksmith
- (11) Museum
- (12) Off premises sales of beer and wine
- (13) Philanthropic and charitable institutions
- (14) Residential, multifamily, located above a commercial, retail or office use on the ground floor

(a) Up to 10% of the ground floor may be dedicated to residential amenities. Residential amenities shall not be located adjacent to Main Street. Residential amenities shall be located at the rear of the building. No residential amenities are permitted in single story buildings.

- (15) School, K-12
- (16) Uses with a drive-through window

**ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA,  
AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE III, SECTION 70-287  
RELATED TO HEIGHTS AND SETBACKS IN THE B-2 ZONE**

WHEREAS, an application was submitted by Pete Singh to amend Chapter 70-287 to allow increased building heights and modification to setbacks through a conditional use permit; and

WHEREAS, the Planning Commission discussed the matter in several works sessions and felt that additional height would be appropriate through a conditional use permit, however they felt it was necessary to place a cap to the additional height; and

WHEREAS, the Planning Commission held a public hearing and recommended approval to the Town Council on August 13, 2012; and

WHEREAS, the Town Council authorized a public hearing on this matter, duly advertised for the purpose, was held on October 9, 2012 and all interested citizens were heard.

THEREFORE BE IT ORDAINED by the Dumfries Town Council on this 13<sup>th</sup> day of November that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by adding Chapter 70, Article III, Sections 70-287, and is reenacted as follows:

**Sec. 70-287. - Height regulations; maximum structure limitation.**

~~No structure shall exceed~~ The maximum height of structures in the B-2 zone is 50 feet in height from grade of the ground, excluding mechanical equipment, which shall be adequately screened. No other architectural features such as false facades and towers, antennas, aerials, satellite dishes, spires, belfries, cupolas, chimneys, flues, flagpoles and steeples and similar devices shall exceed 55 feet in height from grade of the ground. However, additional height may be approved through approval of a conditional use permit. In no case shall building height exceed the lesser of six stories or 75 feet. Mechanical equipment, architectural features, as listed above, shall not extend higher than 80 feet. Additional height is not guaranteed, and may only be approved upon finding that the additional height will not adversely affect surrounding land uses. Minimum building setbacks for building sides adjacent to residential property or property zoned residentially shall be increased by one foot for every additional one foot of height that a building extends above 55 feet.

**ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA,  
AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE III, SECTION 70-542  
RELATED TO SITE PLAN PROCEDURES**

WHEREAS, Town staff initiated an amendment to Town Code Section 70-542 to allow site plans to be reviewed administratively instead of by the Town Council; and

WHEREAS, the Planning Commission discussed the matter in several works sessions; and

WHEREAS, the Planning Commission held a public hearing and recommended approval to the Town Council on August 13, 2012; and

WHEREAS, the Town Council disagreed with staff's proposal and directed staff to amend the Town Code Section 70-542 to require a 30 review time by the Planning Commission and for final site plans to be scheduled for action at the next available Town Council meeting; and

WHEREAS, the Town Council authorized a public hearing on this matter, duly advertised for the purpose, was held on October 9, 2012 and all interested citizens were heard.

THEREFORE BE IT ORDAINED by the Dumfries Town Council on this 13<sup>th</sup> day of November that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article III, Section 70-542, and is reenacted as follows:

**Sec. 70-542. - Procedures.**

(a) The zoning administrator is responsible for checking site plans, preliminary and final, for general completeness and compliance with such administrative and legislative requirements as may be established by routing copies thereof to appropriate reviewing departments, and outside agencies.

(b) All applicants are encouraged to request a preapplication review conference. The purpose of the conference is to discuss the basic site plan, off-street parking, signs, other town ordinance requirements, utilities, and drainage, and to consider preliminary features of the proposed development as they relate to this article.

(c) Sufficient copies, as required by the administrator, of the final site plan shall be submitted to the administrator.

(d) Upon receipt of the first review comments from the reviewing agencies, the zoning administrator or designated agent shall transmit review comments to the applicant for correction or implementation.

(e) The applicant shall then return to the administrator, revised plans addressing all concerns and noting all changes. The administrator shall then distribute and coordinate all further comments in the same manner until the final plan conforms with all technical requirements of all applicable codes.

(f) The administrator shall submit final site plans to the planning commission for review and recommendation. The planning commission shall recommend approval, approval subject to conditions, or disapproval to the town council within ~~6~~30 days upon their receipt of the final site plan.

(g) The administrator shall then forward the final site plan to the town council for action [at their next available meeting](#).

**ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA,  
AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE III, SECTION 70-679  
RELATED MEETING TIME OF THE ARCHITECTURAL REVIEW BOARD**

WHEREAS, the Architectural Review Board recommended that the Town Council amend Town Code Section 70-679 to delete 7:00 P.M. has the meeting time; and

WHEREAS, the Planning Commission discussed the matter in a work session; and

WHEREAS, the Planning Commission held a public hearing and recommended approval to the Town Council on August 13, 2012; and

WHEREAS, the Town Council authorized a public hearing on this matter, duly advertised for the purpose, was held on October 9, 2012 and all interested citizens were heard.

THEREFORE BE IT ORDAINED by the Dumfries Town Council on this 13<sup>th</sup> day of November that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article III, Section 70-679, and is reenacted as follows:

**Sec. 70-679. - Meetings.**

(a) Regular meetings of the ARB shall be held at least once a month when an application has been filed for its consideration. ~~The meeting shall open at 7:00 p.m., local time, and adjourn upon completion of the business brought before it.~~ The meetings shall be held in the town hall or as duly advertised and noted ~~conference room~~. The ARB shall meet at least three times per calendar year.

(b) The meeting place may be moved, provided all concerned have been notified of the alternate meeting place at least three working days prior to the date of the scheduled meeting. A log will be maintained of dates, time of notification and name of the person notified of such alternate meeting place, as deemed appropriate by the board chairman.

(c) Special meetings may be called at any time by the chairman or a majority of the board, providing proper notice, normally three working days is given.

(d) A regular or special meeting may be canceled when there is no business to be brought before the board. The cancellation may be called by the chairman, with notification to all concerned not less than three working days prior to the scheduled opening of the meeting.

(e) Meetings of the ARB shall be open to the public. The order of business at regular meetings shall be as follows:

- (1) Roll call.
- (2) Reading of minutes of previous meetings.
- (3) Citizens wishing to address the ARB.
- (4) New business.
- (5) Old business.
- (6) Report of committees.
- (7) Adjournment.

Mr. Brewer noted the last statement in the resolution for the Virginia Department of Environmental Quality (VDEQ) states that VDEQ should be given more negotiating authority. He did not feel any negotiating authority should be given to VDEQ. He felt that needed to removed. Once a discrepancy is identified, VDEQ should issue a summons or fine. He wanted to eliminate any type of negotiation by VDEQ or the offender of the violation. He felt it should go to court and negotiations can be done there.

Ms. Reynolds asked what gives VDEQ the authority now.

Ms. Sanders noted VDEQ gets its authority from State code. The resolution is in essence asking that State code be amended.

Mr. Toney asked for clarification on sending the resolution forward stating that VDEQ should not have the authority to negotiate.

Mr. Brewer wanted to eliminate the negotiating part because that is what is being done now. He explained that if it is reintroduced that is basically what is already in place. He wanted to eliminate the words “and more negotiating authority once discussions for a Consent Order are underway”.

Mayor Foreman asked Mr. Brewer to read the proposed language for Council.

Mr. Brewer read the following:

**“Now Therefore Be It Resolved that the Council of the Town of Dumfries does hereby request that the VDEQ be given more enforcement powers in general. In addition, amendments to the existing codes and regulations should be made allowing for the sharing of imposed fines with local jurisdictions impacted.”**

Mr. Toney felt that if VDEQ was not allowed to negotiate then it was like an absolute situation. He was not comfortable with the way it was being explained. He felt that not allowing an agency to negotiate when they see someone violating one of their regulations is a bit stringent.

Mr. Brewer noted it was the same thing, as far as the powers to impose fines, which would be given to the courts. As far as identifying a violation, VDEQ would still do that. It would be a matter of the courts deciding on the fines and not VDEQ. He noted what is currently happening with the landfill is negotiations of a fine or settlement with VDEQ and that should be a decision of the court, not an entity. He used the example of an officer writing a ticket, which identifies the violation, you go to court, and at that point there is a procedure, due process, which allows you to present your case and the court decides what the imposed fines would be.

Ms. Washington asked why the resolution asks for more negotiating authority.

Mr. Taber explained the discussions with VDEQ brought to light that they have a very limited scope of what they can and cannot do during the negotiation process. VDEQ has expressed that they wish they had more authority in the negotiating process. If the language were removed, it would be what is already in place. If the language were left in, it would be up to the State as to whether additional authority or negotiating powers would be given.

Mr. Brewer asked if the intent was to leave more negotiating powers in there, which is what they are currently doing.

Ms. Sanders pointed out the resolution is Council's.

Mr. Taber clarified the phrase “more negotiating authority” meant they could ask for more than what is currently being allowed. The resolution is asking that VDEQ be allowed to demand and ask for more in the negotiating process.

Ms. Sanders explained that VDEQ is an administrative arm of the State government that oversees environmental issues whose regulations are promulgated by the State that they must adhere to.

She explained that Council might be suggesting that those regulations address broader more enhanced regulations.

Mr. Taber suggested that the wording could be such that rather than the current consent order process that a judicial decision be made.

Mr. Brewer noted that the landfill has had numerous violations over the years that have been negotiated. These have been a hand slap each time. If it were brought before a court, the list of violations over a period of time would be reviewed and at that point would start doing some real damage.

Mr. Taber clarified that what was being proposed was the elimination of negotiations and proceed to judicial finding.

Ms. Washington agreed that there has been too much time negotiating and too little time setting a standard of what should be the punishment. She suggested switching the words to read “more authority in the negotiations”.

Ms. Reynolds was hearing that this is more of an enforcement issue after notices of violations have been issued.

Mr. Brewer agreed.

Mayor Foreman mentioned that VDEQ already has the authority to go in and inspect property, note and issue violations, begin negotiations, and decide how much is being fined and the amount of time they have to clean something up. He wants to give them more negotiating power. From listening to everything, the only thing that Council can do is ask to give VDEQ the ability to use the judicial process, court.

Ms. Sanders clarified that VDEQ has that authority now. The process is set up to go through an administrative hearing first, which is the negotiation process where the Consent Order is agreed on. If a violation occurs with the Consent Order then it goes straight to court, through the judicial system.

Mayor Foreman asked Mr. Brewer what he was trying to say.

Ms. Sanders’ understanding was the fines were the issue in that the Town wanted a share of them. She noted the fines do not go to VDEQ, but to a statewide organization to assist localities when they are subject to an environmental hazard that needs remediation or the resources for remediation. For example, a hazardous spill on the highway makes its way into the creek and there is no way of knowing what truck or company caused the damage or who to hold accountable.

Mayor Foreman asked what Council was trying to do with the resolution and whether it is doing what Council wants it to do.

Mr. Taber noted the last sentence in the resolution asks for consideration to share the fines with local jurisdictions. He understood Council was concerned because VDEQ does have limited

enforcement powers, which is addressed in the sentence prior to the last. He understood that Mr. Brewer wanted to eliminate or shorten the administrative step and go straight to court.

Mr. Brewer noted Council wanted to give VDEQ more authority to impose the fine rather than negotiate and shorten the administrative time. He noted that if Council wished, the resolution can go with the existing wording, but he felt it would be thrown into a committee and struck down.

Mr. Brewer made the motion, seconded by Mayor Foreman, to approve the Town's Legislative Package for the 2013 Session as presented. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, no; Mr. Toney, no; Ms. Washington, yes; Mr. Wood, yes.

**A Resolution Requesting Support of Increasing the Enforcement Powers of the Virginia Department of Environmental Quality (VDEQ) Regarding Negotiating the Settlement of Notices of Violation and Distribution of Assessed Fines.**

Whereas, VDEQ has the statutory power to investigate alleged violations of DEQ statutes and requirements and to issue a Notice of Violation where appropriate; and

Whereas, a current process involves VDEQ staff entering into a period of negotiation and discussion over any Notice of Violation and crafting a Consent Order that outlines remediation for the violations noted and assessing an appropriate fine if any; and

Whereas, local jurisdictions have no official input beyond the public comment period in the Consent Order negotiations and can only comment at the level of any individual that wishes to address the contents of the Consent Order; and

Whereas, despite any direct adverse effects of the violations on any local jurisdiction and its citizens, any fines assessed are paid directly to the state without any consideration for any damages that the local jurisdiction might have incurred.

Now Therefore Be It Resolved that the Council of the Town of Dumfries does hereby request that the VDEQ be given more enforcement powers in general and more negotiation authority once discussions for a Consent Order are underway. In addition, amendments to the existing codes and regulations should be made allowing for the sharing of imposed fines with local jurisdictions impacted.

**A Resolution In Support of a Study to Examine State Roadway Maintenance and Expansion of Major Roadways Adjacent to Interstate Highways**

Whereas, transportation issues have been identified as a main priority for the Town of Dumfries, with the widening of Route 1 through the Town and issue that will have the greatest economic development impact on the future of the Town; and

Whereas, Route 1 through the Town of Dumfries does not have the capacity to effectively handle the rush hour and Saturday traffic volume that at times turns both the north and south bound lanes into gridlock; and

Whereas, the Council of the Town of Dumfries supports any and all efforts to identify and allocate state and federal funding for the Route 1 Project.

Now Therefore Be It Resolved by the Council of the Town of Dumfries that the General Assembly and the Governor of Virginia are hereby requested to initiate and fully support initiatives to examine state highway maintenance programs and the 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.

**A Resolution In Support of Increasing Waterway Restoration in the Commonwealth of Virginia**

Whereas, the condition of many of the waterways in the Commonwealth of Virginia continue to deteriorate; and

Whereas, the Town Council of the Town of Dumfries supports the continuing emphasis on the restoration of all waterways within the Commonwealth of Virginia with specific emphasis on those waterways within and adjacent to the Town of Dumfries; and

Whereas, a critical need exists to continue to examine and expand all of the Commonwealth's conservation of waterways programs to include silt removal, invasive fish eradication, invasive plant material and programs to mitigate damages caused by erosion and ineffective storm water management; and

Whereas, existing programs need to be modified to alleviate some of the financial burden on state and local taxpayers.

Now Therefore Be It Resolved by the Council of the Town of Dumfries that the General Assembly and the Governor of Virginia are hereby requested to fully support any initiatives that will increase funding for waterway restoration programs for local jurisdictions to include funding for appropriate studies, planning, and actual restoration efforts.

Mayor Foreman pulled the resolution for a brief summary to be given to the citizens.

Mr. Taber explained the resolution is to acknowledge the amount of funding that has been allocated to the Park for FY13 and what work is being done in Phase II.

Ms. Reynolds questioned the amount being budgeted. She thought there was some discussion on \$60,000.

Mr. Taber recalled the discussion was about a grant that the Town was going to apply for that would have required a \$60,000 match. The Town decided to apply for a different grant that did not require a match that large.

Mr. Brewer asked where the \$88,000 came from that is in the budget.

Mr. Taber explained the reconciliation has not taken place between the fiscal years. He noted items that were paid for in this fiscal year that were to be paid in the previous fiscal year. The accountants will take care of the adjustment needed that will zero that out.

Mayor Foreman asked that the word “final” be placed on the concept plan that was provided to Council.

Ms. Washington recalled a previous discussion of Ginn Park and the confusion was because the expenditures did not match the budget. There was discussion that in the other phases the work would try to be matched with the budgeted amount. She explained that the funding would be matched with the work to see how the project was progressing.

Mr. Taber recalled the discussion being about the phasing not coinciding with the budgeted amount for the FY. He noted the funding provided in FY13 would cover the perimeter fence, some smaller playground equipment, and the portable restroom.

Mr. Toney encouraged the citizens to go by the park and see the progress.

Mayor Foreman made the motion, seconded by Mr. Brewer, to approve the resolution amending the Capital Improvement Plan to add Ginn Memorial Park Phase II. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**A RESOLUTION TO AMEND THE TOWN OF DUMFRIES CAPITAL  
IMPROVEMENT PROGRAM TO ADD GINN MEMORIAL PARK PHASE 2 TO THE  
TOWN’S ADOPTED CAPITAL IMPROVEMENT PROGRAM**

WHEREAS, a property known as GPIN 8188-88-5393 has been purchased by the Town for the purposes of a park, including supporting amenities and services; and

WHEREAS, the Town wishes to build the park in order to serve the needs of the residents by providing active and passive recreational opportunities and appropriate supporting amenities and services; and

WHEREAS, the Town wishes to construct Phase 2 of the Ginn Memorial Park; and

WHEREAS, Phase 2 consists of the erection of a perimeter fence, installation of temporary sanitary facilities, and procurement and installation of additional playground equipment with an estimated cost of \$42,900; and

WHEREAS, \$37,500 has been budgeted for Ginn Memorial Park in Fiscal Year 2013, and an additional \$5,439.40 was approved as a carryover from Fiscal Year 2012 funding; and

WHEREAS, Phase 2 completion is anticipated during Fiscal Year 2013; and

WHEREAS, the Dumfries Town Council finds that governmental and community stakeholder input has been received and the statutory requirements have been met;

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Dumfries on this the 13<sup>th</sup> day of November, 2012, that an amendment to the Capital Improvement Program for Ginn Memorial Park Phase 2 be, and it hereby is, adopted.

**IN RE: CITIZEN COMMENT PERIOD**

James Vinson congratulated the two new Council Members, Gwen Washington and Derrick Wood. He stated the Town needed to be more business friendly. He suggested a holding a merchants day. He mentioned the businesses in the Town provide services and goods. He wanted the citizens of the Town to support the local businesses. He noted that the businesses are the Town's unsung heroes.

Gary West read a letter written by an individual who stayed in the Town that was sent to the Richmond Dispatch dated November 26, 1861. The line that upset him in the letter read, "I have never seen a more desolate God forsaken looking Town." He pointed out that Dumfries has a lot of history and a fine museum. The museum not only represents the Town, but it represents the surrounding area. He recommended, if you do not know the history of the Town or have not been to the museum, take the time to learn the history of the Town and take a tour of the Weems-Botts Museum.

It was noted that Selonia Miles would be allowed to speak after the Mayor's Comments since she stepped out of Council Chambers.

**IN RE: MAYOR'S COMMENTS**

Mayor Foreman made the following comments.

- He wished the men and women of the U.S. Navy a Happy Birthday who celebrated on October 13 and the men and women of the U.S. Marine Corps who celebrated on November 10 a Happy Birthday.
- Veterans Day was November 11. He thanked all the Veterans and military members who are still on active duty.
- Thanksgiving is next week.

He read the following comments.

"I have a few comments tonight that I would like to address:

A citizen spoke at the October 9, 2012 Council meeting concerning the Consent Agenda. First, I would like to say that all meetings are open to the public. The Council has adopted a traditional approach to have two meetings a month. One meeting is a Town Council Meeting and the second meeting is a Council Work Session. The Work Sessions are to discuss for example, major projects, goal setting, budget reviews, and major development issues. In the work session environment, no votes are taken. This allows for a cool down period from the time of discussion to the time for vote at the Town Council Meeting. All too often over the past two years items have moved from discussion to a vote during heated moments of Council meetings. This eliminates that situation. Work sessions eliminate duplicating regular meeting agendas. Citizens occasionally are not aware of or understand the differences between work session and regular sessions. This often gives rise to the perception that the decision process in the regular meeting is rigged beforehand. There is a way to resolve this concern, you witnessed it in action at the October 9 Council Meeting. The Thursday prior to the meeting, I requested that the Town Manger move the Potomac Landfill topic to the regular agenda and I provided to the public highlights of all actions to date to include what was discussed at the work session. Then if a vote was to be taken it would have been clear to the public where Councilmember's stood on a particular issue. This Council is

committed to remove controversial items from the consent agenda. Any Councilmember can remove an item, any citizen can request for an item to be discussed in public. This is one reason why the agenda is posted on the Town's website prior to the meeting. This is why I ask every meeting if any Councilmember would like to remove any items from the consent agenda.

Citizens need to continue to take advantage of the ability to participate in Town Council meetings. Your Town Government is listening, since the May 2012 election, citizens are allowed to address any subject on or off the agenda, citizen time has been increased in duration, and now the Committees will make their reports at the first Council Meeting of the month so viewers at home are kept informed of their activities.

I am moving the Economic Summit to the January / February timeframe. This decision is based on several factors. I believe that the Assistant Town Manager as well as the Economic Development Director should be hired and onboard when the meeting takes place, this allows for participation in planning and responses to deliverables. Lastly, it has been my intention to meet with all political leaders that influence our Town prior to holding the Economic Summit. Moving the Economic Summit to the January / February timeframe allows all political parties to be briefed on the objectives and anticipated outcome of the event.”

He welcomed the two new Councilmembers and looked forward to working with them.

**IN RE: CITIZEN COMMENT PERIOD CONTINUED**

Selonia Miles lives in Williamstown and spoke with Mr. Toney over the weekend about an idea she thought would be beneficial to implement in the Dumfries area. She explained she is from Philadelphia, Pennsylvania and in that area they have what is called “Block Happenings”. This essentially keeps the community unified and works with the City Council and the Mayor. She understood that Dumfries has homeowners’ associations (HOAs), but this would be different. She explained that HOAs are set up to preserve the property of the area while Block Happenings would speak more to the people in the community. She wanted to take the lead on starting the program with the approval of the Council.

Mayor Foreman recommended she speak with the Town Manager to get placed on the agenda for a work session to present the plan.

**IN RE: BOARDS & COMMISSIONS  
A. ARCHITECTURAL REVIEW BOARD**

There was no report.

**B. BOARD OF ZONING APPEALS**

There was no report.

**C. HISTORIC DUMFRIES**

Joann Barron reported the following items.

- She thanked everyone with the Town of Dumfries for the new electric enhancements to the bandstand at Merchant’s Park.

- She thanked the Dumfries Police Department for keeping an eye on everything at night.
- A Silent Auction sponsored by the Dumfries-Triangle Rescue Squad will be held Saturday night at 6:30 p.m.
- There were 6,008 visitors at this time last year and this year there has been 3,716.
- The Board of Directors has completed the Strategic Plan for Historic Dumfries Virginia, Inc. and the Bylaws are being updated.
- On December 8 after the parade, the Weems-Botts Museum will be holding an Open House.

**D. PLANNING COMMISSION (PC)**

There was no report.

**IN RE: COUNCIL REPORTS**

**A. GINN PARK COMMITTEE**

Mr. Taber attended the last Committee meeting where there was a lot of discussion on looking into the future, the enthusiasm Council Members and citizens have shown, and the amount of work that has been completed.

Mr. Toney mentioned one of the discussions was a pictorial review of the various stages of the Park area from demolition to where it stands today. He noted Mr. O'Kelly-Russell has a pictorial library of each step. He was going to encourage Mr. O'Kelly-Russell to submit those pictures to be added. He mentioned a discussion will be held at the next meeting about a Grand Opening.

Mr. Wood asked why a Port-A-John was being put in and who is going to maintain it.

Mr. Toney explained there was a lot of discussion on the economic feasibility.

Greg Tkac, Public Works Director, explained staff looked at the different parks in Prince William County and Port-A-Johns are the norm for most of the parks. The Port-A-John will run about \$110 a month, which includes a weekly clean out. The construction of a facility, similar to what is behind Town Hall and Merchants Park, is not in the budget. Those facilities have been a maintenance nightmare if left open all the time and creates a lot of work for staff. The idea is to observe the Park to see how it is being used and what the needs are so the Town could ensure that the Park is meeting the needs of the community. He noted that there would be screening almost all the way around the facility so it will not be seen.

Ms. Washington wanted to make sure the Committee is thinking about addressing some grants because with a facility this beautiful and putting this much money into the Park Council is going to have to look at getting full-time employees to be recreation specialists.

Mr. Taber noted there have been some grants applied for that were for playground equipment and will continue to seek grants. He explained that Council would have to think about what is going to

be done with the Park at some point. He mentioned there might be a way to extend the youth employment program to its original goal of employing youth to do things. He suggested possibly hiring high school or college students to work out of the Park during the summer for a limited number of hours a day.

Ms. Washington explained the reason she mentioned it was because she worked under a grant as a recreational specialist during the summer when she was in college.

Mr. Toney spoke with a woman at a VML conference five years ago who had stated she was the Parks and Recreation Committee. He thought then that Dumfries would need a Parks and Recreation Committee or department. He mentioned that this might be the time to enter into the discussion.

Mr. Taber felt the timing was good and would provide several options for Council to choose from. He mentioned once the Assistant Town Manager is hired that person will manage the activities of staff who are applying for grants.

Mr. Wood felt it was an excellent idea for a Parks and Recreation Committee and the grants. He also wanted to see the Park being self-sufficient by generating some income with sponsorships or some events when the pavilion gets in place rather than just depending on grants.

Mr. Taber asked if the multi-purpose field was regulation size for soccer.

Mr. Tkac noted the multi-purpose field is adequate for U12 soccer and field hockey. He mentioned the County often has need for extra soccer fields.

Mr. Taber would continue explore those kinds of options.

Mr. Tkac noted it has been a huge focus of the Committee to make sure that the youth of the Town are served first.

Ms. Washington felt it would be idea to get some of the leagues to come to Dumfries since most of the children in the Town do not play sports because of transportation issues.

Mr. Wood pointed out that he drives his kids to the other side of the County because the Boys and Girls Club did not have any activities here. He saw kids dropping out due to the transportation issue.

Mr. Toney noted that U12 means under the age of 12.

Ms. Washington felt the Park was going to be inundated with kids wanting to play sports.

Mayor Foreman noted these are all great discussions. This is why before the resolution was passed there was a work session discussion. This is why it is critical when voting on the next phase that these discussions be had. Not necessarily the money because the money is a whole separate line and is a budget item. Improving, building, finalizing a portion of the Park could automatically necessitate additional fees, additional responsibility, and an additional vision. Supportability is it. The discussion as far as hiring someone or creating a Parks and Recreation Commission still needs to be had. There is still

a discussion coming up with Supervisor Caddigan where at some point taxes are being paid for Parks and Recreation in Prince William County.

**B. EVENTS COMMITTEE**

Ms. Washington deferred the report to Ms. Neville, Community Services Director. She pointed out that one of the biggest turnouts that she has seen in Dumfries was the elections on November 6. She challenged the citizens of Dumfries to make the Christmas Parade the second largest event attended. She noted there were 1,400 who came out to vote.

Ms. Neville announced the Christmas Tree Lighting is December 1. She noted the Christmas Parade Marshalls will be Past Town Mayors. The parade will start at 1:00 p.m. She noted a celebration will be held at the end of the parade located in the Dumfries Shopping Center that will last until 3 or 3:30. There will be a show mobile with family music, Santa will be available to have pictures taken with the kids, and the winners will be announced during that time. The deadline is November 20 at 5:00 p.m. to register to be in the parade. There is no fee to participate in the parade. Santa will be at the Christmas Tree Lighting Ceremony. There is a flyer on the website that includes an ornament that can be downloaded for the kids to decorate and hang on the tree. Dumfries Elementary will lead everyone in singing Christmas Carols during the lighting.

Mr. Brewer asked if anyone has contacted the Past Mayors.

Mayor Foreman noted a letter will be mailed by the end of the week.

Mayor Foreman asked if the clowns got in contact with Ms. Neville.

Ms. Neville indicated that she has not heard back from the clowns.

Mayor Foreman asked if the churches have contacted her yet.

Ms. Neville could not think of any that have contacted her; however, her experience has been that people wait until the last minute.

Mr. Wood asked if there was an expense to holding the event and whether any money was being raised.

Ms. Neville explained that none of the events are fundraisers for Community Services, including the festivals.

**C. NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)**

Mr. Toney attended the meeting in Mayor Foreman's place. He gave the following highlights.

- Two presentations were given that talked about the economic climate. It is expected that this area will lose 11.1 percent in defense cuts. Cyber security will be funded 100 percent.
- Traffic congestion was the other discussion held. The Federal Government is looking at the possibility of a ferry along the Potomac, Occoquan, and Anacostia River to transport the military personnel to try and relieve some of the congestion along Interstate 95.

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

There was no report.

**IN RE: STAFF PRESENTATIONS  
A. TOWN MANAGER – DAN TABER**

Mr. Taber reported the following items.

- The staff met and was prepared for Hurricane Sandy. Since it hit further north the Town suffered very little, insignificant damage.
- The position in Public Works is in the process of having the background check completed for the candidate chosen.
- Applicants have been reviewed for the Assistant Town Manager position, initial interviews will be done, then the top three candidates will interview with Council in December and the chosen candidate will start in January.
- Once the Assistant Town Manager has been hired, the process will start to find an Economic Development Director.
- It is that time again for the Mid Year Budget Review, Comprehensive Plan, and Capital Improvement Plan to be looked at and is being worked on.

Mr. Brewer asked what the status was of the First Town Center Project.

Mr. Taber explained that two of the landowners who were part of the project and under some kind of an agreement, which has expired, contacted the Town to make it clear they are no longer agreeing to the proposal. He was not going to invest a lot of staff time on a project when a key part of it is in question.

Mr. Brewer asked how long the process has been underway.

Mr. Taber thought it has been a year or more.

Ms. Sanders recalled the conceptual idea came forward to Council in June 2011.

Mr. Brewer has heard that part of the problem with the delay of the project has been the Town not having the codes in place to do the project and staff. He was not saying that was true or not but he was sorry to hear the plan was falling through.

Mr. Taber did not state the project was falling through; however, he is reporting the facts, as he knows them. He clarified that the individual on numerous occasions changed the plan or failed to deliver required reports on time. This particular developer was used to, based on his first project, not following the rules.

Mayor Foreman confirmed that the holdups have not been on the Town or its staff.

Mr. Brewer was not questioning the integrity of staff.

**B. TOWN ATTORNEY – CHRISTINE SANDERS**

Ms. Sanders reported the following items.

- The Potomac Landfill, personnel matters, negotiations on Comcast Franchise Agreement, and Court matters have taken up most of her time.

**C. CHIEF OF POLICE – ROBERT FORKER**

Chief Forker reported the following items.

- Final touches are being done for the Christmas Parade. The variable message boards will be placed outside Town for travelers and road closures are on the website.
- Christmas in Dumfries is December 15 and signups are underway.

Mr. Wood thanked the Police Department for their assistance during the elections.

Mr. Toney thanked the Police Department for their assistance in apprehending the individual who was shooting a bb gun in his neighborhood.

Ms. Washington thanked the Police Department for the information received on bullying and was happy to hear that the Officers were trained in the matter.

**D. TREASURER – RETTA LADD**

Ms. Ladd was ready to answer any questions that Council may have regarding the monthly financials for October 2012.

Ms. Reynolds asked what check number 23954 payable to Beach Cove Resorts was for.

Ms. Ladd explained that was for two employees lodging at a conference.

Mr. Brewer asked what Branscome Paving Company was paving.

Mr. Tkac noted it was for paving done in Prince William Estates.

Mr. Brewer asked about being at 216 percent on professional contracts and 249 percent on contractor services.

Mr. Tkac noted an adjustment needs to be made midyear. He explained that last year the Tripoli Boulevard Project and Main Street Project were separated and put under professional contracts. These projects are going to be paid for out of a CD that is set aside, which is not part of the general fund, and the funds will need to be transferred. He mentioned an additional contract for building inspections was placed in the budget. There was no way to project the income from those fees, so in order to determine the fees collected a review will be done.

Mr. Taber was going to, from this point on, not have Ms. Ladd attend the meetings since the information is provided to Council earlier. He asked that any questions Council has be sent by email prior to the meeting in order to have an answer available.

**E. DIRECTOR OF PUBLIC WORKS – GREG TKAC**

Mr. Tkac reported there have been children playing at the basketball court yesterday and today. He noted that Phase I is complete with all the contractual obligations with the contractor. He mentioned the gate needs to be repaired and mulch needs to be placed under the swing set before the swings are installed. He asked Council for some feedback on whether to use the official Town Seal, the Clipper Ship logo, or not use a logo on the sign for Ginn Memorial Park. He reported the following items before getting comments from Council.

- Columbia Gas is going to begin relocating gas lines for the Tripoli Boulevard Project that should be completed in six to eight weeks.
- The Main Street Project is on schedule and is looking to go to a public hearing in the Spring.
- Two inspections have been completed on the landfill. A list of items has been provided that require repair. The Town has asked the Landfill to enter into a maintenance agreement on the stormwater management facilities. Repairs to the outfall of Pond 2 have also been requested. A deadline was provided to have the repairs completed by.
- He went over the following list of priorities.
  - Complete the right of way acquisition and put Tripoli Boulevard project out to bid
  - Manage the Route 1 intersection project
  - Coordinate the cross walk implementation within the Town
  - Finalize the Capital Improvement plan
  - Prepare the Public Works budget
  - Hazard Mitigation Plan maintenance
  - Develop an Emergency Operations plan
- Next week a small stormwater drainage project will start on Washington Street

Mr. Brewer questioned the gate being broken before the Park was officially open.

Mr. Taber explained it is a swivel gate and is a matter of the gate being pulled out instead of being pushed in. This will be resolved by placing a sign on the gate.

Mr. Brewer asked if there were any release of liability signs posted in case someone is injured.

Mr. Tkac noted signs are posted that are standard park rules.

Ms. Sanders noted the signs have play at your own risk, children under a certain age have to be accompanied by an adult, and the park is covered under the Town's insurance.

Mr. Taber explained that trespassing on park property after hours, possession of alcohol, and other violations of Town and State Code would be enforced by the Police Department. He noted there are certain violations of behavior that are restricted at the Park and can be added to the existing

ordinances to be enforceable by the Police Department. The hope is that there will be voluntary compliance with the majority of the rules.

Mayor Foreman requested that the discussion on the sign for the Park be moved to a work session.

Mr. Wood asked if any of the crosswalks being implemented under the work priorities for the next six months included sidewalks along Route 1.

Mr. Tkac explained the priority was in direct response to Council's request for crosswalks along Fraley Boulevard. He noted a report would be given on the Multimodal Project, which has to do with sidewalks from Route 234 to Main Street. This will also include a walking path along Fraley Boulevard from Graham Park Road to Old Stage Coach Road to accommodate people walking from Williamstown to the Boys and Girls Club.

Mr. Taber noted the immediate sidewalk related issue Council will see relates to the McDonalds.

Mayor Foreman reminded Council that during the last meeting Ms. Washington recommended that another letter be drafted that discusses the crosswalks at Route 234. The letter has been drafted and is being reviewed by staff. Sidewalks will be mentioned in that letter. He recalled that last year a letter was sent to the Commonwealth Transportation Board (CTB) and Mr. Burke came down and spoke to Council. The discussion centered on the two options the Town had: one, get funding in order for the Town to move into the next phase or two, turn the project over to VDOT. He pointed out that under VDOT's rules the Town cannot install sidewalks along Route 1 that are just going to be destroyed. He indicated that two letters would be drafted, one to address the Route 234 intersection and another to address the CTB about sidewalks.

Mr. Wood asked if the soft gray material trail in the Park was going to stay the way it has been installed.

Mr. Tkac noted it is a stone dust trail and requires very little maintenance to clean.

Council had a brief discussion about having to move some items to a work session if too much time was being spent on discussions. It was suggested that a discussion also be had on setting a time limit for reports.

**F. DIRECTOR OF COMMUNITY & ECONOMIC DEVELOPMENT**

There was no report.

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

Ms. Neville gave the following report.

- The Farmers Market came to a closed on October 27. She thanked everyone for making it such a success. It will reopen next year on April 13. Next year people will be able to use Supplemental Nutrition Assistance Program (SNAP).

- A quarter of the funding has been received for Dumfries Cares, which is a mentoring program. Two positions are going to be offered, a program assistant and program intern that are presently posted internally.
- A grant for \$5,500 was awarded from Walmart to support the Framers Market and Health Initiative.
- The Senior Luncheon will be held October 19.
- English as a Second Language (ESOL) classes are still being held.

Mr. Toney commended Ms. Neville on the growth of her department.

Mr. Wood asked where information could be gotten for the Dumfries Cares program.

Ms. Neville explained that once staff is on board an open house would be held sometime next month along with the marketing of the program.

Mr. Wood asked if there was an age group.

Ms. Neville noted the age groups would be from 6 to 18.

Ms. Washington mentioned she has started talking to people about advertising in the schools and what the Town needs to do to be able to hand flyers out to the children.

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

There were no meetings to report.

**IN RE: ACTION ITEMS  
A. DISCUSSION/DECISION ON ADVERTISING FOR A PUBLIC HEARING TO  
AMEND CHAPTER 62 OF THE TOWN CODE TO ALLOW THE  
REGULATION OF PRIVATE PROPERTY TOWING BY PRIVATE TOW  
COMPANIES – CHIEF FORKER**

Chief Forker went over the following history.

- In June 2009, the Interim Town Manager brought to the Council's attention the need to address private property towing. In reviewing State Code 46.2-1233.2 it requires localities to establish a Towing Advisory Board (TAB).
- On April 6, 2010, the Council established a TAB.
- On June 15 2010, the Towing Advisory Board approved a similar version of what is being proposed.
- On July 20, 2010, during a Council meeting the Town Attorney was questioned about the 62-300 ordinance. The Town Attorney did not have her notes and commented she was not prepared to discuss the issue. Also, this issue was not on the agenda.

- The 62-300 ordinance just seemed to melt away as I was not able to locate any other mention of the ordinance anywhere.
- On October 17, 2012, the TAB met and discussed this issue. The TAB made several changes to the original document. These changes were passed unanimously with one member absent. The following changes were made to the document from the one approved in 2010.
  - Towing storage fee for a 24-hour period was reduced from \$150 to \$50. This coincides with the amount permitted under Prince William County's (PWC) ordinance.
  - The administrative fee, the amount tow companies may additionally charge is reduced from \$150 to \$50. This coincides with the amount permitted under PWC's ordinance.
  - Section 62-306(b)(e) was changed from over 3 days to over 72 hours. This coincides with the amount permitted under PWC's ordinance.
  - Section 62-306(F) was added to allow for an increased 24-hour storage fee on vehicles weighing over 26,001 pounds to \$70. This coincides with the amount permitted under PWC's ordinance.
  - Towers may now charge a \$35 fee when called to release a vehicle outside of normal business hours. The hours changed from 1901 to 0659. This coincides with the amount permitted under PWC's ordinance.
  - Lastly, a change was made that prohibited vehicles from being towed more than five miles from the Town limits (62-308).
- All suggested changes were made and approved by the two tow companies that were present at the last TAB meeting, who felt if the guidelines mirrored PWC there would be no confusion.

Ms. Reynolds asked who the members were of the TAB.

Chief Forker noted the TAB was made up of a representative from the three towing companies in the Town: Triangle Shell, Cropper's Towing, and Waggy's Towing. An equal number of Police Officers: Officer Moody, Officer Fink, and himself; and Bob Price who is a citizen from the community of South Cove.

Ms. Reynolds asked how often they meet.

Chief Forker noted the TAB meets at least once a year. The TAB agreed to meet no more than six months apart.

Brewer made the motion, seconded by Ms. Washington, to move forward to a public hearing to amend Chapter 62 to allow the regulation of private property towing by private tow companies.

Mayor Foreman asked if the fees would be part of the fee schedule and asked for confirmation that the fees are less than or equal to PWC.

It was confirmed the fees were less than or equal to PWC and the fees are going to the private towing company and not the Town.

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

**IN RE: COUNCIL MEMBER COMMENTS**

Ms. Washington wished everyone a Happy Thanksgiving. She thanked the citizens for electing her.

Ms. Reynolds pointed out this is National Diabetes Month with tomorrow, November 14 being National Diabetes Day. She asked that all the citizens get their sugar levels checked.

Mr. Toney welcomed Mr. Wood and Ms. Washington.

Mr. Wood thanked the citizens for coming out and voting for him. He wished all the Veterans a happy Veteran's Day.

**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, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**WHEREAS, the Dumfries Town Council desires to discuss particular subjects in Closed Session during the course of its meeting of November 13, 2012; and,**

**WHEREAS, the nature of the subject is the discussion of personnel matters. The discussion of same in Closed Meeting is expressly permitted by Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended; and**

**WHEREAS, the nature of the subject is the discussion and consultation with legal counsel regarding probable litigation. The discussion of same in Closed Session is expressly permitted by Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended.**

**NOW, THEREFORE, BE IT RESOLVED that the Town 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, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Dumfries does hereby reconvene in Open Session at its meeting of November 13, 2012 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

Mr. Wood made the motion, seconded by Ms. Washington, to authorize the Town Manager to hire an outside legal representative to the extent discussed in closed session for the matter discussed in closed session. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**IN RE:           ADJOURNMENT**

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

Minutes submitted by

Approved by

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

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