

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON NOVEMBER 5, 2014, AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:

THERE WERE PRESENT: Mayor Gerald Foreman
Vice Mayor Willie Toney
Charles Brewer
Kristin Forrester
Helen Reynolds
Gwen Washington
Derrick R. Wood
Daniel Taber, Town Manager
Olaun Simmons, Town Attorney

THERE WERE ABSENT: None

IN RE: CALL TO ORDER AND ROLL CALL

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

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

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

IN RE: APPROVAL OF MINUTES

Mr. Wood moved, seconded by Ms. Washington, to approve the May 21, 2013 minutes as presented. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: ADOPTION OF THE AGENDA

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

IN RE: APPROVAL OF CONSENT AGENDA

Mayor Foreman asked that the Resolution Naming the 40th Annual Christmas Parade Grand Marshall and Theme be removed from the consent agenda to be discussed under presentations.

Mr. Foreman moved, seconded by Ms. Forrester, to approve the consent agenda as amended. The motion carried and the following ordinance and resolutions were adopted by the following vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

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**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA,
AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE III, SECTION 70-247
RELATING GENERALLY TO GENERAL BUSINESS DISTRICT B-1, USE
REGULATIONS**

WHEREAS, the Planning Commission adopted an initiating motion pursuant to Virginia Code Section 15.2-2286(A)(7) at its meeting of August 11, 2014 in order to adopt the zoning ordinance amendments; and

WHEREAS, the Commission held an advertised public hearing on September 15, 2014, and the Council held an advertised public hearing on October 8, 2014, for the purpose of the adoption of the zoning ordinance amendments; and

WHEREAS, the Commission desires to remove all retroactive language from ordinance number O-2013-009 that was adopted on July 9, 2013.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries, Virginia, on this 5th day of November, 2014:

1. That the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article III, Section 70-247, as follows:

Sec. 70-247(A). Allowable uses.

Structures to be erected or land to be used shall be for one of the following uses. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

- (1) Antique shop.
- (2) Apparel, clothing store.
- (3) Art gallery.
- (4) Art supply store.
- (5) Bakery, provided all products produced on the premises shall be sold at retail on the premises.
- (6) Banks and financial institutions without drive-through windows.
- (7) Barber, beauty shop.
- (8) Beauty supply and accessories.
- (9) Bookstore, newsstand.
- (10) Bowling alley.
- (11) Candy store.
- (12) Clock shop sales and repair.
- (13) Computer store or personal electronic sales and service.
- (14) Data or computer services.
- (15) Dog grooming, with ~~out~~ indoor ~~or~~ ~~outdoor~~ kennel facilities.
- (16) Drug store without a drive-through window.
- (17) Fast food restaurants without a drive-through window.
- (18) Fire station.

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- (19) Florist, gift shop.
- (20) Food store: Grocery store, supermarket (excluding convenience or quick service food stores).
- (21) Furniture store.
- (22) Government offices.
- (23) Hardware, paint and wallpaper store.
- (24) Hobby, craft shop.
- (25) Hospitals.
- (26) Hotels and motels.
- (27) Jewelry, engraving store.
- (28) Library.
- (29) Locksmith.
- (30) Medical and/or dental office and clinic.
- (31) Museums.
- (32) Musical instruments, sheet music, and recorded music sales.
- (33) Office, general business or professional.
- (34) Photographic equipment sales and service and photographic studio.
- (35) Printing, photocopying, photographic processing or blueprinting.
- (36) Repair services or businesses, including repair of lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items.
- (37) Rescue squads.
- (38) Research and development (Non-hazmat).
- (39) Restaurant, full-service, cafe, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in or fast food restaurants.
- (40) Retail stores and businesses.
- (41) Roller rinks.
- (42) Shoe sales and repair store.
- (43) Sporting goods store.
- (44) Stamp and coin stores.
- (45) Stationery store.
- (46) Tailor, seamstress shop.
- (47) Tanning salon.
- (48) Tobacco store.
- (49) Tourist information and orientation facilities.
- (50) Toy store.
- (51) Universities, colleges, and seminaries.
- (52) Veterinary hospital, state licensed, with indoor boarding kennels and outdoor exercise runs.

Sec. 70-247(B). Uses allowable pursuant to a conditional use permit.

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 section 70-10 of the

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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) Bicycle sales and repair.
- (4) Child care or adult day care center.
- (5) Churches and places of worship.
- (6) Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building.
- (7) Convenience stores and service establishments such as, but not limited to automatic self-service laundries.
- (8) Cultural arts and entertainment centers.
- (9) Drug store with a drive-through window.
- (10) Fast food restaurants with a drive-through window.
- (11) Garages and public parking.
- (12) Household appliance sales and service store.
- (13) Live theaters, live entertainment centers.
- (14) Miniature golf courses and golf driving ranges.
- (15) Movie theaters and assembly halls.
- (16) Off premises sales of beer and wine.
- (17) Pet shops. , ~~including boarding kennels on the premises.~~
- (18) Philanthropic and charitable institutions.
- (19) Private clubs and lodges.
- (20) Residential, multifamily, located above a commercial, retail or office use on the ground floor.
- (21) School, K-12.
- (22) Uses with a drive-through window.
- ~~(23) Veterinary hospitals and boarding kennels.~~
- ~~(24) Video sales and rental store.~~
- ~~(25) Wholesale businesses, with parking to the rear of the building.~~

Sec. 70-247(C). Accessory uses.

Accessory uses, buildings, and structures permitted in accordance with section 70-16.

- (1) Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines. New and/or upgraded/improved electric and communications utilities shall be installed underground.
- (2) Parking lots, parking spaces, parking areas and parking structures.

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RESOLUTION AUTHORIZING THE TOWN MANAGER TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED AMENDMENT TO CHAPTER 70, ARTICLE III, SECTION 70-281 and 282 RELATING GENERALLY TO GENERAL BUSINESS DISTRICT B-2, USE REGULATIONS

WHEREAS, the Town Council for the Town of Dumfries is proposing a zoning ordinance amendment to Dumfries Town Code, Chapter 70, Article III, Section 70-281 and 70-282; and

WHEREAS, the Town Council wishes to amend Dumfries Town Code Section 70-281 and 70-282 but in order to do so, must advertise a public hearing in order to address the adoption of the amended Ordinance; and

WHEREAS, Town Council wishes to advertise a public hearing to be held on December 2, 2014 to address the adoption of the proposed amendment to Dumfries Town Code Section 2-281 and 70-282.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Town Manager shall advertise for a public hearing to address the adoption of the proposed amendment to Dumfries Town Code Section 2-281 and 70-282.

RESOLUTION PROCLAIMING NOVEMBER 29, 2014 AS SMALL BUSINESS SATURDAY

Whereas, the government of the Town of Dumfries, Virginia, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 23 million small businesses in the United States, they represent more than 99 percent of American employer firms, create more than two-thirds of the net new jobs, and generate 46 percent of private gross domestic product; and

Whereas, small businesses employ over 55 percent of the working population in the United States; and

Whereas, 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and

Whereas, 87 percent of consumers in the United States agree that small businesses are critical to the overall economic health of the United States; and

Whereas, 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and

Whereas, the Town of Dumfries, Virginia, supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

Whereas, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now Therefore Be It Resolved, that the Town Council of Dumfries does hereby proclaim,

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November 29, 2014, as:

SMALL BUSINESS SATURDAY

And urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

IN RE: CITIZEN COMMENT PERIOD

Pete Singh was before Council with a good warm heart because the Town has taken an initiative to have a drive for blankets. As business owners, they are thrilled about it and actively participating.

IN RE: MAYORS COMMENTS

Mayor Foreman reminded citizens about the Virginia Municipal League (VML), "If I Were a Mayor" essay contest. It is open to all Virginia students enrolled in the 7th grade during the 2014/2015 school year. There are regional winners who will receive a \$250 cash prize and a plaque. Also, there will be one statewide winner who will receive a \$250 cash prize and a plaque. You can get information on the Town's website. The Northern Virginia Regional Commission (NVRC) is conducting a blanket drive for Syrian refugees. He noted Mr. Singh gave a great presentation. Blankets are being collected from now until November 22. Blankets can be dropped at Town Hall. He wished the Marine Corp a Happy Birthday, which was founded on November 10, 1775. Veterans Day is November 11, so please, say Thank You to a Veteran. Thanksgiving is November 27. Everyone enjoy themselves, drive carefully, and have a good time.

IN RE: COUNCIL MEMBER COMMENTS

Mr. Toney expressed appreciation to those that exercised that privilege, right, the ability to vote yesterday. A lot of people have gone through quite a bit over the years to ensure that all citizens of these communities enjoy that right.

Mr. Wood echoed a congratulatory to all of those who had the opportunity to come out and vote. The numbers were up from the May elections. Around 26 percent of the population came out to vote. He encouraged more people to come out and vote. He also wished the Marine Corp a Happy 239th Birthday. He asked the citizens to spread the word about participating in the parade and getting involved with all the things the Town has going on. He was thankful that Council got many people to come out, sit at the meetings, and listen to Council talk about the issues that are going on. He asks that everyone take this season and reflect on all the things that you are thankful for.

Ms. Reynolds stated it was nice to see so many people from the Town come out and vote. She asked that as the holidays approach that people be mindful and think about their neighbors. It is going to get cold, so check on your neighbor. She thanked everyone who came out and voted yesterday.

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Ms. Washington wanted to remind everyone the reason for the seasons coming up, Thanksgiving and Christmas, and to think of those who are less fortunate. She thanked those citizens that came out to vote and for those that did not, please place it on your calendar of things to do because is very important that you get involved.

IN RE: PRESENTATIONS

A. DOMINION VIRGINIA POWER – DEBORAH TOMPKINS JOHNSON, STATE & LOCAL AFFAIRS

Ms. Johnson stated that her position is being the liaison with the state and local officials. She noted that Eric Tatum, Manager for Electric Distribution Construction and Heather Jennings, Manager for Advanced Metering Solutions will be giving the presentation. Mr. Tatum will speak about strategic undergrounding. Also in attendance was Sue Holcroft, Electric Distribution Underground Marketing and Communications Coordinator, who was assigned to this group is available if there are any questions.

Mr. Tatum went over the following information in a PowerPoint presentation.

In-Town Construction

- Dumfries Town Center
 - Fronting Main Street (Southbound Route 1)
 - Ground breaking
 - Five Apartment Buildings, Parking Garage
 - 2-Year Construction
- Street Lighting Project (Project Completed as of Today)
 - North Fraley Boulevard (Northbound Route 1)
 - Four Lights on Existing Poles

Distribution Tree Trimming

- Recently Completed
 - Main Street (Possum Point Road to Curtis Drive)
 - Old Triangle Road
 - Graham Park Road
- Scheduled December 2014
 - Fraley Boulevard (Northbound Route 1)
 - Route 1, South of Graham Park Road

Tree Trimming Transmission Rights of Way

- Completed
 - Possum Point-Fredericksburg
 - 1.4 Miles
 - Selective Herbicide
- Work in Progress
 - Possum Point – Occoquan
 - North to Route 234
 - Routine

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Undergrounding—County Project (County Funded) Three Phases

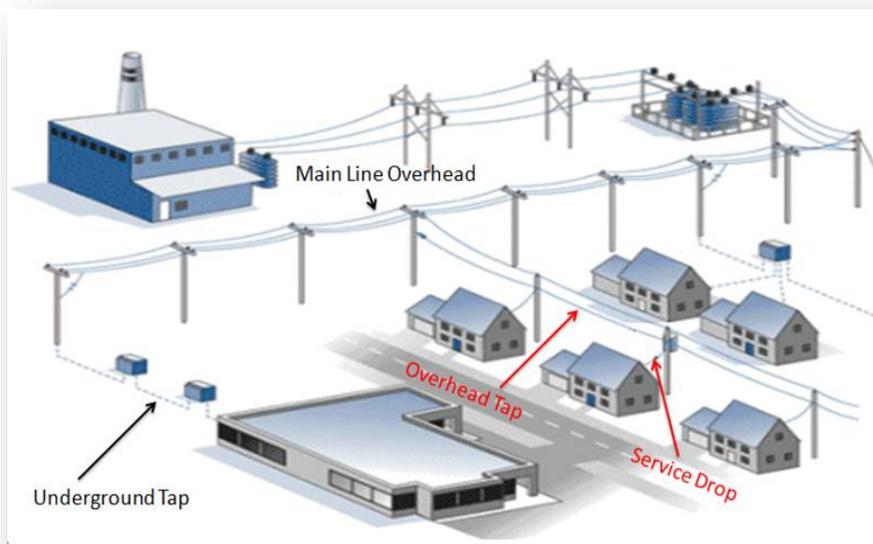
- ❑ Neabsco Mills Road to Dale Boulevard (Phase I)
 - Construction Began February 2014
 - ❑ Removed 18 poles
 - ❑ Installed 6 manholes
 - ❑ Installed 3 pad mounted switches
 - ❑ Installed 1 new pad mounted transformer
 - ❑ Completed July
- ❑ Dale Boulevard to Mellott Road (Phase II)
- ❑ Mellott Road to Featherstone (Phase III)

Strategic Underground Program (Dominion Virginia Power Funded) Background

- 58,000 miles of distribution lines
- About one-third underground now
- Over half of the overhead system consists of tap lines
- Prohibitively expensive to put the entire distribution system underground

Strategic Underground Program - An Overview

- Reliability initiative aimed at reducing the duration of storm restorations
- Reduce repair locations by undergrounding the most outage-prone tap lines
- Legislation enacted July 1, 2014 authorizes spending and revenue recovery
- SCC will review project selection, cost prudence, and results



Strategic Underground Program - Key Messages

- Every project benefits our customers by strengthening the system's reliability
- A fair, data driven process will be used to choose projects
- We will communicate fully with landowners, work professionally, and respect their property

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Smart Metering - Evolution of Technology

Just like our linemen,
our new Smart Meters
will work hard for you.

By upgrading to new, advanced metering technologies,
we're investing in our infrastructure and in our customers.



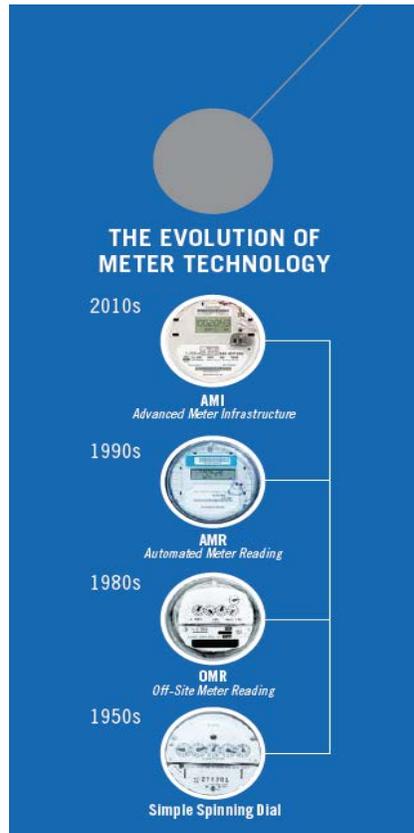
Smart Meters: our newest metering technology for managing energy.

You're due for an upgrade. Soon, Dominion will be exchanging existing meters in your area for new Smart Meters. Why? To continue providing you with better service—like more reliable delivery of energy, better power-outage detection, faster problem resolution and remote meter reading. Smart meters also allow you to view your daily energy usage and participate in pricing plans which help you manage energy and costs.

The meter upgrade will require only a momentary power interruption; no need for you to make an appointment or be present during the exchange.

For more information, including how to view your daily energy usage, please visit dom.com/smartmeter

The meter upgrade will occur at:



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Ms. Jennings took over the presentation.

Defining the Technology - Smart Grid, AMI, Smart Meter

- Smart Grid**
 - Transcends the entire grid, technologies all along the grid to improve efficiencies
- AMI**
 - Advanced Metering Infrastructure
 - Meter coupled with IT and communication network
- Smart Meter**
 - Foundational technology for AMI and Smart Grid

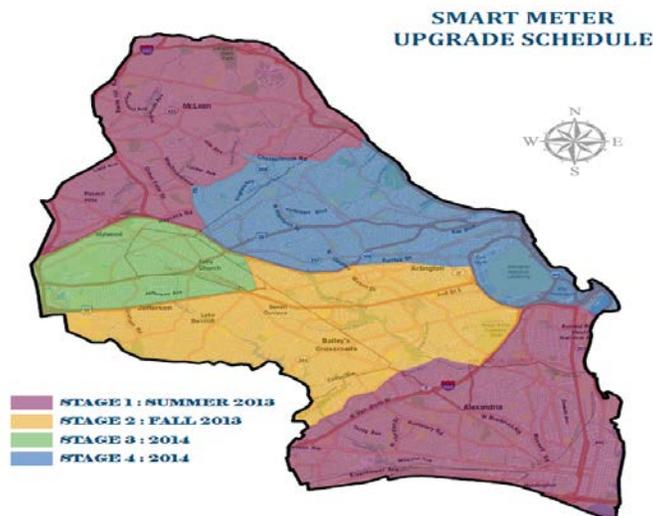


Smart Meter Locations

- More than 280,000 smart meters have been successfully deployed in 6 geographic areas in Virginia since 2009
 - Midlothian, suburb of Richmond
 - Areas of Charlottesville and Albemarle County
 - Areas of Northern Virginia
 - Downtown Richmond
 - Areas of Williamsburg
 - Areas of Blue Ridge

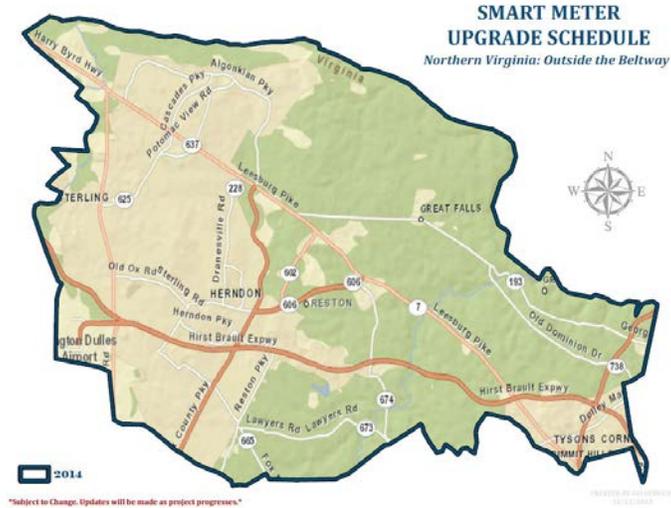
Northern Virginia Smart Meter Deployments

2013 – 2014: Completed ~200K Meters Inside the Beltway



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2014 – 2015: ~100K Meters in Progress Outside the Beltway



Smart Meter Capabilities

Capability	Benefits
Remote Meter Reading	Remote meter readings means fewer site visits, and fewer trucks on the road. More frequent meter readings help customers understand electricity usage and costs.
Voltage Conservation	Through delivery of more precise voltage levels, Dominion will be able to save on operating costs, which will be passed on to customers.
Power Outage & Restoration Notification	The two-way communication between Dominion and the meter provides more information related to the status of service at the home or business.
Remote Turn On & Turn Off	Meters with a disconnect switch enable service to be turned on and off without having to send an employee to homes or businesses.
Pricing Plans	Customers will be eligible to enroll in pricing plans, which empower them with pricing signals and can help them save money during high demand/high price periods.

Mayor Foreman asked if a house is being built whether a smart meter could be requested.

Ms. Jennings responded they have to be within the grid.

Mayor Foreman asked if there are no light poles in a neighborhood to mount the router on whether an individual still has to drive by to read the meter.

Ms. Jennings stated there are other applications that can be implemented. For example, a pad mount.

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Mayor Foreman asked how much it cost to place the wiring underground per mile.

Mr. Tatum indicated that he did not have that information.

Mayor Foreman stated that Council has discussed putting the power lines underground. He asked if it was possible with the large project coming to the Town if the power lines could be placed underground.

Ms. Johnson stated that would depend on where the Town is with the scheduling of the project; however, once a time frame is known she would like to know in order to provide that information to the design engineering team. The cost to place power lines underground can minimally start out costing several hundred thousand and go up to several million dollars. The strategic underground program is only for tap lines in neighborhoods. Main Street is a major line.

Mr. Wood asked for clarity on what Prince William County (PWC) was funding.

Mr. Tatum noted that PWC funded the undergrounding from Neabsco Mills Road to Featherstone along Route 1 and Dominion is funding the strategic underground program.

Ms. Johnson reiterated the strategic underground program is only for tap lines and there is no program to relocate major lines.

Mr. Wood asked if the undergrounding mainly helps with power outages.

Mr. Tatum confirmed it was.

Ms. Holcroft stated this is a reliability project. They want to minimize the number of repair locations. These are the last lines that are gotten to during a power outage. These are the lines that typically take a three-day power outage to a six-day power outage. By minimizing the number of repair locations, the duration of the outage will be reduced.

Mr. Wood asked if there would still be some outages.

Ms. Holcroft stated there would, but resources would be focused on the main lines.

Mr. Wood asked if the consumer would see a higher bill to cover the cost of the smart meter.

Ms. Jennings responded that currently you do not see an additional cost on your bill. This is being incorporated into the larger cost of the electricity. Moving forward Dominion will be looking into getting some recovery and approval from the State Corporation Commission. It is to be determined how it will be paid for.

Mr. Wood asked if this would ultimately reduce the overall consumption since less crews will be out.

Ms. Jennings noted those operational benefits would be incorporated amongst all the utility bills.

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Ms. Reynolds mentioned that during the last storm a power line dropped down just outside her front door and wanted to know if the smart meter informs Dominion that the line is down.

Ms. Jennings stated the smart meter would inform Dominion that there is no power going to the meter. It would not send a message that the line is down. You would have to call to let Dominion know the line was down.

Mr. Brewer asked what problems Dominion has had with underground lines.

Mr. Tatum stated the underground cable do not last forever. The cable has about a 25-year life span. The cost benefit analysis of having underground versus having potential tap line failures. The benefits far outweighs the negative. It is more reliable.

Ms. Holcroft commented a big problem with Dale City was that the area grew fast and there were failures from dig ins. Not knowing soil conditions and to extend the life a combination of cable and conduit are being installed.

Ms. Washington asked what process is being used to determine where the transformer pole will go. She mentioned having a pole in her yard that everyone else's lines come to, yet her power lines are underground.

Mr. Tatum stated there would always be an above ground source somewhere. He really could not answer without looking at site plans etc. Dominion tries to avoid putting anything to the rear or back of the property and prefer the front for easier accessibility.

Ms. Holcroft stated that calculations are made to determine where things can go and they work with the builder and developer to ensure equipment is in the best location.

Mr. Toney expressed concern over projects being completed to the south and north of Town. He asked if the area is cleared after tree trimming occurs.

Ms. Johnson stated Dominion does selective herbicide treatment on the transmission right-of-way. If it is an excessive amount of debris Dominion will remove some of it. She noted that the arborists state that some of the debris being left helps the new growth.

Mr. Toney remembered a brush fire that occurred behind the 7-11 Store that was caused by some vegetation that remained.

Ms. Johnson explained that during major storms Dominion does not go back and remove the trimmings.

Ms. Holcroft explained the program is just starting and it made sense to Dominion to start with non-joint use tap lines. These poles have only Dominion lines on them.

Mr. Toney asked how meters are being read now.

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Ms. Jennings responded that most of the customers are on advanced meter reading (AMR) technology. In the meter, there is a device that uses radio frequency to communicate with a van that drives by. The reason they started north of Dumfries is because Crystal City uses a lot of volts.

Mr. Toney stated the homes in his neighborhood were built in 1988. A couple of years ago two months in a row he received a bill for \$1,000. It hurt, but he paid it.

Ms. Johnson did not know what the policy was for reimbursement or investigation, but she was going to find out. She encouraged calling if anything like that happens to.

Mr. Brewer asked if the other utilities located on the poles bury their lines as well.

Ms. Holcroft stated that Dominion will work with the companies and allow them to bury their lines at the same time.

IN RE: CONSENT AGENDA CONTINUED
A. RESOLUTION NAMING THE 40TH ANNUAL CHRISTMAS PARADE
GRAND MARSHALL AND THEME – RYAN GANDY

Mayor Foreman requested the resolution be changed so that instead of using the word make that it state selected instead, have the name written the same throughout the resolution to keep it consistent, and include a line about who will participate in his absence.

Mr. Foreman moved, seconded by Mr. Wood, to approve the resolution as amended. The motion carried and the following resolution was adopted by the following vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

RESOLUTION NAMING THE 40th ANNUAL CHRISTMAS PARADE GRAND
MARSHALL AND THEME

WHEREAS, Town Council holds an annual Christmas Parade every year; and

WHEREAS, Council has traditionally had a Grand Marshall and a theme for parade participants; and

WHEREAS, Council is ready to name the Grand Marshall for the 40th Annual Christmas Parade; and

WHEREAS, the Town Council has selected Colonel David W. Maxwell, Commanding Officer, Marine Corps Base Quantico, the Grand Marshall for the 40th Annual Christmas Parade; and

WHEREAS, Colonel David Maxwell accepted; and

WHEREAS, it is recognized Colonel Allen Broughton and Sgt.Maj. Mark Byrd will be participating in his absence; and

WHEREAS, the theme for the 40th annual Christmas Parade has been decided; and

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WHEREAS, Council is ready to name the theme for the 40th Annual Christmas Parade.

NOW THEREFORE BE IT RESOLVED that the Town Council has decided to make the 40th Annual Christmas Parade theme Christmas Around the World.

IN RE: BOARD & COMMISSIONS A. ARCHITECTURAL REVIEW BOARD (ARB)

James Ksanznak gave the following report.

- Met with Pete Singh to discuss the First Town Center project. The project includes a comprehensive sign plan. Areas were identified where additional information would be required.

Mayor Foreman asked if the ARB was waiting on any additional information for the First Town Center.

Mr. Ksanznak indicated the ARB did a punch list and will be discussing it at the next meeting.

B. BOARD OF ZONING APPEALS (BZA)

There was no report.

C. HISTORIC DUMFRIES

Joann Barron gave the following report.

- In October, they hosted the Ghost Walks and was a successful fundraiser.
- The Quantico Base archeologist is unable to exhibit all of the Native American artifacts that were found at Quantico because their museum is focused on the Marine Corp. They have agreed to loan the Museum six boxes of Native American Art, which is really rare. The art is little on the brittle side. These are from local tribes that date back to before 6,000 B.C.
- On November 15, they will be having a silent auction with a Hawaiian Luau theme at the Dumfries Triangle Rescue Squad.

Ms. Reynolds asked when the display would be ready.

Ms. Barron noted they would get the materials very soon.

D. PLANNING COMMISSION (PC)

John Webb gave the following report.

Work Session

- Reviewed and discussed the First Town Center site plan.

Regular Meeting

- Minutes were adopted for the August 11, 2014 and September 15, 2014 meeting.

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- Voted to recommend that Council approve the First Town Center site plan as presented contingent upon the following.
 - All comments from outside agencies have been received, approved and or addressed.
 - The Parks and Recreation Commission is given the opportunity to review and comment on the site plan.

Work Session resumed

- Reviewed and discussed the bylaws.
- Reviewed and discussed single family off street parking.

Mr. Toney asked what the issues were with the single family off street parking.

Mr. Webb stated the issue came to the PC quite a few months ago from Council and staff. There were complaints of people parking in the side yard, on the grass, and not parking on a driveway. The PC is preparing a code amendment to address the issue.

Mr. Toney thought there was an ordinance in place that required people to park on an impervious surface.

Mr. Webb stated there are no requirements in the residential districts, R-1 and R-2.

Mr. Toney recalled an ordinance was passed requiring a surface be laid for parking because he voted against it. He believes the ordinance is in place and the record should be researched.

Ms. Forrester stated that Council did approve an ordinance for surfaces. The three types of surface that could be used were gravel, concrete, or asphalt. A past Zoning Administrator issued a notice of violation to an individual who was parking on the grass; however, another Zoning Administrator could not find it in the ordinance, which caused a lot of confusion regarding the issue.

IN RE: COUNCIL REPORTS A. BOYS AND GIRLS CLUB

There was no report.

B. PARKS AND RECREATION COMMISSION

Mr. Wood stated the meeting did not have a quorum so there was no action taken.

Mayor Foreman asked when the last time there was a quorum, how can an agenda be adopted or business be conducted without a quorum. How can the Commission properly plan for the architecture of parks? How can events, projects, and expenditures be planned? Since July, he has observed only one meeting with a quorum at the start of the meeting. Thirty minutes into the meeting, Commissioners walk out and there is no longer a quorum. He asked if Commissioners were being paid by attendance or by the meeting. The last minutes provided by the Commission to Council were in May, so Council would not

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know if there was a quorum unless it was reported. How can the Council support a \$4,000 training request if no one from the Commission is attending its meetings? He has concerns with any Commission that does not meet appropriately and is charged with spending taxpayer money. One of the most important tasks the Commission has is the planning for and execution of two annual budget line items totaling \$65,000 assigned to parks, planning, and maintenance. A few months ago, there was a discussion of stormwater management in Ginn Memorial Park. It was determined by five Council Members the funds to continue to develop the Park concerning stormwater management should be appropriated outside the designated park funds. The Commission should have grasped the severity of what happened and dedicated a portion of each meeting to park planning and management. Each of your agendas since July has focused on events and playground equipment. He gets the distinct impression there may be a time when the Commission comes back to Council and request additional funds for something. The \$40,000 in the budget does not have to be spent annually. It was put in the Capital Improvement Program (CIP) to roll over to accumulate enough funds for larger projects, not just playground equipment and running trails. The \$40,000 a year should be used for infrastructure such as water and electricity. Paying for planning documents such as surveyors, designing a master plan, building a pavilion and yes, paying for stormwater management projects. The PC, at its meeting, requested the Commission review the Garrison Park design as proposed by Mr. Singh. How can this be properly reviewed if there is no quorum? It is hard to approve additional funds when there is no dedicated time on the agenda for project management and planning and there is no quorum. He cannot justify funds or a Commission that fails to meet and work for the taxpayers.

Mr. Wood stated that there was a quorum at the September meeting.

Mayor Foreman stated the quorum lasted for 30 minutes. Any person appointed to a board/commission should sit down with staff, the Town Manager, and the Chairman to be briefed on what staff can do, what is being worked on by the board/commission, and what their role is. He noted a monthly report needs to be provided to Council during the first meeting of the month.

Ms. Forrester stated these type of things should be discussed behind the scenes instead of lambasting or ambushing anyone in front of everyone. It makes things awkward and makes Council look unprofessional when schooling each other on the dais. If addressed before hand the individual could be prepared with answers.

Mr. Toney noted he does his best to sit there and he excused the expression, quit looking like an angry black man. He does not like watching someone being attacked. He noted that everyone on the dais

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has issues. Not one person is God on the dais. Everyone has the same amount of authority and should be given the same amount of respect. These issues should be discussed beforehand.

A heated discussion ensued about control and power.

Ms. Washington stated if there are concerns related to the boards, commissions, or Council she would like to see that done in a more private manner. She realizes there are some concerns. She noted that this is a new Commission with young people who may do things that are not correct. They need to be told to be responsible, but this is not the proper place.

Mr. Brewer did not realize that quorums were not being met. He believes this is a legitimate issue. He pointed out that these are appointed individuals, if they are not going to show up, then it needs to be reevaluated. He stated that nothing was directed at an individual, but to the Commission. Questions and concerns are brought forth whether it be the ARB, PC or any other board or commission. The questions that were asked need to be answered.

Ms. Reynolds agrees with her fellow Council Members. There is a time and place for everything. The Council is there to conduct the business of the Town. This is not the time to scold, be very unprofessional. Council is there to help, train and to give guidance to the citizens. Council does not want to discourage individuals. Anytime you are in a new position it is a learning experience. She hopes the citizens who take the time to volunteer their time and effort will feel comfortable and come to Council for guidance. She asked that people not be discouraged by the actions and deliverance of how some of the elected officials are acting tonight. The goal is to make Dumfries a place to make everyone feel welcome.

Ms. Washington commended Mr. Wood for his demeanor. She believes this is not the place he should have been talked to that way and as a Council, he deserves an apology. She agreed that all of these things are possibly wrong, but there is another way to correct it. Mr. Wood is not responsible for people not coming and being committed to the Commission.

Mr. Toney thanked Ms. Reynolds for pointing out to him what is important. What is important is that Council conducts business. He should be respectful to the Mayor and Council should be respectful of each other. He extended an apology for the way he displayed himself. He mentioned he could have said his comments differently. He is very serious and sincere when he says he wants to work with the Mayor and collectively, as a body, move the Town forward. He believes he may have over stepped and acknowledges that the Mayor was correct in pointing some things out.

Mayor Foreman stated when he was first elected Mayor he tried to discuss Council conduct and was told to never bring it up. He has been the recipient many times of comments. The way Council does

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business was reflected here tonight. They need to get a lot better moving forward. He never attacked the Commission or an individual.

C. NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

Mayor Foreman stated discussions were had on Ebola preparedness, the legislative agenda, mentioned the Pentagon Memorial Trail Circuit, which is only one portion of the 9-11 trail that will be completed in twelve to eighteen months. This trail is meant to be a biking/walking trail.

IN RE: STAFF PRESENTATIONS

A. DIRECTOR OF COMMUNITY SERVICES – RYAN GANDY

Mr. Gandy gave the following report.

- There were approximately 30 seniors at the senior luncheon. Betty Covington, Prince William County (PWC) School Board, and PWC Supervisor Maureen Caddigan were the speakers.
- Dumfries Cares family fun night had ten participants.
- The Dumfries Cares mentoring training had 12 attendees.
- Colonel David Maxwell will be attending the tree lighting but will not be able to make it to the parade. Colonel Allen Broughton and Sergeant Major Mark Byrd will be there in his stead, which the Town accepted.

Mayor Foreman stated it would be helpful to put on the website how often the newsletter will be published.

Mr. Gandy wanted to revisit that, because there has been discussions about how it has been distributed and he would like to reach a wider audience. He knows the amount in the budget was reduced considerably, which does not allow him to print and mail the newsletter.

Mr. Toney asked if he could share the theme and date of the parade.

Mr. Gandy responded the theme is Christmas from Around the World and will be held on December 13, at 1:00 p.m. on Saturday. They have clear ornaments at Town Hall that kids can pick up to decorate and hang on the tree during the Christmas Tree lighting on December 6.

Ms. Forrester stated the newsletter line item was cut for the reasons mentioned. The last newsletter was supposed to have in it a statement that it would no longer be mailed unless someone specifically requested it to be mailed and would be available online electronically.

Mr. Gandy has not mailed any, but some were printed for people who come to Town Hall.

Mr. Wood recalled the budget was cut by about \$5,000. He asked what the deadline was for the parade.

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Mr. Gandy stated the deadline for applications is the 22nd and the mandatory meeting will take place two weeks later.

Mr. Wood asked if he was working with a committee or if he had volunteers.

Mr. Gandy indicated that most of the planning was by himself. He has received about 15 applications so far.

Mr. Taber noted that staff members will be available to assist with the event.

Ms. Washington asked if letters and emails were sent to previous participants.

Mr. Gandy advised that notices had not been sent, but he will send them tomorrow.

Ms. Washington mentioned that ornaments were dropped off at the schools last year for the children to decorate.

Mayor Foreman asked if the Boy Scouts or Girl Scouts have been contacted about carrying Council's banners.

Mr. Gandy spoke with the Boy Scouts.

B. PLANNER/ZONING ADMINISTRATOR – DARREN COFFEY

Mr. Coffey gave the following report.

- The PC has been busy working on the First Town Center Promenade project, amending the bylaws, and drafting new off-street parking standards.
- Worked on zoning inquiries and determinations.
- Worked on code enforcement cases.

He noted the off-street parking issue is in the code; however, there are enforcement issues with the current language. He is working with the Town Attorney to develop stronger and clearer language that the PC will look at next week.

Mr. Brewer asked if there was an alternative to the Town not being eligible for the Enterprise Zone.

Mr. Coffey responded that there is not an alternative program but there are Community Development Block Grants (CDBG) the Town could qualify for. There are the Moving Ahead for Progress in the 21st Century (MAP-21) grants. He asked about the ability to go through the County to achieve the Enterprise Zone which is a possibility; however PWC is very affluent and does not score high in the application process.

Ms. Forrester expressed concern because every time the Town gets a new Zoning Administrator they know more than the one before and starts the cycle of redoing everything. That is problematic. She did not understand why if there was some kind of clarification needed that the matter was not discussed

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with the Town Attorney and brought to the Council rather than having to go through the cycle with the PC.

Mr. Coffey did not know why the PC was working on the matter. He understood that it was sent to the PC by Council.

Mayor Foreman believed the matter started with the community behind Majestic Glass. There were cars being parked on the front lawn and citizens wrote him emails. He spoke with the Zoning Administrator who noted the language is vague and up to interpretation. He noted that it was the Zoning Administrator who said the language would be looked at. He asked if the monthly report could include the name, location, and date the application of the new businesses that come to Town.

Mr. Taber indicated that Retta Ladd, Treasurer, would be the one who tracks this information and he would ask her to include it with her monthly report.

Mayor Foreman commented his next question was the partition of sales. Three Zoning Administrator's ago an action was taken with a business that only allowed 25 percent of the business sales to be tires. He mentioned his concerns to the Town Manager, Town Attorney, and Zoning Administrator and does not believe the Town should be in the business of dictating what percentage of sales a business can do based on the type of services it provides. He was told that it would be taken care and here it is three years later and nothing has been done. This is the only business of many in the Town that provides the same services that has this condition.

Mr. Taber explained that he could not tell the Zoning Administrator how to interpret the code. In this circumstance, the Zoning Administrator was going to totally do away with tire sales and the Zoning Administrator looked at the percentage of the business that was tires sales before the issue took place and allowed the business to sell the same amount of tires as it had.

Mayor Foreman stated that if this requirement is applied to one business then it should be equally applied to the other businesses.

Mr. Taber would look into the matter with the auto sales businesses.

C. DIRECTOR OF PUBLIC WORKS – RICHARD WEST

Mr. West clarified that the Route 1 widening project has stalled with the Virginia Department of Transportation (VDOT). The Northern Virginia Transportation Authority (NVTA) is still reviewing the project. The NVTA, VDOT, and the Town are looking at the project in light of House Bill 2 (HB2) legislation that has to apply now. He indicated that the Town is in the process of completing an agreement with Sagres Construction Corporation for the Tripoli Boulevard Drainage Improvement Project. A preliminary meeting has been held and the notice to proceed was given today for November 17. The work

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on Cameron Street is complete. There was a question as to why the paving did not extend down between Duke and Prince Streets. The original plan was to do Mine Road up to King Street to take care of drainage issues and the narrowness of the road. To make the drainage work properly the paving needed to be extended up Dumfries Elementary School. The designs are proceeding through the VDOT process for the Route 1/Graham Park Road and the Route 1/Possum Point Road crosswalks.

Mr. Wood asked for an update on the meeting with the NVTa regarding the Route 1 widening project.

Mr. West sits on one of the committees and one of the working groups of the NVTa and is trying to push the Town's project the best he can. They have done a preliminary assessment of all the projects submitted for HB2313 70 percent money, which is for projects of regional significance. The Route 1 project is one of them. They are now going back over the projects and trying to schedule a meeting with the PWC group, which the town is a part of to look closer at the project application. Under HB2 the number one priority has to be congestion mitigation and air quality. Statewide what is being looked at is geographic equality distribution and shovel ready is going to be an important aspect. The projects being looked at need to be ready to go or be completed in two to six years. He stated the Town might want to look at the effects of economic development with not proceeding with Route 1 because that is a factor considered under HB2.

Mr. Brewer asked where the money was in the budget for the Tripoli Boulevard Drainage Improvement Project.

Mr. West explained this is a revenue sharing project with 50 percent by VDOT and 50 percent by the Town. The 50 percent for the Town is coming out to the bond. The total construction cost is about \$1.6 million. He will have to research the overall cost of the project.

Mr. Brewer asked if there were cost over runs factored in.

Mr. West indicated not at this point.

Mr. Brewer stated the Maple Street project cost over runs ran about 22 percent. This had something to do with renegotiating the contract with the contractor because someone directed that rollover curbs be put in rather than standard curbs.

Ms. Washington stated the Dumfries Elementary School and Cameron Street projects look beautiful. She thanked staff for all of the hard work.

Mr. West indicated that Monte Stevens and Terry Myers worked hard overseeing the project.

Mayor asked when Council was going to vote on the \$80,000 from HB2313.

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Mr. Taber stated that he has not heard whether PWC or the NVTA have approved the Memorandum of Understanding (MOU).

Mr. West noted the Town has executed its portion of the agreement, but it has not been fully executed.

Mayor Foreman recommended that Staff keep with the spirit of the MOU and produce a document for Council's approval to be submitted to PWC. He did not want to be stuck in a catch 22 that the reimbursement was made and the document was never done. They should go through the cycle the first time right. He noted the Graham Park Road/Curtis Drive/Route 1 intersection had October listed for two months and now it is listed as November and asked at what point do the dates shift.

Mr. West recently spoke with the consultant who has had a long string of emails with VDOT getting the plan specifications done so that authorization can be given to move to the right-of-way phase.

Mayor Foreman stated the project has slid for a full year and does not want this to happen again. He mentioned a hole on Cameron Street that needs to be filled.

Mr. West responded that it is on the list to be fixed.

Mayor Foreman indicated the citizens have stated that they do not want sidewalks in front of their homes in the Piccard Homes development. He wants this project to be completed and turned over to the citizens.

Mr. Taber suspected the project is not going to get fixed by the developer and the Town will have to go after the bond to finish the development.

Mayor Foreman asked about the six-inch gap between the street and gutter and the cleaning of the ditches on Possum Point Road.

Mr. West would discuss this with the contractor. These should be taken care of soon.

Mayor Foreman asked about money is replenished in the stormwater management fund that will be used for the Ginn Memorial Park drainage problem.

Mr. Taber explained that normally there would be a surplus left at the end of the fiscal year that would roll into that account; however, what is happening is a lot of money is being spent on programmed activities. Things are being done such as the maintenance on stormwater management ponds that are the responsibility of the Town.

D. CHIEF OF POLICE – CHIEF EDWARDS

Mr. Taber noted the Chief was unable to attend. He reminded citizens that applications are being accepted for Christmas in Dumfries until the close of business on November 25. The information is on the Town's website and posted on the Town's television channel. It is open to children ages 4 to 13 and the

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event will take place December 6. They are accepting donations from businesses and individuals until December 5.

Mr. Brewer asked how many Police Officers the Town has.

Mr. Taber stated the Police Department is authorized for eleven and currently there are eight Police Officers. There are three positions being advertised and applications are being accepted now.

E. TOWN ATTORNEY – OLAUN SIMMONS

Mr. Simmons announced he is finishing the vacation of the Market Street ordinance, the deed of vacation, and the land purchase agreement for the First Town Center project. This matter come to Council at the November work session. He met with Mr. Campbell regarding the violation of the inoperable vehicles and the land disturbance issue with his property and are working on a path forward to resolve these issues.

F. TOWN MANAGER – DAN TABER

Mr. Taber noted attending the Virginia Municipal League (VML) conference in Roanoke. The workshops included the State budget, ethics, using the building code as a means to enforcing zoning regulations, freedom of information act and conflicts of interest. The workshops were very informative and useful. He was able to speak with a variety of vendors in reference to things that are on the horizon, such as the new Police Station. He has been attending the Chief Administrator Officer Committee (CAOC) meetings of the NVRC. The discussions at the last meeting centered on two major issues. The Ebola related concerns and workforce development. If there is a case of Ebola in the local jurisdiction, the local jurisdiction has primary responsibility to deal with it. The Town is not as affected because there is no hospital in the Town. There is concern about the mode of transportation if there is a potential Ebola patient identified. The Northern Virginia/Greater Washington D.C. area has a good handle on this and keeping up to date. He attended with Mr. West and Mayor Foreman the Commonwealth Transportation Board (CTB) meeting. The focus of the meeting was to first provide information on how potential transportation projects would be rated to determine the appropriateness of funding those projects. The second purpose of the meeting was to allow comments to be made to the CTB. Mayor Foreman spoke on behalf of the Town in support of funding for the Route 1 Widening Project within the limits of the Town.

Mayor Foreman recalled the Williamstown Homeowners Association (HOA) President spoke at the last meeting about American Disposal. The Town has a contract with American Disposal and the HOA's do not negotiate with American Disposal. If they want to cut off services to an HOA or limit services, they should come through the Town. He asked Mr. Taber to reach out to American Disposal and

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find out exactly what they are willing to pick up. All of the HOA's and residents should get the same level of service.

Mr. Taber explained the Town has, in the past, called American Disposal on behalf of the Williamstown HOA. American Disposal assured the staff that they treat everyone the same. If someone has a larger item, the standard truck cannot haul it; however, the customer can call and schedule a time for a special pickup. Some residents do not want to do that and it is not fair for the Town to pick up these items and pay the extra fee. In the past, there may have been some miscommunication. He will confirm the procedure and get back to the HOA.

Mayor Foreman indicated American Disposal should have contacted the Town Manager before contacting the HOA. He met with the Potomac and Rappahannock Transportation Commission (PRTC) on September 12 and the Fire Chief on September 26. He asked the Town Manager whether meetings have been scheduled meetings with them.

Mr. Taber noted he has been exchanging emails with them. He has a copy of the fee schedule for the Fire Department. They will be discussing additional services and what if anything Council has to do to take full advantage of that.

Mayor Foreman stated that Council has not been given the fiscal year 2013 actuals and Council needs to get the fiscal year 2014 before the mid-year review. He believes that some of the excess money was money that did not get spent on projects last year, but some of it is also because the budget was being based on unaudited actuals.

Mr. Taber and Retta Ladd, Treasurer, met with the principle from the auditing firm last week, answered all the questions he could possibly ask, and we were ensured that fiscal year 2013 would be completed within two-week and that fiscal year 2014 would be completed by the end of November. Regardless, staff is working on a request for proposals for auditing services to go out January 1. One of the things being considered before selecting the firm, in addition to cost, will be prior performance.

Mayor Foreman commented that Quantico Creek is very important to him. Council put in the Capital Improvement Program (CIP) \$40,000 for both Ginn Memorial Park and Quantico Creek. It was understood that the level of work would be short-term for the Park and that Quantico Creek would be a long-term project due to the cost being approximately \$1.3 million. During this time, Council has spent over \$350,000 on the Park, which includes the purchase of the land and the \$74,000 for the stormwater management. He has been asking and driving that the Town go after grants to help fund Quantico Creek. He knows the Park is going to end up costing close to \$1 million before it is complete, which includes the infrastructure that needs to be put in. He is getting the impression that he is going to see Ginn Memorial

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Park built out before anything is done with Quantico Creek. He needs to be educated on what legislators on the State and Federal levels are getting for their districts for these type of projects. He wants staff to give him some ammunition so he can bring this fight forward.

Mr. Taber had a meeting today regarding stormwater management and discussed grants. The Municipal Separate Storm Sewer System (MS4) program is tied into this and is an unfunded mandate. It would make sense to set a work session aside just for that discussion and discuss grant opportunities. He was looking at possibly January. Additionally, he is working with staff to look at the budgets five-year trend to discuss with Council.

Mayor Foreman commented that towns are at a disadvantage with unfunded mandates and have to fight for grants against counties and cities. Counties and cities have the advantage of floating a bond and have a larger group of people to pay for it then towns have.

Mr. Brewer stated an assessment was completed in 2004. The company that completed the study identified grants. The problem with grants is they take a while to do. It would be to the Town's benefit during the mid-year review to look at hiring a company to go after grants for the Town. The Town could go after a bond. The Town has in the past.

Mr. Taber indicated that many grants require matching funds.

Mr. Toney left during the report.

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

Ms. Washington attended a community meeting at Little Union Baptist Church where discussions were being held on the dumping of the dirt on Mine Road from the I-95 project. PWC Supervisor Maureen Caddigan, Ms. Cronin the aide to PWC Supervisor Corey Stewart, and Dic Burke, Transportation and Land Use Director for PWC attended. Her concern is about the dumping occurring at the Old Mine Road Farm that has been piled about 12 feet above the road without requiring a retaining wall. Every time it rains, the dirt flushes into Quantico Creek. Mr. West checked and the property is zoned agriculture, so there is nothing they can do about it. She asked Ms. Caddigan to look into PWC ordinance to see if there was any way to require a retaining wall to hold back the dirt and to look into some type of ordinance that would require people who are updating their property to pay for damage to the road. Mr. Burke offered to come and speak with Council regarding the matter; however, Ms. Caddigan stated there is nothing PWC can do.

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IN RE: ACTION ITEMS

A. PUBLIC HEARING – APPEAL OF THE ARB’S DECISION FOR THE TOWN HALL SIGN – OLAUN SIMMONS

Mr. Simmons stated the appeal is for the sign in front of Town Hall. A certificate of appropriateness was applied for since the sign is located in the Historical District. The ARB voted to deny the Town's application for a certificate of appropriateness. The application was filed on July 10 and the ARB voted to deny the application on July 15. On August 7 the Town filed an appeal. According to Town Code §70-683 the Council shall affirm, reverse, modify or remand back to the ARB for reconsideration of the decision of the ARB, in whole or in part. The decision of the Council shall be final, subject only to an appeal to the Circuit Court.

Mayor Foreman stated the Town used to use banners, but when the event was done, the banner would be discarded. It was suggested by Ms. Washington to order a marquee. The Council approved this decision and the sign was put up. The Zoning Administrator informed the Town that the sign would need to go through the ARB.

Mr. Simmons indicated staff tried to address the ARB’s comments by proposing a historic mantel with the Town’s logo.

Ms. Forrester did not like the design either; however, the existing sign ties into the look of Town Hall. She mentioned the use of a brick enclosure.

Mr. Taber indicated the only issue would be the funding. This decision may need to be made at the mid-year budget review.

Mayor Foreman clarified that if the decision is to replace the sign, it can happen in next year’s budget.

Ms. Washington felt that Council, staff, and the ARB could sit down and come up with a solution. She believes the sign is nondescript and fits in with anything. She would like to keep the sign or build a brick enclosure rather than purchase another sign.

Mr. Brewer did not think the Town should have taken a short cut through the process and should go through the process. The Town needs to do it right. If it requires getting a new sign then that is what needs to happen.

Mr. Wood asked if recommendations were made by the ARB or did the ARB just want it removed.

Mr. Taber explained the ARB wanted the changes to be more fitting. He was not at the meeting and is getting this secondhand. He was under the understanding that the ARB wanted a suggestion from staff, which the ARB did not agree with.

The public hearing was opened to citizen comment.

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Jim Ksanznak, Member of the ARB, noted that Town Hall was built before zoning was implemented and the sign was installed without getting ARB approval. The ARB denied the application because it did not comply with the design guidelines. The ARB recommended, instead of replacing the sign, that modifications be made to the sign and staff was provided with a picture of historical looking sign. The proposed sign did not include posts so the modification was denied too. They wanted the sign to look historical to include landscaping, maybe some indirect lighting, and posts. He does not recommend approval of this appeal and thinks that something could be worked out.

Lou Praino agrees the sign should have been handled administratively long before it got to the appeal process. He believes the Zoning Administrator would not agree to anything unless there was a reason. He speculated the Zoning Administrator determined the sign was exempt either designating it as noted in §70-381(1) and 70-381(2)(b) as exempted or otherwise a non-substantial alteration thereby does not require a certificate of appropriateness. Staff may have determined that a sign of that style and design was necessary to safeguard the safety, health, and well being of the citizens of the Town by allowing a safe viewing while driving by along Main Street thereby avoiding vehicles slowing down while trying to read the sign. He did not think the Town should rule on its own appeal. He recommends that Council adopt one of the four choices overviewed by the Town Attorney. He highly recommends Council have staff work with the ARB to come up with a solution.

Gary West commented that in 1989, the ARB was formed and the Members made rulings how they saw fit. Later the Council asked the ARB to come up with guidelines pertaining to the architecture. The guide included paint, signs, and buildings. Meetings were held, ARB members went to workshops in Richmond, and came back with valuable useful information. Council approved the guidelines that the ARB came up with. He believes Council should follow the process and work with the ARB to design the sign to meet the design guidelines.

There being no further citizen comments the public hearing was closed.

Mr. Foreman moved, seconded by Ms. Reynolds, to remand the decision back to the ARB.

Ms. Forrester asked that the ARB look into the brick enclosure and find out how much it would cost. She wanted to see the design before it is approved.

Mr. Taber responded that staff would bring the design back to Council for their consideration.

Ms. Forrester stated that by remanding the decision the ARB will have to make a different decision.

Mr. Simmons responded that sending it back to the ARB will provide an opportunity for the ARB to provide further direction and to work with staff. It should not come back to Council.

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

B. PUBLIC HEARING – ORDINANCE AMENDING CHAPTER 18 BY ADDING SECTION 18-77 (a)-(g) VENDORS ON PUBLIC PROPERTY – OLAUN SIMMONS

Mr. Simmons stated that Council expressed a desire to establish a rule of law regarding individuals who are involved in commercial activity while on public property. In the past few meetings, when the ordinance was being discussed, Council made several recommendations that have been incorporated. These include business license requirement, an application fee, a health code provision, removed the \$5 application fee, and made it apply to public property including parks located in the Town.

Mayor Foreman noted the section that states there will be a \$50 annual license tax should refer to the fee schedule. The fee schedule can be changed whenever Council wants.

Mr. Simmons stated he would make the change.

Mr. Foreman moved, seconded by Ms. Forrester, to amend the language to read, "there shall be an annual license tax as per the fee schedule." The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, absent; Ms. Washington, yes; Mr. Wood, abstain.

The public hearing was opened to citizen comment.

There being no further citizen comments the public hearing was closed.

Ms. Forrester moved, seconded by Ms. Washington, to move the ordinance to the consent agenda December 2 for adoption. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, absent; Ms. Washington, yes; Mr. Wood, abstain.

IN RE: CLOSED SESSION

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

WHEREAS, the Dumfries Town Council desires to discuss a particular subject in Closed Session during the course of its meeting of November 5, 2014; and

WHEREAS, the nature of the subject is the discussion of personnel matters and consultation with legal counsel pertaining to actual or probable litigation. The discussion of same in Closed Session is expressly permitted by Section 2.2-3711(A)(1) and 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended.

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

Mr. Wood moved, seconded by 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, absent; Ms. Washington, yes; Mr. Wood, yes.

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

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

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Dumfries does hereby reconvene in Open Session at its meeting of November 5, 2014 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

IN RE: ADJOURNMENT

Mr. Foreman moved, seconded by Ms. Reynolds, 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, absent; Ms. Washington, yes; Mr. Wood, yes.

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Gerald M. Foreman
Mayor