

**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON
DECEMBER 10, 2013, AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET,
DUMFRIES, VIRGINIA:**

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

THERE WERE ABSENT: None

PLANNING COMMISSION: John Webb, Chair
Chris Padberg, Vice-Chair
Naeem Arshad
Lou Praino
William O'Kelly Russell
Louise Waggy

THERE WERE ABSENT: Selonia Miles

IN RE: CALL TO ORDER AND ROLL CALL

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

IN RE: PLANNING COMMISSION CALL TO ORDER AND ROLL CALL

Mr. Webb called the Planning Commission meeting to order.

**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: PUBLIC HEARING

**A. JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION ON
CONDITIONAL USE PERMIT (CUP) FOR KID'S ZONE DAYCARE
LOCATED AT 17926 MAIN STREET TO OPERATE A DAYCARE –
LAURA O'DELL**

Ms. O'Dell received a CUP application to operate Kid's Zone Daycare on Main Street; the hours of operation will be from 6:00 a.m. to 7:30 p.m., Monday through Friday. The daycare

proposes to have up to 30 children. Presentations were previously given and nothing has changed since then.

The public hearing was opened to public comments.

There being no comments the public hearing was closed.

Mr. Webb asked if the Planning Commission (PC) had comments on the application.

Mr. Russell moved, seconded by Mr. Praino, to recommend Council approve the CUP for 17926 Main Street, Kid's Zone Daycare. The motion carried by the following roll call vote: Mr. Arshad, yes; Ms. Miles, absent; Mr. Padberg, yes; Mr. Praino, yes; Mr. Russell, yes; Ms. Waggy, yes; Mr. Webb, yes.

Ms. Forrester moved, seconded by Ms. Reynolds, to approve the CUP for Kid's Zone Daycare 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.

Mr. Webb adjourned the Planning Commission public hearing/meeting.

B. TO SEEK CITIZEN INPUT ON WHETHER THE TOWN SHOULD PROCEED WITH THE PROCESS TO REQUEST CHANGING THE BIENNIAL ELECTION TO THE NOVEMBER GENERAL ELECTION – DAN TABER

Mr. Taber reminded Council that previous discussions have been had about this matter and the last directive Council gave was for staff to schedule a public hearing to solicit citizen input.

The public hearing was opened to public comments.

There being no comments the public hearing was closed.

Ms. Forrester stated the item should be voted on one way or another to put the issue to rest. She reminded Council that if the change is made to hold the Town's elections in November, it will be turned over to the political parties, and the elections are supposed to be independent representation. The citizens who come out in May care about who is elected and are very much invested in the outcome of the elections. If the elections are changed to November you will get more people to come out; however, most of them will know nothing about Town issues and they will look at the sample ballot from the Republican or Democratic Party and they will vote straight down the ticket and that is not the way the Council needs to operate.

Mayor Foreman moved, seconded by Ms. Forrester, to keep Town Council elections in May.

Mr. Toney appreciated Ms. Forrester's points; however, he personally felt that by moving the election to November there would be a better turnout with increased participation from the public. He said citizens were cognizant of the issues and Council should not make assumptions otherwise. He urged his colleagues to move the elections to November to increase the participation.

Mr. Brewer pointed out this has come up in the past and was a real hot-button issue. In the past, the Democratic Party came out and did all the work for a candidate. The other candidates had to go out and get all of their signatures and such. He concurs wholeheartedly with Ms. Forrester because this has been a big fight in the Town to remain independent of any party. He will be voting to keep the elections in May. The Town had to go forth to change the charter to not have any affiliation with any party on the ballot. He was not a fan of party politics and he did not want to see that down here; however, that is exactly what would happen if the elections were moved to November.

Ms. Reynolds stated that by moving the elections to November, it would increase participation. She has heard Council talk a lot about the different parties, but the truth is both parties should be involved. She noted that sometimes the leader here does not do that. Sometimes one party is invited and the other is not. She does not understand why this is being brought up regarding the elections being bipartisan when there are people sitting on the dais that are not like that. Be fair to everybody across the board. She added if the elections are held in May the Town pays for them, whereas if they are held in November the State will pay for it.

Mayor Foreman stated the May elections in other localities typically draw 10 percent of the voters, but Dumfries draws 15 to 20 percent of the voters. The citizens listen, get involved, and are informed. Regarding the comment made about the leader, he has worked with both parties, met with both, and invited them to events. The event being referred to was the Quantico Creek boat tour. The second boat tour never happened, which Congressman Connelly would have been invited to.

The motion on the floor to keep the elections in May failed by the following roll call vote: Mr. Brewer, yes; Mr. Foreman yes; Ms. Forrester, yes; Ms. Reynolds, no; Mr. Toney, no; Ms. Washington, no; Mr. Wood, no.

Mr. Toney moved, seconded by Ms. Reynolds, to move the Town's elections to November.

Ms. Forrester made clear that since it seemed the vote would be in favor of moving the elections to November, she wanted the Town Attorney to know, that it was written in the rules that

there would not be a sample ballot that identified Council members with a particular party. She pointed out that this has not been followed. People will vote right down the ticket and 80 percent of the votes will be Democratic. She wanted to make sure a better job is done of ensuring that sample ballots were not passed out with Council members' names on them associated to a party.

Mr. Taber stated it was important for citizens to understand that this will have no impact on the May elections.

Mayor Foreman clarified that this does not affect the elections for the three Council seats and the Mayor. It will affect the following election for three Council seats.

Mr. Taber noted another work session would be held to provide updated information on the procedures involved.

Mr. Brewer noted that past Councils have worked hard to keep the Town independent from any type of party politics. Moving the elections to November is inviting party politics. He stated the cost of the election is approximately \$2,500 every two years, which is a drop in the bucket with a \$4 million budget. He urged the Council to really look at this, because it is going to open a big can of worms. The Town has gone to the General Assembly about this. In 2002, the Democratic Party supported three candidates collecting signatures and funding their campaigns. All of the Independent candidates were out there collecting their own signatures supporting their own campaign.

The motion on the floor to request the General Assembly change the Town's charter to allow for elections to be held in November rather than May carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman no; Ms. Forrester, no; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: APPROVAL OF THE MINUTES

Mr. Wood moved, seconded by Ms. Reynolds, to approve the minutes of February 5, 2013 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

Ms. Reynolds requested adding an additional personnel item for discussion in the closed session.

Mr. Taber requested removing Item XVIII, A, closed session, due to receiving additional applications for appointment to a board or commission. There are no meetings in the meantime that the absence of this appointment will affect the ability of the board or commission.

Mr. Foreman moved, seconded by Ms. Washington, to approve the changes to the agenda. 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.

Ms. Forrester asked for additional information on Item XVI, E, Council Performance, as this was probably not a discussion in which she wanted to participate.

Mayor Foreman asked if Ms. Forrester wanted to have the discussion in closed session.

Ms. Forrester did not think that is authorized for discussion in closed session. She assumed that since no information was given, the Mayor was going to either critique Council members' performance or make suggestions about it. She emphasized that in the past when members have tried to interject their opinions about each other's performance, the point has been made that they answer to the voters, not to each other. This was the first time Council members have seen it and discussion items are to be introduced at work sessions prior to going on a regular agenda.

Ms. Forrester moved, seconded by Ms. Reynolds, to remove the item from the agenda and not discuss the matter at any future meeting.

Mayor Foreman was willing to move it to the second meeting of the month. Council policy has been set that discussion items being seen for the first time will not be at the first meeting of the month, albeit an add on or anything else.

Ms. Forrester clarified that her motion was to remove the item entirely. She did not intend to discuss Council members' performance at a work session or any other time and the Mayor did not have the authority to force Council to have the discussion at this meeting, or any other meeting, as that was the role of the voters.

Mayor Foreman explained he would clarify the matter at the second meeting of the month. It has everything to do with Council policy.

Ms. Reynolds mentioned that if Council votes to not discuss the matter, it cannot be brought back up for discussion.

Mayor Foreman pointed out that there is a motion, and a second on the floor, now it is in discussion. He wants to discuss Council performance and policy. He will make sure that the agenda item form is filled out accordingly that will include Council policy, invitations and ceremonies.

Ms. Reynolds noted the agenda says Council performance and now things are being added.

The motion on the floor to remove Item XVI, E, Council Performance and not bring the matter back passed by the following roll call vote: Mr. Brewer, no; Mr. Foreman no; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: APPROVAL OF THE CONSENT AGENDA

Mr. Wood moved, seconded by Mr. Foreman, to approve the Consent Agenda as presented.

Mr. Brewer wanted to remove VII, E, Resolution to Create Adopt-a-Road Program from the agenda since the Town employs an individual who is keeping the major roads clean from debris.

Brewer moved, seconded by Mr. Foreman, to remove the resolution to create the Adopt-A-Road Program.

Ms. Forrester stated Council members could pull items from the Consent Agenda for discussion.

Mayor Foreman agreed that items should be allowed to be removed for discussion and a separate vote.

Mr. Toney agreed.

Mr. Wood withdrew his motion to allow for discussion.

Mr. Brewer stated the idea of the Adopt-A-Road program is to have businesses and organizations go out and clean, but the Town is only 1.5 square miles, and there is a member of staff who does this.

Mayor Foreman asked what the vote was at the work session.

Mr. Taber advised that Council voted to move the resolution to the Consent Agenda, directing the Town Manager to establish the program. He added that there is no funding for this and it will have to be revisited during the mid-year budget review or during the next budget cycle.

Ms. Forrester reminded Council the businesses that participate only do so a few times a year, so this would not supersede staff's role.

Ms. Forrester moved, seconded by Ms. Reynolds, to vote on the item separately.

After a brief discussion, it was clarified that Mr. Wood and Mr. Brewer withdrew their motions and that the motion on the floor is to vote on the item separate from the other Consent Agenda items.

The motion passed and the following resolution was adopted by the following roll call vote: Mr. Brewer, no; Mr. Foreman no; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

RESOLUTION TO CREATE AN “ADOPT A ROAD” PROGRAM

WHEREAS, the appearance of the Town’s roadways creates an impression not only on residents but also on individuals that travel those roads; and

WHEREAS, a town whose roads are clean and absent trash and other debris creates an inviting appearance that attracts individuals to stop and support the business interests located in such a town; and

WHEREAS, it is in the best interest of the Town to create a positive impression of the Town whenever possible; and

WHEREAS, Council discussed and expressed the desire to create and implement an “Adopt a Road” program to encourage the removal of trash and other debris.

NOW, THEREFORE BE IT RESOLVED that the Council of the Town of Dumfries does hereby direct the Town Manager to work with staff to develop an “Adopt A Road” Program for the Town of Dumfries to be implemented as funds become available, but no later than July 1, 2014.

Mr. Foreman moved, seconded by Ms. Forrester, to approve the Consent Agenda. The motion passed and the following resolutions were adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

RESOLUTION APPROVING CANON RIDGE SUBDIVISION

WHEREAS, the Town of Dumfries has received a subdivision request, to divide one lot totaling 2.2 acres, into two lots located at 17598 Duke Street; and

WHEREAS, the Planning Commission reviewed the proposed subdivision, Canon Ridge, on November 18, 2013 and voted to move the application forward to Town Council for review and approval; and

WHEREAS, the Town Council reviewed the proposed subdivision Canon Ridge at the November 26, 2013 work session and directed staff to move forward with approval.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the proposed subdivision, Canon Ridge, be approved as presented.

RESOLUTION REAFFIRMING THE EVENTS COMMITTEE

WHEREAS, on July 9, 2013, the Events Committee was affirmed by Town Council; and

WHEREAS, on July 9, 2013, Councilwoman Gwen Washington was appointed to serve on the Events Committee for a one-year term ending on June 30, 2014; and

WHEREAS, the Events Committee was created to help plan and implement Town events already approved by Town Council; and

WHEREAS, the Events Committee's structure is designed to be used to study, advise, report, and/or make recommendations to the entire Town Council; and

WHEREAS, on November 26, 2013, Town Council discussed the future status and structure of the Events Committee; and

WHEREAS, it was determined that the Events Committee shall be comprised of volunteers and staff as assigned by the Town Manager; and

WHEREAS, it was further determined the Chair of the Events Committee would be the Director of Community Services who would be responsible for reporting on the activities of the committee through the Community Services Monthly Report.

NOW THEREFORE BE IT RESOLVED, that the Town Council does hereby reaffirm the Events Committee as outlined above.

RESOLUTION ADOPTING LOGO FOR PARKS AND RECREATION COMMISSION

WHEREAS, on February 5, 2013, the Town Council created the Parks and Recreation Commission for a trial period of one year beginning July 1, 2013; and

WHEREAS, the Parks and Recreation Commission is charged with obtaining input from citizens and making recommendations to the entire Town Council about the future use of the Town's parks and programming; and

WHEREAS, on November 19, 2013, the Parks and Recreation Commission discussed the design of a logo and voted to move the proposed logo forward to the Town Council; and

WHEREAS, on November 26, 2013, the Town Council discussed the proposed Parks and Recreation logo and voted to move it to the consent agenda for adoption and approval.

NOW THEREFORE BE IT RESOLVED, that the Town Council does hereby approve and adopt the attached logo designed by the Parks and Recreation Commission.



TOWN OF DUMFRIES

PARKS AND RECREATION COMMISSION

RESOLUTION TO COMMEND GRACE CHURCH

WHEREAS, Grace Church was founded by Bishop Dr. Derek Grier in 1998 and was originally located at Hylton High School with an initial congregation of twelve worshipers; and

WHEREAS, Grace Church moved from its original site and is now located at 1006 Williamstown Dr, Dumfries, VA; and

WHEREAS, the Washington Post has recently commended Dr. Derek Grier for being politically independent, teaching his congregation to look at both sides of the issues; and

WHEREAS, "Grace for Today", an inspirational show aimed at reaching diverse cultures, is recorded in the Town of Dumfries and airs nationally on cable television's The Word Network and locally on WJLA channel 7, and on multiple radio stations locally and nationally every Sunday Morning inviting millions of listeners to the Town of Dumfries; and

WHEREAS, Grace Church proves its dedication to serving the will of God and supporting the Dumfries community through worship, several outreach programs and various community involvement groups, and its membership and involvement in the community continues to grow.

NOW, THEREFORE BE IT RESOLVED that the Town Council does hereby commend Grace Church and its congregation on its extensive service and spiritual support to the Dumfries citizens and congratulates Bishop Dr. Derek Grier and *Grace Church* on being included in Outreach Magazine's list of the top one hundred fastest growing churches in the United States.

RESOLUTION TO COMMEND HISTORIC DUMFRIES VIRGINIA, INC.

WHEREAS, the Weems-Botts Museum is a history museum in the Town of Dumfries, operated by Historic Dumfries Virginia, Inc. (Historic Dumfries), a private non-profit membership organization; and

WHEREAS, in 1974, Historic Dumfries was incorporated, and began operating the former Weems-Botts-Merchant property as a museum and as a public attraction a year later in 1975; and

WHEREAS, Historic Dumfries' purpose is to identify, collect, preserve, protect, display documents and artifacts, restore structures and sites of historical and architectural interest in and associated with the town and to foster and promote an appreciation of the historic heritage of the Town of Dumfries, Virginia; and

WHEREAS, Historic Dumfries provides programs for the children "Living History Demonstrations", "Children's Day at the Museum" and "Annual Children's Colonial Camp", and offers full scholarships available for children 8-11 for a week long camp with no child turned away that requests a scholarship; and

WHEREAS, Historic Dumfries provides American Revolution and Civil War History Lectures and Living History Exhibits, Historical Interpretations, and Oral History Projects to the general public, Home School programs as well as the Prince William County "Virtual Classroom" which is available via the internet; and

WHEREAS, Historic Dumfries was instrumental in the identification and preservation efforts of the Dumfries Slave Cemetery.

NOW THEREFORE BE IT RESOLVED that the Town Council does hereby commend Historic Dumfries on its 40th Anniversary of its incorporation and its extensive support and preservation efforts in support of Dumfries citizens.

**RESOLUTION TO APPOINT POLICE DEPARTMENT OFFICERS TO THE
TOWING ADVISORY COMMITTEE**

WHEREAS, the Dumfries Town Council has created the Towing Advisory Committee at their regular meeting on March 2, 2010 to make recommendations to the Council with regard to the appropriate provisions of the Town Code towing ordinances or terms of contracts: and

WHEREAS, the Dumfries Town Council is the appointing authority for said committee; and

WHEREAS, the Dumfries Town Council has learned the need to appoint Police Chief Rebecca S. Edwards to fill the vacancy per the Towing Advisory Committee By-Laws approved June 22, 2010; and

WHEREAS, the Dumfries Town Council has learned the need to appoint Sergeant Mark Robinson and Officer Michael T. Fink to fill positions per the Towing Advisory Committee By-Laws approved June 22, 2010.

NOW, THEREFORE BE IT RESOLVED by the Dumfries Town Council on this 10th day of December, 2013 that Chief Rebecca S. Edwards, Sergeant Mark D. Robinson, and Officer Michael T. Fink be appointed to the Towing Advisory Committee.

IN RE: CITIZEN COMMENT PERIOD

Chris Caldwell, owner of Caldwell Consultants LLC., a business located at 17932 South Fraley Boulevard in the Elwey Building, which is a commercial building, is zoned B-1, a mix of commercial and residential uses. It has come to his attention that Council approved allowing Grass Roots Christian Fellowship Church to operate in the building, which is a use that is provided for under the B-2 zoning district, not the B-1 zoning district. It is obvious that Council, the PC, the Building Official, and the Zoning Administrator have made a mistake. It seems staff needs some guidance, as these mistakes seem to happen frequently. A copy of the occupancy permit originally issued was for B-1 and there is nothing included related to zoning. The owner of the Elwey Building leased the space, so he bears some responsibility for leasing to a church. The reason a CUP should not be given to the Church is that the building is zoned B-1, not B-2, and the Church would have a negative impact. There are 15 churches in the 1.5 square miles of the Town. There are not enough parking spaces to accommodate the Church with two other churches using the

parking spaces on Sunday. A traffic study should be done to assess the impact, especially related to traffic on Route 1. The Grass Roots Christian Fellowship Church will have mentoring services, marriage counseling, along with other services and he had heard that the Church plans to have a school, which was not stated publicly. He did not believe the Church would rent over 4,500 square feet to be used only for Church services. He pointed out that there have been theft and vandalism issues and the building is locked after 6:00 p.m. Now the building is going to be open to the public after 6:00 p.m., which leaves the basement and floors two thru four unsupervised. There are concerns about theft, vandalism, and personal safety with unsavory individuals milling around the building. The Town will continue to lose revenue by providing these spaces to churches and not businesses.

Harry Thompson, representing Grace Church, supports the parking lot at the Church. The plan has been to effectively address all of the engineering, resource protection area (RPA), and wetlands concerns and has done so. The Church has abided to all of the Town's ordinances in order to expand the parking facility to accommodate the additional 200 spaces. The Church had spaces at another location, but the lease is no longer available. There will be no immediate impact on traffic, as this would just move the cars from one location to another. The Church has gone beyond the required filtration for water draining into the creek, and the plan has both pervious and grass pavers, with LEED-certified products that have received the Energy Star rating. The Church requests approval of the permit for the parking.

IN RE: MAYOR'S COMMENTS

Mayor Foreman read the following comments.

"I'd like to start off tonight by complementing our Public Works staff for the outstanding job they did over the past couple of days moving snow from the roadways.

Christmas in Dumfries better known as "Shop with a Cop" was held on 7 December 2013. 46 kids were fortunate enough to go shopping with a Dumfries Police Officer or a volunteer, afterwards breakfast was provided in the Jefferson Simpson Community and Cultural Arts Center and then lastly the kids met with and took pictures with Santa Claus!

The 2nd Annual Christmas Tree Lighting was on 7 December 2013. I would like to thank the Dumfries Elementary Children's Chorus, the Marine Corps Saxophone Quartet and of course Santa.

7 December was also the 72nd Anniversary of Pearl Harbor Day. The attack on Pearl Harbor resulted in a loss of 2,402 souls. Pearl Harbor Day serves as a harsh reminder of

the challenges the men and women of our armed services face on a daily basis, as they stand in harm's way defending our nation, its liberty, and our values.

14 December 2013 Christmas Parade

14 December 2013 Victorian Christmas Open House (Historic Dumfries)

I would like to mention the passing of Nelson Mandela at the age of 95 on 5 December 2013. Mr. Mandela was a South African anti-apartheid revolutionary, a politician, and a philanthropist who served as President of South Africa from 1994 to 1999. He was the first black South African to hold the office, and the first elected in a fully representative democratic election. He received more than 250 honors, including the 1993 Nobel Peace Prize and the Presidential Medal of Freedom.

There are three quotes from Nelson Mandela that I have always found quite fitting in today's political word:

1. A good leader can engage in a debate frankly and thoroughly, knowing that at the end he and the other side must be closer, and thus emerge stronger. You do not have that idea when you are arrogant, superficial, and uninformed.
2. I detest racialism, because I regard it as a barbaric thing, whether it comes from a black man or a white man.
3. Unlike some politicians, I can admit to a mistake.

This is the month of December and I want to say Merry Christmas to everyone. The United States has always been and will continue to be a Country based on religious freedoms. In 1870, Congress and President Ulysses S. Grant designated Christmas celebrating the birth of Jesus Christ as a Federal Holiday in the United States. So, as we approach this festive time of year and as we remember our Military, first responders and volunteers that cannot be home this Christmas; I would like to wish everyone a Very Merry Christmas when celebrating Our Lord's Jesus Christ's birth.

Please be careful during the New Year's celebration, come home safe and may God Bless you all."

IN RE: COUNCIL MEMBER'S COMMENTS

Ms. Washington recognized Nelson Mandela and expressed condolences to his family. She thanked everyone who came out to the Christmas Tree Lighting and the Dumfries Elementary Children's Chorus.

Mr. Toney stated Bill Okuly, a former Council member and building inspector, lost his wife, who was walking and was struck by a car. Another friend, Harry Newsom, had passed, as had Nelson Mandela and this reminded him of the somberness of mortality. This is also a time of celebration, and urged citizens to remember the reason for the season.

Mr. Wood recognized the passing of Nelson Mandela and recited the following quote, “What counts in life is not the mere fact that we have lived. It is what difference we have made to the lives of others that will determine the significance of the life we lead.” He wished Merry Christmas and Happy New Year to all the citizens.

Ms. Reynolds wanted Council members to keep safety in the forefront and wished everyone a Merry Christmas and Happy New Year.

Ms. Forrester wished everyone a Merry Christmas and Happy New Year. She hoped to see citizens here in January.

Mr. Brewer wished everyone a Merry Christmas and Happy New Year and remain safe during the holiday season. He handed out an evaluation form for Council’s consideration to be used for the Town Manager’s evaluation.

IN RE: PRESENTATIONS

A. INTRODUCTION OF OFFICER CHAD POLLIARD – CHIEF EDWARDS

Chief Edwards introduced to Council the newest member of the Dumfries Police Department, Police Officer Chad Polliard. She then read the following information.

“Officer Polliard was raised by his parents in multiple locations due to his father’s military career. He graduated from Colonial Forge High School in 2002 with an Advanced Studies degree.

After he graduated from high school, Officer Polliard enrolled in Germanna Community college to pursue an Associate’s Degree in Police Science. He attended classes from 2002 through 2004 and obtained forty-six credits. Officer Polliard is planning to complete his degree in the near future.

He began his pursuit of a law enforcement career as an unarmed security officer, then as a jail officer at the Rappahannock Regional Jail. In 2006, he began his law enforcement officer career when he became a deputy sheriff for the Caroline County Sheriff’s Office. According to Officer Polliard’s supervisor at the time, even though he was a new officer, Officer Polliard was very mature, straight forward and eager to learn. In 2010, Officer Polliard continued his law enforcement career by becoming a deputy sheriff with the Spotsylvania County Sheriff’s Office.

In addition to Officer Polliard’s required training, he has achieved at least ten advanced training or instructor certifications. Some of these include The Reid School of Interview and Interrogation, Gang Specialist certification, NHTSA DUI Lead Instructor, Defensive Tactics Instructor, and Taser Instructor. Officer Polliard has utilized his instructor certifications to train police officer recruits at the Rappahannock Regional Criminal Justice Academy.

To recognize his exceptional field performance, Officer Polliard has received seven awards in his career: Excellent Police Conduct, Life Saving Award, Deputy of the Year, Meritorious Conduct Award, and three awards from Mothers Against Drunk Drivers.

It is clear from the aforementioned Officer Polliard is a very hard working, active police officer who strives to not only be the best he can be, but also uses the knowledge and skills he learns to teach other officers as well.

During his background investigation, everyone we spoke with commented how they wished Officer Polliard would not leave their agency. Some comments from those interviewed were: "...very hard working and well respected..."; "would not cut corners to get the job done..."; and "Any task assigned to him was done well, without hesitation, and with very little supervision."

Officer Polliard's first day with the Town was December 2nd. He is currently in field training and we anticipate he will be released to solo patrol in a few weeks.

We are very fortunate Officer Polliard chose our agency to continue his law enforcement career and know he will be a positive, valuable asset to the Police Department and the citizens of the Town."

B. COMPREHENSIVE PLAN – DARREN COFFEY

Darren Coffey, of the Berkley Group, reminded Council that in 2012, the Comprehensive Plan (CP) was amended. Those amendments included land use chapter additions, transportation chapter additions, two committees for input, and reformatting. What did not happen is an open public participation process, demographic or statistical updates, there was no Chapter 527 review done on the transportation chapter, which is required by State Code §15.2-2232, and no review of the implementation strategies that were in the plan, other than the new ones that were added in the land use and transportation chapters. If the CP is out of date, there is no support mechanism for the Capital Improvement Program (CIP). It is easy to get in the details and minutia of the CP, but the thing to remember is that it should be a dynamic, evolving guide. With outdated statistics being an indicator that the CP should be brought up to speed and then updated every few years. The CP is the foundation for the CIP and a primary driver for development of the annual budget. Council, staff, and colleagues on the PC should be able to use the plan as a policy tool to help advance priorities within the confines of a limited budget. The goals of this plan update are to comprehensively bring it up to speed per §15.2-2232 of the State Code. So far he has tried to reorganize and streamline the plan so that it flows better, update the demographic information, enhance the mapping, make the implementation stronger, and have it be more accountable in terms of what is being done and when. The housekeeping part has been completed; however, they are only half way there and the reason for meeting with Council to ensure that they are going in the right direction. What has been completed so far is the reorganizing and streamlining, so there is a more logical flow. The existing CP is 240 pages and by just reformatting, streamlining, eliminating

redundancies, and eliminating outdated statistics the CP is now around 100 pages. Eliminated the most outdated demographic information, but there were still inconsistencies that need to be addressed. The PC has provided input, along with staff, and there has been some Council input. The next step would be to schedule public meetings for citizen input. He would like to schedule a work session in January, with a backup date in case of severe weather. Once public input is received, he would like to have an open house with a final draft of the CP to allow citizens the opportunity to review the chapters and provide comments before entering into the public hearing process. The CP will include new Census data and new maps that will be a valuable visual tool. The implementation chapter would be the most important going forward, as this was the Town's road map. The next steps would be to schedule the work session in January or February with a follow up open house within 45 days. The public hearing would be held in the April/May timeframe.

Mr. Wood asked if the Berkley Group did the original 2012 CP.

Mr. Coffey noted that staff created the CP and he was only involved with the transportation chapter, which was done with the transportation committee that had been formed at that time.

Mayor Foreman wanted to review the CP before it went out to the public with the changes being recommended. Typically, when a plan is put out for citizen input Council is asked questions about the plan. It is hard, as an elected official, to say, I have not seen it yet.

Mr. Coffey explained the first work session would facilitate input in small group exercises from citizens with no draft CP there. That input and information would feed into the CP revisions that would be provided to Council in advance of the open house when it is publicly released.

C. RESOLUTION COMMENDING GRACE CHURCH – COUNCILMAN WOOD

Mr. Wood presented a resolution to Dr. Derek Grier commending Grace Church. He announced that the Church was named by *Outreach* magazine as being among the top 100 fastest growing churches in the nation.

Dr. Grier thanked the Council on behalf of Grace Church.

The resolution was adopted earlier in the meeting under the Consent Agenda.

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

Tim Jabs reported the following items.

- ✓ Certificate of appropriateness was received and approved for roof repair at 17775 Main Street.
- ✓ Certificate of appropriateness was received and approved for a freestanding sign for the Jehovah's House Thrift Store located at 17740 Main Street.
- ✓ Certificate of appropriateness was received and denied for a freestanding sign for the Town located at 17755 Main Street. Since the sign has already been installed, the ARB recommended that modifications be made and resubmitted.

B. BOARD OF ZONING APPEALS (BZA)

Ms. O'Dell reported the BZA met to hear an appeal for 3746 Hedgeman Street. The issue is a house that is now non-conforming and can no longer be used for residential purposes. It converted to the B-2 commercial business district. The BZA ruled that the house had lost its non-conforming status and would have to be converted to commercial property.

Mr. Toney noted the BZA upheld the Zoning Administrators determination since it had been unoccupied for an extended period.

Ms. O'Dell noted it has been unoccupied for over two years.

Mr. Toney asked about the litigation having an effect on the property.

Ms. O'Dell explained the litigation did not have anything stating that the property could not be occupied. The property went into foreclosure in 2008. The bank chose not to rent the property and left it vacant. The litigation started a couple of years after.

Ms. Forrester mentioned an email she sent about the matter. She clarified Council was told that the bank was not authorized to allow anyone to live there because the encroachment involved the kitchen.

Ms. O'Dell did not receive the email and this was the first time she has heard this.

Ms. Forrester mentioned an email the property owner sent about not being able to occupy the house, which referred to a legal document about it. She sent a very detailed email to the Town Manager, which she thought would have been forwarded. At that time, she was on the BZA and this went back and forth for years. No one could move in because the Town was trying to force the property owner to tear the kitchen off and the reason why this went and back and forth and had to be settled.

Mayor Foreman asked if the BZA was presented with the determination that Ms. Forrester is talking about. He advised the Town Attorney that Christine Sanders, the previous Town Attorney, should have notes on the determination.

Mr. Taber did not think that there was a written determination.

Ms. Forrester thought this occurred when Kristi Caturano was the Town Attorney. She explained that was when the BZA had requested Council and the Town Manager at the time to provide a separate line item for an attorney. The BZA is supposed to represent the courts. There are more complicated things that legal advice is needed on that the BZA is not equipped to do since none of them are attorneys. The only legal advice the BZA has is the staff person who has already made a determination and the Town's Attorney who is employed by the Town to back up what the Zoning Administrator says.

Mr. Toney noted he too started on the BZA. He agreed with Ms. Forrester that the BZA needs its own legal counsel. He thought funds were put aside for both the BZA and the PC.

Mr. Taber noted there is a line item in the budget; however, there is very little in it, approximately \$3,000. He was not aware of any requests for outside legal counsel.

C. HISTORIC DUMFRIES

Mayor Foreman reported that Joanne Barron was unable to attend; however, she wanted everyone to know that the Weems-Botts Museum's annual holiday open house will be December 14 from 2:00 p.m. to 5:00 p.m.

D. PLANNING COMMISSION (PC)

John Webb reported the following items.

- ✓ Consideration of Canon Ridge Subdivision – PC recommended Council approve.
- ✓ Consideration of a CUP for Grass Roots Christian Fellowship – PC recommended a joint public hearing.
- ✓ Consideration of CUP for Grace Church – PC recommended Council deny the request. The reason for the recommendation is the land is in a RPA and spaces would be in the required 50-foot buffer. The denial was based on Town Code, Chapter 70, Article III, Division 12, Chesapeake Bay Preservation Overlay District CPBA-OD.

Mr. Brewer asked if the PC looked at the occupancy load.

Mr. Webb noted the PC had not looked at the occupancy load.

Ms. Reynolds asked how long the PC has been working with Grace Church.

Mr. Webb indicated the PC was presented the idea as an information item in October, at that time, the applicant was instructed that the PC could not take any action and they needed to apply for a CUP. The PC at its November 18 meeting reviewed the CUP application.

Ms. Reynolds explained a timeline was provided to Council and according to that, it appeared that Grace Church has been dealing with the Town for about a year.

Mr. Webb could not confirm whether they did; however, it did not come to the PC until a special request came forward to have the item looked at for information purposes in October.

Ms. Reynolds felt the Council should make it a goal to work with churches and businesses. It was disturbing to see the timeline for the Church, with nothing being done until now.

Mr. Webb stated, at the November 18 meeting, the PC considered a drawing that showed property to the east that could be used that is outside the RPA. It would require the Church get an easement. The suggestion was provided to the Church to seek an easement.

Mr. Toney stated that, at some point, this application would have to come before Council, and the PC evaluated it based on Town Code; however, ultimately the decision rests with Council. Council will need to look at the total picture.

Mayor Foreman asked if the Army Corps of Engineers would need to be involved with the application.

Mr. Webb was not sure. He recommended that staff or the Town Attorney make that determination.

Mayor Foreman asked if the 200 parking spaces were put in whether work would need to be done down by the creek for creek restoration.

Mr. Webb was not certain. He reiterated the ordinance states a 50-foot buffer needs to be between whatever is built and the creek. The applicant's plan showed the Church using almost all of the buffer area. The land drains to the east, toward the area where the power lines are, and the PC is concerned that it would get into the sub-water and there was no way to treat it.

Ms. Forrester wanted the Church to have all of the spaces it needed, but Council has to take into consideration the environmental impact. She remembered being in a similar situation before. She encouraged the Church and the PC to recognize each other's concerns and to work this out.

Mr. Webb emphasized the PC must follow the zoning ordinances. He pointed out the Council could vote otherwise.

Ms. Forrester understood that, but if there were accommodations the applicant could make to mitigate the concerns of the PC, she hoped they would work together.

Ms. Washington stated it may be time to consult with the Army Corps of Engineers, because this is not going to be the only area of Town that is going to have problems. A lot of the Town is in the RPA and the Chesapeake Bay Overlay District.

Mr. Webb agreed. The Chesapeake Bay Overlay District does affect zoning, is an additional guideline, and is similar to the Historic Overlay District.

Ms. Reynolds noted the timeline for this project was unacceptable. She suggested that a checklist be used, which has been brought up before. She felt a lot of the frustration comes from not knowing what and where the process is. This will allow people to see what phase a project is in, who is doing what, and when it is done.

Mr. Webb advised that in an RPA area you are not allowed to do any fill work and this area would need to have fill work done, which was also part of the reason for the PC's decision.

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

Ms. Reynolds reported the Boys & Girls Club Board of Directors discussed resource development and annual campaign updates.

Mayor Foreman asked Ms. Reynolds, when she goes to the meetings, to provide a copy of the agenda to the Town Clerk for inclusion in the Council packets.

Ms. Reynolds agreed to do so.

B. EVENTS COMMITTEE

Ms. Washington noted the Director of Community Services would give the report during her staff presentation.

C. PARKS AND RECREATION COMMISSION

Mr. Wood reported the following items.

- ✓ The bylaws for the Commission were approved. The Town Manager and staff are currently looking at the bylaws.
- ✓ The proposed logo was approved and forwarded to Council for approval.
- ✓ At the next meeting, the Commission will discuss the community use policy for the parks.

Mr. Toney suggested the Commission start looking at programming for Spring, since there is money still in the budget, preplanning.

Mr. Wood noted the discussion of the community use policy would include a discussion on events based on the surveys and input from the community.

D. NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

There was no report.

E. NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA)

There was no report

F. CIGARETTE TAX BOARD

Mr. Brewer reported that the Cigarette Tax Board would be meeting on December 16.

IN RE: STAFF PRESENTATIONS

A. DIRECTOR OF COMMUNITY SERVICES – CYDNY NEVILLE

Ms. Neville reported the following items.

- ✓ Dumfries Cares now has an assistant, Antoine Harris. He has already started outreach in the community.
- ✓ Wednesday, December 18, there will be mentor training facilitated by the Virginia Mentoring Association and she encouraged community participation.
- ✓ Dumfries Cares will host a family fun night on December 20 at 7:00 p.m., with youth activities and will be a potluck.
- ✓ The senior luncheon will be held December 20 at the Dumfries Triangle Rescue Squad.
- ✓ The Saxophone Quartet will play Friday at 3:00 p.m. in front of Town Hall. In the event of rain it will be moved into the Community Center
- ✓ The Christmas Parade will be held Saturday rain, snow, or shine.

Mr. Brewer asked how many residents were involved in the Dumfries Cares program.

Ms. Neville responded that she did not have that number, but she would find out and get back to him.

Mr. Brewer asked if the Wounded Warriors were participating in the parade.

Ms. Neville had not heard back from them.

Mr. Brewer noted that for years and years, candy has been provided on the parade route.

Ms. Neville would be going to Wal-Mart to pick up the candy this week.

Mr. Toney explained the children looked forward to having Council toss candy out to the side of the street, but it is being taken away for fear of a children getting hit by a car, which is only going about three miles per hour. Children having a good time is what Christmas is all about. Last year at the end of the parade, Santa Claus went to the park and he had no candy for the kids.

Ms. Neville recalled it was not that candy could not be passed out at the parade; however, it was encouraged to use an underhand toss.

Mr. Wood read the rules and the rules state that you can toss candy underhand, just not overhand.

Mayor Foreman asked if a list of parade participants could be provided prior to the parade.

Ms. Neville will provide Council with a list of participants.

Ms. Reynolds announced there were going to be some distinguished guests in the parade this year, Senator Warren and Congressman Connolly. She asked if there would be a reception.

Ms. Neville noted there would be a dignitary reception at 11:00 a.m.

Ms. Reynolds asked if there would be any floats in the parade.

Ms. Neville stated there were no floats, but there would be a large truck. The grand marshal will be Clyde Washington.

B. PLANNER/ZONING ADMINISTRATOR – LAURA O'DELL

Ms. O'Dell reported the following items.

- ✓ Met with Pete Singh regarding the development heading north on Main Street. Mr. Singh will be meeting with the PC in January and the ARB the following month. She asked Council to attend the PC meeting if possible.
- ✓ A site plan was received for an ice cream stand in the Dumfries Shopping Plaza. It will include approximately eight tables and ten parking spaces. The PC will be reviewing it in December.
- ✓ She reported there is headway being made with the Campbell property. One of Campbell's sons, a trustee of the property, the Fire Marshal along with a Police Officer walked the site. The sons are taking the issues very seriously and are trying to rectify the problems.

Mr. Brewer asked if the Fire Marshal finished his inspection of the Campbell property.

Ms. O'Dell responded he had not; three units need to be inspected. They are trying to get into them next week.

Mr. Brewer asked if the outside property had been inspected and whether a deadline had been implemented.

Ms. O'Dell stated the entire site has been inspected. She was not sure about any deadline. There may have been some misdemeanor charges written against the property, but they were moving ahead at a reasonable pace given the volume of violations on the property.

Mr. Brewer asked her to address the issues the citizen brought up about the CUP for Grass Roots Fellowship Church in the Elwye Building.

Ms. O'Dell explained that the Church applied for an occupancy permit. She assumed it was allowed in that district given the location of other churches in the area. She inspected the property and issued the occupancy permit. She later realized that had been done in error. She discussed the issues with the Church and they were happy to move forward with applying for a CUP. She noted churches are permitted in the B-1 and B-2 zoning districts with a CUP, and 95 percent of the tenants signed a document stating that they have no problem with the Church's intended use. The Church would be using the site two nights a week every other week, Sundays, and an occasional Saturday. The lease for the parking at the site was terminated, so parking spaces are available. The Church has more parking available on the site than what is required by Town Code. The counseling and mentoring services will occur off site in the homes of participants and not in the Church.

Mayor Foreman asked if it was legal for auto car dealerships to park vehicles in driveways, in addition to the spaces on the lot.

Ms. O'Dell stated the regulations changed in 2011, so businesses in operation prior to that do not have to follow the new regulations. There is a small number of car dealerships in Town that were approved with a CUP where the amount of vehicles for sale on the lot is regulated, those would be nonconforming, so she would look into it.

C. DIRECTOR OF PUBLIC WORKS – RICHARD WEST

Mr. West asked Council if they had any questions.

Mayor Foreman asked if businesses with dumpsters are supposed to be fenced or enclosed.

Mr. West explained that was a zoning issue, but he believed they were.

Mr. Taber stated staff was looking into dumpsters that were not enclosed.

Mr. Brewer asked if the bids to be done in December for the Tripoli Drainage Improvement Project were on track.

Mr. West noted it would probably be January, but was expecting a finished product from the consultant by the end of the year.

Mr. Toney asked for details on the Army Corps of Engineers assessment of Quantico Creek.

Mr. West explained the consultant had done a preliminary assessment, but wanted to get the Army Corps of Engineers blessing prior to entering into stream restoration design. Staff, the consultant, and members of the Army Corps of Engineers walked the length of the creek.

Mr. Toney asked if this was in the RPA.

Mr. West stated it is. He explained that anywhere from 100 feet from the bank of a perennial stream landward is in the RPA. The work will be done in the stream and the reason why the Army Corps of Engineers is involved.

Mr. Toney asked if dredging would be done.

Mr. West noted it would be a realignment of the stream in order to create a more natural flow that will cut down on erosion. There may be some bank restoration to accommodate more water flow. A narrow, winding path is best for streams.

Mr. Toney asked about the Department of Environmental Quality's (DEQ) stormwater management program development and implementation grant. Specifically the tools, training, and staff since there is a program in place already being done by staff.

Mr. West stated the grant requires a match of \$32,500. Regulations have changed, increasing the obligations of all MS4 programs. He was looking at the possibility of hiring temporary part-time staff to assist with the program. Water sampling is increasing, which is currently being done by volunteers. The Town now has to sample for total maximum daily loads (TMDLs) along the entire stream within Town limits.

Mr. Wood asked about the \$330,000 plus grant from the U.S. Department of the Interior's Hurricane Sandy Mitigation Fund.

Mr. West explained the money would be assigned primarily to Dewey Creek where Possum Point Road crosses it. There is no match required. The Town will work with Prince William County (PWC) to assure that their work correlates. It might be possible to get some of the needed dredging done for the waterways.

D. CHIEF OF POLICE – CHIEF EDWARDS

Chief Edwards reported the following items.

- ✓ She thanked everyone who assisted with the Christmas in Dumfries (Shop With A Cop) event held last Saturday.
- ✓ Everyone was warned about the icy conditions outside and asked to be careful when leaving the meeting.

Mayor Foreman asked when the next Towing Committee meeting would be held.

Chief Edwards advised a meeting has not been set. They were waiting until the appointments were made, which was passed under the Consent Agenda earlier in the meeting.

E. TOWN ATTORNEY – OLAUN SIMMONS

Mr. Simmons reported the following items.

- ✓ He thanked Council and staff for helping him get settled in to his new position and for their friendly welcome.
- ✓ The Police Officers are very competent and professional.
- ✓ A strongly worded letter was written to the Campbell's about the need for the property to be cleaned up and a deadline of January 1 was set. A letter was also sent about tire disposal and existing violations with the deadline of December 12.
- ✓ Research has been done on the cable franchise agreement. He spoke with other localities for information on their agreements. Christine Sanders, former Town Attorney, had done a lot of the work and he was just making final adjustments.

F. TOWN MANAGER – DAN TABER

Mr. Taber reported the following item.

- ✓ Staff met with Potomac Landfill representatives about increasing the Landfill's capacity by going up in height. This would require a rezoning.

Ms. Reynolds asked what the status was with the DEQ ruling on the Landfill.

Mr. Taber explained that DEQ entered into a consent agreement. DEQ listed the violations and what must be addressed. One of those violations was that the Landfill exceeded the permitted height; however, the Landfill has met the first objective from DEQ. If the Council were to approve the height addition, the consent agreement would no longer be binding.

Mr. Brewer asked if Sharon Pandak was still involved in the Landfill.

Mr. Taber reminded Council that they did not endorse her moving forward.

Mr. Brewer asked whether the \$80,000 to \$100,000 per year transportation funding was for the VDOT expansion or for Town roads.

Mr. Taber responded 30 percent of funding is being returned to cities and counties. Counties are required to share with towns within its jurisdiction, based on a formula, with restrictions placed on what it could be used for, funding for transportation.

Mayor Foreman asked what the status was for FY12 and FY13 actuals.

Mr. Taber would have FY12 actuals in a matter of days. FY13 actuals should be available by February 1.

Mayor Foreman asked for specifics on the Kiwanis Club funds.

Mr. Taber explained the Kiwanis Club has a program for park improvements. The Kiwanis have visited Ginn Memorial Park and made some suggestions for increasing playground equipment. A decision on how much money would be provided and how much the Town would contribute has not been determined. The Kiwanis will attend a Parks and Recreation Commission meeting to make a presentation that will include funding, etc.

Mayor Foreman recalled the Kiwanis saying \$10,000. The Town would need to match the funding and he hopes to raise at least another \$6,000 from other nonprofit organizations to reduce the Town's obligation.

**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 ON APPLICATION FOR CONDITIONAL USE PERMIT
(CUP) FOR GRACE CHURCH AT 17889 FRALEY BOULEVARD TO
EXPAND THE PARKING LOT – LAURA O'DELL**

Ms. O'Dell reported that in October, a CUP application was received from Grace Church to expand their parking lot by 200 spaces; the majority of those spaces are in the RPA. The site is located in the floodplain district. The Chesapeake Bay Preservation Area Overlay District states that development in the RPA may be allowed under only two conditions. Development is allowed if it is water dependent or it constitutes redevelopment. According to Town Code, this does not constitute redevelopment, but it constitutes development within the district, by that nature, it is not allowed. In addition, the floodplain district, which is where it is located, prevents fill from being added to allow for development. Parking lots are allowed; however, no fill is allowed to create that floodplain. If there were any development that could possibly alter the flow of the stream the United States Corps of Engineers, the Virginia Marine Resource Commission, and the Virginia State Water Control Board would all need to be involved.

Mr. Toney asked what her recommendation was and when she first met with representatives from the Church.

Ms. O'Dell responded that it does not meet the intent of Town Code and recommends denial. She met the first time with the applicant toward the end of Summer. The applicant met with other staff about a year earlier, but the applicant brought forth a smaller proposal, which was never formally presented to the PC. There is record of the Town's opposition to expand as presented and it has been suggested that the applicant expand behind the Church with an easement agreement with South Cove.

Mr. Toney asked if the Town's concerns were shared with the applicant.

Ms. O'Dell shared with the applicant the need for a CUP if they wanted to expand as planned. Concerns were also expressed about the RPA and the floodplain issues. These have been brought up to the applicant prior to her meeting with them as well.

Mr. Toney asked if the applicant met with Public Works.

Ms. O'Dell stated they had, on and off, about six or eight months prior.

Mr. West stated that about a year ago, the applicant brought forth a smaller proposal, which was withdrawn. The Church started looking at a larger expansion and inquired as to what would be involved with encroaching into the RPA and under what conditions that might be permissible. He met with a consultant on the issue and learned there were two exceptions, as explained by Ms. O'Dell, that the use be water related or redevelopment.

Mr. Toney asked if the applicant met either criteria.

Mr. West explained it is not water-related and the Zoning Administrator determined it is not redevelopment. He was looking for an exception. He has not found a mechanism that would allow an exception to the RPA. This is not just Town Code, but it is also State Code. When he met with the applicant, he told them there was a mitigating factor that their water quality impact analysis showed that there was a water quality improvement from the runoff from using the permeable pavers rather than a paved or concrete surface. He saw that they might need an exception and he did not know what the exception might be and the reason he always put in the caveat that it has to meet the first two conditions.

Mayor Foreman made a comment earlier about changing the course of waterways and there are several examples of people losing their yards to stormwater runoff. Half the Town is in the floodplain and if the Town is going to move forward with redevelopment, there has to be a vehicle

to legally put development in place that improves stream quality. If the Town had a program in place, credits could be applied. The Town is dealing with runoff from upstream that is changing the water velocity in the Town. He stated the creek was messed up because the Town is catching all of PWC's runoff/drainage and from the I-95 freeway. Other localities have programs in place and while there would be a lot of "no's" tonight, he wanted to have a discussion that would help them make this happen in the future.

Mr. Brewer stated that is all true, but there is no vehicle in place to make this happen. If Council approves this they would not only be violating Town Code, they would be violating State Code.

Mr. Brewer moved to deny the CUP.

The motion failed due to the lack of a second.

Ms. Washington stated Council needs to find a way to make projects like this work. Her concern was whether citizens were being given the information they need. She emphasized that it was important for staff to be able to convey the proper information to applicants. She could not imagine applicants having money to burn after being told that something cannot be done.

Ms. O'Dell stated she was extremely up front with the applicants from the beginning.

Ms. Washington said it probably happened earlier in the process; however, it is imperative for staff to be up front with applicants about what is possible and what is not.

Ms. O'Dell clarified that the buffer encroachment happens at 100 feet, not 50 feet, as previously stated by Mr. Webb.

Ms. Forrester stated governing bodies were granted the power to approve CUP's by the State, having said that, it is Council's responsibility to do due diligence. State Code binds the BZA and staff. She wanted staff to work with the applicant to develop a list of mitigating factors in granting a CUP.

Ms. Forrester moved, seconded by Mr. Toney, to direct staff to work with the applicant to establish a list of mitigating factors.

Mr. Brewer explained there might be some mitigating factors, which have been brought to the Town, but Council would still be in violation of State Code. Council does not have the authority to override State Code and the Army Corps of Engineers has not been involved with this application.

Mayor Foreman asked the Town Attorney to make a determination and respond via email.

Mr. Wood asked if anyone had been in contact with the Chesapeake Bay Area Overlay District officials about this application.

Mr. West stated the locality is the first in line for RPA issues and then it goes to the State. PWC has a similar ordinance regarding RPA that specifically states there are to be no parking lots in the RPA. He asked the consultant to look into the Chesapeake Bay Area Overlay District appeals authority, but the only two found were the conditions of being either water-related or redevelopment.

Mr. Wood asked if the project would not improve the waterways at all.

Mr. West responded there is a chance for water quality improvement on one side of the creek, but on the other side, if you are looking at fill in the floodplain area that becomes an Army Corps of Engineers issue. From what he recalls, the mitigation would have a minimal impact and would still need to be addressed. The Army Corps of Engineers has the ability to mitigate the floodplain issues, but even with that, there is nothing they can do about the RPA.

Ms. Forrester stated again that Council has the ability to grant the CUP, and if the Town Attorney finds that it not permissible, there is nothing Council can do. Staff has clearly stated that it is not redevelopment, but that would also require a legal determination.

Ms. O'Dell stated redevelopment is defined as "the process of developing land that is or has been previously developed, with no increase in the amount of impervious surface," so this land has not been developed and would not be considered redevelopment.

Mayor Foreman asked if the mitigation could include the Army Corps of Engineers to make a determination, possibly overriding the State, and that any work done in this area would not impact the flow of the water, stream water restoration.

Ms. Forrester felt the Army Corps of Engineers might not be able to get time and thought it was a good idea. She did not like the term "overriding State" because that would not be what they are doing. The point of State Code is to improve, protect, or maintain, and the CUP power was intended to give localities the power to make adjustments

Mr. West pointed out in addressing any floodplain issue; they could at least get an idea as to whether floodplain mitigation was a possibility.

Mayor Foreman was focused on the creek not being affected by any improvement to the building or lot.

The motion on the floor directing staff to work with the applicant to establish a list of mitigating factors carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

B. DISCUSSION ON 2014 LEGISLATIVE AGENDA – DAN TABER

Mr. Taber incorporated suggestions made by Council members at the last meeting. The requested action is to make any additional changes and pass the resolution adopting the 2014 Legislative Agenda.

Mayor Foreman moved, second by Ms. Washington, to approve the 2014 Legislative Agenda as presented.

Mr. Brewer asked if the issue was addressed with the County double taxing for cigarettes and meals tax. He was not in favor of number nine.

Mayor Foreman stated it was in PWC's legislative agenda.

Mr. Brewer asked whether it should state the Town does not support it.

Mayor Foreman asked for some recommended language.

Mr. Brewer asked when the Legislative Agenda needed to be submitted.

Mr. Taber said there was no set date, but the General Assembly convened around January 20.

Mayor Foreman wanted to approve this now and an amendment letter could be sent later.

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.

RESOLUTION TO ADOPT THE 2014 LEGISLATIVE AGENDA

WHEREAS, each year the Town of Dumfries discusses and prioritizes issues of importance to the Town; and

WHEREAS, Town Council wishes to share these issues with elected officials at all levels of government to solicit their support of legislative activities that further those goals; and

WHEREAS, Council has discussed and finalized the 2014 Legislative Agenda for the Town of Dumfries.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Dumfries does hereby adopt the attached 2014 Legislative Agenda.

BE IT FURTHER RESOLVED that the Town Council directs the Town Manager to forward the Town of Dumfries 2014 Legislative Agenda to the elected representatives at higher levels of government soliciting their support of the items included there within.

Town of Dumfries

2014 Legislative Agenda

Federal and State Partnerships

1. The Town of Dumfries supports all legislative efforts that will eliminate or suspend any unnecessary or unfunded mandates on local government.
2. The Town of Dumfries supports the full funding of state mandated retirement and employment benefits, including the Virginia Retirement System (VRS) and Line of Duty benefit costs.
3. The Town of Dumfries opposes any further reductions to 599 funding and encourages a restoration of previous full 599 funding levels.
4. The Town of Dumfries is requesting the General Assembly and Executive Branch recognize towns as essential units of local government. Town sovereignty should be considered in all legislation. No legislation should be enacted that allows counties to usurp or diminish the authorities of towns. The General Assembly and Executive Branch should scrutinize bills dealing with laws of general applications to local governments to avoid enacting any laws that would be sources of possible conflicts between counties and towns. The General Assembly and Executive Branch should recognize the unintended consequences of inadvertently omitting towns from legislation.
5. The Town of Dumfries encourages federal and state agencies to locate facilities within the Town of Dumfries. The Town of Dumfries has modern facilities and is a prime location next to Marine Corps Base Quantico, VA.
6. The Town of Dumfries supports the creation of a program wherein a state, on behalf of a local government, submits to the Secretary of the Treasury notice of a "past-due, legally enforceable local tax obligation." This would allow local governments to request that the IRS withhold federal income tax refunds to taxpayers who owe local taxes and direct those funds to those jurisdictions. The states already have this authority and Congressman Moran has introduced H.R. 2716, which would create this program for local governments.
7. The Town of Dumfries supports the ability of towns to retain the right to annex lands and otherwise expand their boundaries and towns with a population over

5,000 should have the right to become an independent city; and cities should have the right to revert to town status.

8. The Town of Dumfries supports revenue sharing mechanisms between localities and the state.

Transportation

1. The Town of Dumfries strongly opposes any devolution of state highway and road funding responsibilities where it shifts additional financial responsibilities to a locality.
2. It is expected that the Northern Virginia Transportation Authority (NVRTA) will recommend several transportation legislative proposals. The Town of Dumfries would request that specific legislation be included in HB 2313 that would prevent a disproportionate allocation of administrative costs on local transportation projects on Towns and Cities for transportation projects not actually occurring within a Town or City.
3. The Town of Dumfries supports establishing a statewide transportation priority standard to guarantee return on investment for transportation projects. With this in mind, transportation projects should be rated on three factors: congestion relief, safety, and economic development. This standard should be used in all long-term planning to ensure a high return on investment. The top priority transportation project for the Town of Dumfries is the Route 1 widening project (UPC 90339).
4. The Town of Dumfries supports a change to the VDOT local road maintenance funding formula from lane mileage to lane volume: or, in the alternative, request changes that provide additional funding to localities that maintain their roads and have roads that exceed the statewide average traffic volumes for such type of roads by more than 20%. In addition, the Town of Dumfries supports a change in the composition to the Commonwealth Transportation Board to have greater representation to the urban/dense suburban areas of the Commonwealth.
5. The Town of Dumfries strongly supports town voting membership on regional transportation authorities based on population percentage. There should be a minimum of one town representative on each regional transportation authority per ten percent of population.

Administration of Government

1. The Town of Dumfries supports legislation that would permit alternatives for the current publishing of legal notice advertisements in newspapers, as currently required by various state laws for various types of notices. In particular, the Town supports legislation that would allow legal ads to be posted on a localities' website to reduce current publication costs.

Environment

1. The Town of Dumfries requests that the legislature assign additional authority and powers to the Virginia Department of Environmental Quality (DEQ) that would assist the agency in aiding local governments in the protection of its citizens. Such additional authority and power should include the ability to levy and collect fines, without negotiations, from businesses whose actions and practices are detrimental to land and air quality.
2. The Town of Dumfries with Resolution R-2012-067 has committed to working with organizations such as the Friends of Quantico Bay to protect our waterways through a variety of programs that include restoration, dredging, sediment control, runoff abatement, and invasive species removal. To that end, the Town supports legislation that will improve the state's stewardship of preserving Virginia's natural resources. The Town of Dumfries believes that our federal and state government partners have a duty to fund programs and policies that support the stated goals of the Town and Chesapeake Bay preservation while avoiding adopting a multitude of unfunded mandates and policies upon the Commonwealth that are then passed down to localities.
3. The Town of Dumfries supports giving water authorities and similar agencies the authority to receive conservation easements under the Conservation Easement Act. The Virginia Outdoors Foundation's operating costs should be fully funded. State incentives in lieu of tax credits should be created for local governments seeking land designated for watershed protection in conservation easements.

Land Use

1. The Town of Dumfries requests that consideration be given to amend Title 25.1 of the Virginia Code as it pertains to the eminent domain process that would require that parties in condemnation proceedings agree upon a single independent appraiser to determine the fair market value of any property in question.
2. The Town of Dumfries supports Prince William County in its request for revisions to 15.2-2303.1:1, VA Code Ann., which delays collections of proffers until final inspection. Preventing local governments from collecting cash proffer payments at either the site plan stage for transportation improvements, or the building permit stage for other types of improvements delays the needed infrastructure improvements until the residents have moved in. It is preferable to begin these infrastructure improvements concurrent with the development that necessitates the infrastructure.

Local Government Investment Pool

1. The Town of Dumfries opposes any changes to investment policies of the Local Government Investment Pool (LGIP) that would jeopardize the Pool's rating or compromise the long-term stability of the Pool.

Taxation

1. The Town of Dumfries supports the Northern Virginia Cigarette Tax Board's legislative agenda that no changes to the cigarette tax code are made that eliminates the Northern Virginia Cigarette Tax Board or limits the power of the Northern Virginia Cigarette Tax Board. In addition, the Town supports the position that no changes that would limit any municipalities' ability to impose or collect a cigarette tax be approved.
2. The Town of Dumfries opposes legislation that reduces a locality's ability to raise revenue without replacing the lost funding through another funding stream. In addition, the Town also opposes the transference of local revenues to state administered revenue, particularly when those revenues are distributed disproportionately among localities or not remitted to localities at all.
3. The Town of Dumfries supports General Assembly expansion of religious uses that qualify property for exemption from local real property taxation.
4. The Town of Dumfries supports maintaining tax-exempt status for municipal bonds. To lose this status would have a devastating effect on local government's ability to debt finance capital projects.
5. Congress may consider the Marketplace Fairness Act, a bill that would allow states to enforce existing sales tax laws for on-line sales. The Town of Dumfries supports enforcement of the existing sales tax as it would be applied to online sales.
6. The Town of Dumfries opposes the repeal or restriction of BPOL or excise taxes unless, at a minimum, suitable revenue-neutral replacement sources are provided.
7. The state and federal governments should make payments in lieu of taxes for tax-exempt properties in amounts equal to the cost of local services provided.
8. The Town of Dumfries supports state legislation to make clear that transient occupancy taxes and sales taxes are applied on the cost of the room paid by the consumer, regardless of the means used to reserve a room.
9. The Town of Dumfries supports granting the authority cities and towns currently have to enact local excise taxes, including the cigarette tax, admissions tax, and meals tax, to the counties. Doing so would allow counties to raise additional revenues for transportation projects.

Community Maintenance

1. The Town of Dumfries joins many jurisdictions throughout Virginia in support of raising the civil penalty for "popsicle sign" violations. These signs often distract the

motoring public and are often left along roadsides creating visual blight. An increase in fines would improve enforcement by deterring this illegal behavior.

2. In the Town of Dumfries, several small circulation publications are delivered on a free, non-subscription basis to residences within the community. These publications are often left in driveways and front lawns, creating eyesores especially when such delivery is made to unoccupied businesses and residences. Residents report difficulty in “unsubscribing” to these unsolicited deliveries. The Town of Dumfries would like the General Assembly to explore legislation that would address this issue.
3. The Town of Dumfries asks that the General Assembly broaden laws dealing with blight and building permits issued for renovation repairs to require timely completion of the work or, failing a legitimate plan by the owner, diligently pursued, to complete the work, to allow local government action to correct the health and public safety problems created by projects that are not completed and to either seize available assets of the owner and use them to fund corrective action, or recover the locality’s costs on a priority basis in the same manner as unpaid taxes. Further, the definition of derelict buildings should be expanded to include buildings never completed to a state that would meet the definition in section 15-2.907.1.
4. The Town of Dumfries requests an amendment to the Virginia Uniform Statewide Building Code whereby building permits for residential structures in specific zoning districts have a two-year time limit for completion and issuance of an occupancy permit for any new structure or addition to an existing structure.

Tourism

1. The Town of Dumfries requests state funding in support of Historic Dumfries, Inc. and the Weems-Botts Museum. The details of the history of Dumfries and the building itself are revealed personally during guided tours of the museum. In 1798, Parson Mason Locke Weems, the first biographer of George Washington, purchased the building for his bookstore and warehouse. In 1802, he sold the building to Benjamin Botts, the youngest lawyer on the team that defended Aaron Burr during his infamous treason trial. Botts used the building as one of his law offices. The Weems-Botts Museum adds another essential piece of history that adds to the I-95 corridor in Prince William County becoming an historic tourism corridor. The Town of Dumfries requests state funding of \$30,000 for programs to the general public, Home School programs as well as the Prince William County “Virtual Classroom” which is available via the internet, continued cataloging of historical artifacts and documents as well as preservation of material assets.

Elections

1. The Town of Dumfries supports the Prince William County Electoral Board’s request that the Commonwealth fully reimburse local governments for

compensation and expenses associated with electoral boards and general registrars. Sections 24.2-108 and 24.2-111 require the General Assembly to establish compensation and an expense plan and require localities to pay those expenses with annual reimbursement.

C. AMENDMENTS TO THE TEMPORARY ROADSIDE FOOD VENDORS ORDINANCE – DAN TABER

Mr. Taber noted Council has discussed this for quite some time. What was before them was what the previous Town Attorney had prepared prior to her departure with all of Council's recommended changes

Mayor Foreman reminded Council that if temporary roadside food vendors do not pay the Business, Professional and Occupational License (BPOL) tax, which is retail sales, a vendor that does \$60,000 in sales will only pay \$80 in BPOL. This niche business is in direct competition with brick and mortar. What the Town is saying is that everyone has to play by the rules except temporary roadside food vendors. If the real issue is about BPOL, the tax should be eliminated for everybody. He will be voting no on this even though he was the one who started this matter back on May 8, 2012.

Ms. Forrester moved, seconded by Mr. Toney to approve the Temporary Roadside Food Vendor Ordinance. The motion carried and the following ordinance was adopted by the following roll call vote: Mr. Brewer, no; Mr. Foreman no; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, abstain.

Mr. Wood, pursuant to Virginia Code Sections 2.2-3112(A)(1) and 2.2-3115(E), declared an interest in a transaction before the Town Council on October 1, 2013 pertaining to this matter.

AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 42, BY AMENDING THE NAME OF THE CHAPTER TO PEDDLERS, SOLICITORS AND ROADSIDE FOOD VENDORS; AND ADDING ARTICLE III, TEMPORARY ROADSIDE FOOD VENDORS

BE IT ORDAINED by the Council of the Town of Dumfries, Virginia, in a regular meeting this 10th day of December, 2013:

1. That the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by deleting the title to Chapter 42 and amending/adding to the title of Chapter 42 and is reenacted as follows:

~~Chapter 42 – PEDDLERS AND SOLICITORS~~

Chapter 42 PEDDLERS, SOLICITORS and TEMPORARY ROADSIDE FOOD VENDORS

2. That the Code of Ordinances, Town of Dumfries, Virginia as amended is further amended by adding:

Article III. Temporary Roadside Food Vendors**Sec. 42-30. Purpose of Article; findings of Town council.**

The purpose of this Article is to reasonably control the activities of temporary roadside food vendors for the health, safety and well-being of the people residing in the Town and the general public. The Town council finds that solicitation of business by temporary roadside food vendors may on private property interfere with property owners and residents' right to privacy, peaceable and quiet enjoyment of their property.. The Town council also is committed to leaving open ample opportunities for legitimate temporary roadside food vendors, and prohibits any unlawful discrimination in the application of this chapter.

Sec. 42-31. Sunset Provision.

This Article shall repeal automatically June 30, 2018.

Sec. 42-32. Definitions.

For the purpose of this Article the following alphabetical listing of terms and their definitions shall apply. Additional definitions specific to their application in a section may be found elsewhere in the Code of Ordinances for the Town of Dumfries.

- (1) Roadside food vendor-- shall include a vendor who sells food from a lunch wagon, truck, push cart, or vehicle from which food is sold on private property with legal access to a public right of way.
- (2) Temporary – for the purpose of this Chapter, temporary shall mean no more than 12 hours a day, six days a week. Overnight parking of the food vending unit(s), and employee parking is prohibited. Signs, trash, trash receptacles, debris or any other indicia of the vending business are prohibited to remain overnight and shall be removed from the permitted site(s) each day.

Sec. 42-33. Mobile food vendors operating as a temporary use shall be regulated pursuant to Chapter 70, Section 70-22 and 70-23.

Sec. 42- 34. Temporary Roadside Vendor regulations.

Temporary roadside food vendors not operating pursuant to Chapter 70, Sections 70-22 – 70-23 may be approved in any district zoned B1, B2, FBO1 or M1 by the zoning

administrator through the issuance of an annual permit when in the interest of protecting the public health, safety and welfare the following conditions are met:

- (1) Written approval of the owner of the property shall be obtained in advance of obtaining any permits under this Article. This approval shall identify the property address, the property owner's: a) name; b) owner's mailing address; c) owner's telephone number; d) owner's acknowledgment of the proposed vending activity; and e) dates and times the food vending is to occur. A copy of this written approval must be in the possession of the vendor when operating pursuant to his/her roadside food vendor permit.
- (2) No restrooms shall be provided for customers or the general public.
- (3) Vendors are limited to no more than five employees.
- (4) No structures of any kind shall be allowed.
- (5) Allowable hours of operation for food vending shall be dawn to dusk.
- (6) Vendors are not permitted on publicly-owned property or public right-of-ways, except as specifically permitted by other Town-sponsored events. Vendors may not be permitted to vend at their permitted location(s) during Town-sponsored events. Notice of the dates and times of Town-sponsored events will be included with the annual permit.
- (7) Adequate and safe ingress and egress, such that the normal traffic pattern shall not be disrupted, shall be provided as determined by the chief of police or his designee.
- (8) Adequate parking for the vendor, employees and customers on site is required. A minimum of four parking spaces shall be provided for customers on-site. Parking or stopping in public rights-of-way is prohibited.
- (9) A schematic site plan diagramming the area of operation, parking, placement of signs, and trash receptacles shall be furnished to and approved by the zoning administrator prior to issuance of a permit.
- (11) Signage shall not exceed 20 square feet in total area. Free standing signs are limited to sandwich board type signs no higher than four (4) feet in height.
- (12) A bond, cash escrow, or other suitable guarantee payable to the Town in the amount of \$1500.00 shall be provided to insure that conditions of the permit and this ordinance will be met. Such guarantee in the amount of \$1500.00 for each permitted vending location shall be required. Repeated violations of the conditions of the permit shall result in the forfeiture of the bond, payable to the Town as stated in subparagraph (16) below.

- (13) Evidence of business liability insurance issued by a company licensed to do business in the Commonwealth of Virginia with coverage for claims of damage to property and bodily injury, including death, which may arise from the vending operations with a combined single limit of liability of not less than one hundred thousand dollars (\$1,000,000.00) per occurrence shall be furnished to the zoning administrator prior to issuance of a permit. Said policy must include an endorsement naming the Town as an additional insured and provide the Town with at least thirty (30) days' prior written notice before any cancellation or termination.
- (14) No seating for customers shall be provided. Only carry-out food will be permitted.
- (15) Removal of all freestanding signs, trash, or debris from the site and the immediate vicinity, upon termination of the activity shall be guaranteed by the vendor in writing and accomplished daily. Should trash, debris or signs remain overnight, the applicant will be subject to a verbal and a written warning (as confirmation of the verbal warning). Any subsequent violation shall result in revocation of the permit, meaning that the permit is void. The Applicant will be subject to enforcement of this Article pursuant to the terms of this Article and any other applicable Town codes. Vendors whose permit has been revoked shall be ineligible to apply for and obtain any additional (new or renewal) permit for a period of 12 months after the revocation.
- (16) The bond or other guarantee, required by subsection (12) of this section, shall be forfeited to the Town if the site is not adequately cleared of all trash, debris, and signs daily, the activity continues or remains on the site after expiration of the permit, or if there are violations of this section or the conditions of the permit. (but nothing in this forfeiture provision shall limit the city's ability to enforce this section in any manner provided by law). All other applicable laws will be enforced.
- (17) No more than two such permits shall be issued for the same property lot or GPIN at any time. It is expressly understood that every location may not be suitable for one or two roadside food vendors.
- (18) No permit shall be issued unless the vendor has received and furnished evidence of a valid permit or certification from the Virginia Department of Health to prepare (if preparation or cooking is involved) and/or sell food.
- (19) Vendors shall: (a) pay an annual permit fee of \$250.00 and; (b) be required to pay Meals Tax pursuant to Article V of Section 58 of the Dumfries Town Code as amended from time to time.

Sec. 42-35. Enforcement.

In addition to forfeiting the bond referenced in Sections 42.34 (12) and (16) above, vendors who violate the conditions of their permit or any provisions of this Chapter shall be guilty of a Class IV misdemeanor, punishable by a fine of \$250.00. Each day that a violation of this Article or the conditions of permit conditions shall continue shall constitute a separate offense.

This ordinance shall become effective on December 10, 2013.

D. RESOLUTION AUTHORIZING THE TOWN MANAGER ENTER INTO A CONTRACT WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND TRANSFER FUNDS FROM THE STORMWATER MANAGEMENT ACCOUNT – RICHARD WEST

Mr. West noted, as mentioned earlier in the evening, this would allow the Town to receive the \$32,500 grant from DEQ to work on the enhanced stormwater management program. The request includes asking that the match come from the Town's stormwater management account.

Mr. Wood moved, seconded by Ms. Reynolds, to adopt the resolution authorizing the Town Manager enter into a contract with DEQ and transfer funds from the Stormwater Management Account. 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.

RESOLUTION TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO A CONTRACT WITH THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY AND TRANSFER FUNDS FROM THE STORMWATER MANAGEMENT ACCOUNT

WHEREAS, the Virginia Department of Environmental Quality (DEQ) promulgated new regulations for stormwater management effective July 1, 2013; and

WHEREAS, the Town requested and received from DEQ a one year extension in implementing the required stormwater management program; and

WHEREAS, pursuant to the Virginia Water Quality Improvement Act of 1997, the Virginia General Assembly created the Water Quality Improvement Fund to provide funding for water quality improvement throughout the Commonwealth; and

WHEREAS, DEQ issued a Request for Proposals for a Phase II Local Stormwater Program Grant, for which the Town applied and received a \$32,500 grant; and

WHEREAS, the grant is a matching grant with a local match of \$32,500; and

WHEREAS, the grant and match will be used to provide the proper tools, training, and staff needed to operate the newly developed stormwater management program for the Town; and

WHEREAS, the Town established a stormwater management program to protect the waterways and the land in the Town by controlling flooding and to protect the Town's natural environment; and

WHEREAS, the Town established a stormwater management fund (the account) to provide revenue to fund the costs of designing, developing, improving, operating, maintaining and monitoring the stormwater system in the town.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Town Manager be authorized to enter into a contract with the Virginia Department of Environmental Quality, Contract No. 15727, Town of Dumfries, Stormwater Management Program Development and Implementation.

BE IT FURTHER RESOLVED by the Town Council that \$32,500.00 be transferred from the Stormwater Management Account to revenue line item 10-324-0902 Transfer from Stormwater Management Account.

BE IT FURTHER RESOLVED that expenditure line item 10-444-6000 Stormwater Matching Grant be created for the Town's matching portion.

IN RE: INFORMATION ITEM

A. DRAFT MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN COUNTIES AND THEIR RESPECTIVE TOWNS REGARDING DISTRIBUTION AND USE OF 30 PERCENT FUNDS UNDER CHAPTER 766 OF THE 2013 VIRGINIA ACTS OF ASSEMBLY – RICHARD WEST

Mr. West stated this is in regards to the money from House Bill 2313 that will be funneled through the NVTA, to PWC who will be required to provide the Town with 30 percent. This has not gone to NVTA yet, but this will be considered in January.

Mayor Foreman stated NVTA would be voting on this December 12. The key with this MOU is that it does not specifically say when the money will be issued by the State. If the money is misspent or put to a project that was not approved, the locality is penalized for a year.

Mr. West confirmed this was correct. There is a provision for an amendment to the agreement that could stipulate how the money is received.

IN RE: CLOSED SESSION

Ms. Reynolds moved, seconded by Mr. Wood, 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 no; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; 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 December 10, 2013; and

WHEREAS, the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body. This discussion is expressly permitted by Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

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

Mr. Toney did not participate in the closed session.

Mr. Wood moved, seconded by Mr. Foreman to reconvene into open session. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman yes; Ms. Forrester, yes; 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 December 10, 2013 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

IN RE: ADJOURNMENT

Mr. Wood 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

Dawn Hobgood
Town Clerk

Approved by

Gerald M. Foreman
Mayor