

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON DECEMBER 2, 2014 AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:

THERE WERE PRESENT: Mayor Gerald Foreman
Kristen Forrester
Charles Brewer
Helen Reynolds
Gwen Washington
Daniel Taber, Town Manager
Olaun Simmons, Town Attorney

THERE WERE ABSENT: Vice Mayor Willie Toney
Derrick R. Wood

IN RE: CALL TO ORDER AND ROLL CALL

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

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

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

IN RE: APPROVAL OF THE MINUTES - JUNE 4, 2013

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

IN RE: ADOPTION OF THE AGENDA

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

IN RE: APPROVAL OF THE CONSENT AGENDA

Mr. Foreman moved, seconded by Ms. Washington, to adopt the consent agenda as presented. The following ordinance and resolutions were 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, absent.

ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY AMENDING PART II, CHAPTER 18, ARTICLE II, DIVISION 2, BY ADDING SECTION 18-77 (a)-(g), VENDORS ON PUBLIC PROPERTY.

WHEREAS, Town Council wishes to establish rules and regulations that govern individuals and corporations who solicit, sale or otherwise transact business involving the exchange of goods and services on public property located within the Town of Dumfries; and

WHEREAS, Town Council of the Town of Dumfries has determined that the unregulated sale of goods and services by vendors on public property located within the Town of Dumfries may adversely affect the orderly operation of said public property as well as town-sponsored events that occur within the public parks; and

WHEREAS, Town Council of the Town of Dumfries has determined that the Town Manager or his designee should have authority to regulate the commercial activity of vendors who are transacting business on public property.

NOW, THEREFORE BE IT ORDAINED by Council of the Town of Dumfries on this 2nd day of December that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by adding Section 18-77 (a)-(g) to Part II, Chapter 18, Article II, Division 2, and is enacted as follows:

Chapter 18, Article II. Business License, Division 2, Section 18-77 (a)-(g)

Section 18-77. Vendors on Public Property

(a) All individuals or corporations desiring to solicit, sell, trade, barter or exchange any commodity, article, food, beverage, refreshment, or service of any nature within the limits of any public property owned by the Town of Dumfries, Virginia must prior to any and all solicitation, sale, barter or exchange of commodity, article, food, beverage, refreshment or service of any nature, secure the permission of the Town Manager for the Town of Dumfries, Virginia, or his designee.

(b) All individuals and corporations before entering into or upon the premises of any public property within the Town of Dumfries for the purpose of soliciting, selling or otherwise transacting business involving the exchange of goods and services, shall submit an application to the Town Manager of the Town of Dumfries in order to obtain permission from the Town Manager. The applicant is required to provide the following information to the Town Manager when requesting a permit to transact business on public property in the Town of Dumfries:

- (1) The name, local and permanent addresses, date of birth, race, weight, height, color of hair and eyes and any other distinguishing physical characteristics of the applicant.
- (2) The purpose for which solicitations or transactions will be made and the nature of the goods, wares, merchandise or services offered for sale.
- (3) The name and permanent address of the employer, individual or organization represented.

(4) A statement as to whether the applicant has been convicted of any felony or misdemeanor, and, if so, the nature of the offense, when and where convicted and the penalty or punishment assessed therefore.

(c) The Town Manager or his designee is authorized to issue a permit to the applicant, unless the information furnished by the applicant shows that the applicant has been convicted of a crime involving moral turpitude. A permit issued under this article shall expire at the conclusion of the event or purpose for which the permit was issued. Every vendor shall carry his permit with him at all times while engaged in soliciting, selling or otherwise transacting business on public property and shall display the same to any town official who shall demand to view the same while the vendor is so engaged.

(d) All individuals and corporations who are doing business on public property in the Town of Dumfries must be in compliance with the business license requirements provided in Town Code Section 18-20, and Code of Virginia Section 58.1-3703.1 prior to vending on public property located within the Town of Dumfries. The application for the business license shall be governed by Town Code Section 18-22 and 18-24, and for the privilege of vending on public property in the Town of Dumfries, there shall be an annual license tax as defined by the Town of Dumfries fee schedule.

(e) All individuals and corporations who are transacting business on public property located within the Town of Dumfries involving the preparation or selling of food shall comply with the rules and regulations that have been established by the Code of Virginia, and the Virginia Department of Health and no permit shall be issued unless the vendor provides evidence of compliance.

(f) Any individual or corporation violating the provisions of this ordinance shall be guilty of a class 4 misdemeanor and upon conviction shall be fined in a sum not less than \$50.00 nor more than \$250.00 for doing business without a license in violation of Town Code Section 18-21. Each solicitation, sale or transaction shall constitute a separate violation, and each violation shall constitute a separate offense.

(g) This ordinance shall apply to the public parks located within the Town of Dumfries including, but not limited to, Garrison Park, Ginn Memorial Park and Merchant Park.

RESOLUTION TO APPROVE A SITE PLAN FOR THE FIRST TOWN CENTER PROJECT, A SITE WITH COMMERCIAL, RETAIL, AND MULTIFAMILY RESIDENTIAL ABOVE GROUND FLOOR, LOCATED ON A 9.4 ACRE SITE ALONG MAIN STREET IDENTIFIED BY GPIN NUMBERS:

- 8189-81-7785
- 8189-81-8991
- 8189-81-9393
- 8189-81-9594
- 8189-92-1401
- 8189-92-1904
- 8189-92-2208
- 8189-92-2710
- 8189-92-5018
- 8189-92-5420
- 8189-92-5823
- 8189-92-6326

- 8189-91-0097
- 8189-91-0597
- 8189-91-1099
- 8189-93-3112
- 8189-92-3717
- 8189-92-4617
- 8189-91-1574
(Town Property)

WHEREAS, Dumfries Development Group, LLC submitted a site plan application for the First Town Center; and

WHEREAS, staff reviewed the site plan and scheduled for it to be reviewed by the Planning Commission; and

WHEREAS, the Planning Commission reviewed the site plan and recommended that Town Council approve the site plan as presented to the Commission on October 20, 2014 contingent upon all comments from outside agencies being received, approved and/or addressed and the Parks and Recreation Commission has an opportunity to review and comment on the site plan; and

WHEREAS, on November 18, 2014, Council reviewed and discussed the site plan and moved the matter to the December 2, 2014 consent agenda for approval.

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Dumfries on this 2nd day of December 2014, that the site plan, dated Jan 2013, consisting of sheets 1 through 33, by LDC file number 12061-2-0 SP#2014-002, PWC Service Authority plan number 14- ____R00, Pollêo Group Project Number 13-002-000, LSG Landscape Architecture Project Number 14010 as proposed by Dumfries Development Group, LLC is approved.

APPROVAL OF THE PLANNING COMMISSION BYLAWS

WHEREAS, the Planning Commission (“Commission”) at their November 10, 2014 meeting reviewed and made amendments to its adopted bylaws; and

WHEREAS, the Commission approved the changes and recommended the bylaws be forwarded to Town Council for review and approval; and

WHEREAS, the Commission’s bylaws were presented to Council on November 18, 2014 with the previously suggested change; and

WHEREAS, Council directed this item be placed on the December 2, 2014 Consent Agenda.

NOW, THEREFORE BE IT RESOLVED that the Town Council for the Town of Dumfries hereby approve the Planning Commission Bylaws.

RESOLUTION TO AUTHORIZE THE TOWN MANAGER TO REQUEST REIMBURSEMENT AND USE OF 30% FUNDS ALLOCATED TO PRINCE WILLIAM COUNTY BY THE NVTA UNDER THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY FUND FOR CONSTRUCTION OF THE POSSUM POINT SIDEWALK

WHEREAS, the Town of Dumfries (“Town”) desires to complete new construction of a sidewalk along a portion of Possum Point Road and Jefferson Davis Highway; and

WHEREAS, NVTA was established by the Northern Virginia Transportation Authority Act, Va. Code Ann. §§ 15.2- 4829 *et seq.*, and the County of Prince William is among the local jurisdiction members of NVTA; and

WHEREAS, in accordance with Va. Code Ann. § 15.2-4838.01, a special non- reverting fund for Planning District 8, known as the Northern Virginia Transportation Authority Fund was created in the Virginia state treasury, comprised of taxes and fees levied in accordance with the aforesaid Code section and any other funds that may be received for the credit of the aforesaid fund (the “Fund”), the proceeds of which fund are distributed to NVTA for use in accordance with Va. Code Ann. § 15.2-4838.1; and

WHEREAS, in accordance with, and subject to the requirements of, § 15.2- 4838.1, thirty percent (30%) of the revenues received by NVTA shall be distributed on a pro rata basis to each City/County with each City/County’s share being the total of the revenues received by NVTA that are generated by or attributable to such City/County divided by the total of such revenue received by NVTA (the “30% Funds”); and

WHEREAS, Enactment Clause 8 of Chapter 766 provides that NVTA and each City/County embraced by it shall work cooperatively with towns with a population greater than 3,500 located within NVTA’s member Counties (“Qualifying Towns”) for purposes of implementing Chapter 766 and so as to ensure that all such “Qualifying Towns” receive their respective share(s) of the revenues pursuant to subdivision B 1 of § 15.2-4838.1; and

WHEREAS, the Town of Dumfries is a Qualifying Town; and

WHEREAS, NVTA has a continuing responsibility to ensure that the 30% Funds are properly spent, and that each NVTA member City/County and each Qualifying Town adhere to the statutory and other legal obligations that it has with regard to the Fund; and

WHEREAS, NVTA and each member City/County has agreed to be bound by all terms and conditions in a separate Memorandum of Agreement (“NVTA/City-County MOA”), for purposes of ensuring that NVTA, each member City/County, and each Qualifying Town are in full compliance with Chapter 766 and all applicable requirements of the NVTA Act with regard to the receipt, maintenance, management, oversight, distribution, and use of all funds from the NVTA Fund; and

WHEREAS, the Town has entered into a Memorandum of Agreement with NVTA and Prince William County regarding the use of the 30 % funds; and

WHEREAS, the Town desires to utilize its portion of the 30 % funds for construction of the Possum Point Sidewalk; and

WHEREAS, the Town approved budget for Fiscal Year 2015 projects revenue and allocates funding for the Possum Point Sidewalk based on the 30 % funds.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries this 2nd day of December, 2014 does hereby authorize the Town Manager to request reimbursement from the 30 % funds allocated to and held by the County of Prince William for the construction of the Possum Point Sidewalk.

**RESOLUTION AUTHORIZING THE TOWN MANAGER ADVERTISE FOR A
PUBLIC HEARING ON THE PROPOSED ORDINANCE TO VACATE A PORTION
OF MARKET STREET**

WHEREAS, there exists an unimproved 40' right of way identified as Market Street, located within GPIN 8189-91-1574 in the Town of Dumfries in the Potomac Magisterial District, Prince William County, Virginia (hereinafter "the Town"); and

WHEREAS, the governing body of the Town of Dumfries (hereinafter "Town Council") has received a request from the Dumfries Development Group, L.L.C. (hereinafter referred to as "DDG, LLC") to vacate a portion of Market Street, specifically the unimproved 40' right of way (hereinafter "Market Street" or "right of way"), the survey of which is depicted on a land survey plat prepared by Kevin D. Vaughn, a licensed Land Surveyor, dated July, 2014, entitled "Plat Showing Street Vacation on a Portion of Market Street, Potomac Magisterial District, Prince William County, Virginia" (hereinafter referred to as "Plat"); and

WHEREAS, Code of Virginia 15.2-2006, 1950, as amended, authorizes Town Council by ordinance to vacate and extinguish the public's rights to property dedicated as a public street where the public interest will be better served by releasing those lands or any parts thereof from such dedication; and

WHEREAS, Town Council moves to vacate the right of way in accordance with the request of DDG, LLC as it is pertinent and necessary for the development of the First Town Center project in the Town of Dumfries (hereinafter referred to as "Project").

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Town Manager shall advertise for a public hearing to address the adoption of the proposed ordinance to vacate a portion of Market Street at its first meeting in February 2015.

**RESOLUTION TO DESIGNATE A REVITALIZATION AREA WITHIN THE TOWN
OF DUMFRIES**

WHEREAS, the Town Council for the Town of Dumfries desires to designate an area of the Town of Dumfries, hereinafter described, as a revitalization area within the meaning of the Virginia Housing Development Authority Act, Code of Virginia 36-55.24, et al, and

WHEREAS, pursuant to Code of Virginia Section 36-55.30:2 (A), 1950, as amended, the Town Council for the Town of Dumfries desires to designate the area between Fraley Boulevard, Main Street and Graham Park Road, in conjunction with tax map identification numbers 8188-68-8791, 8188-79-7450 and 8189-80-2217 (hereinafter "the Area") as described on the plats attached hereto as a revitalization area.

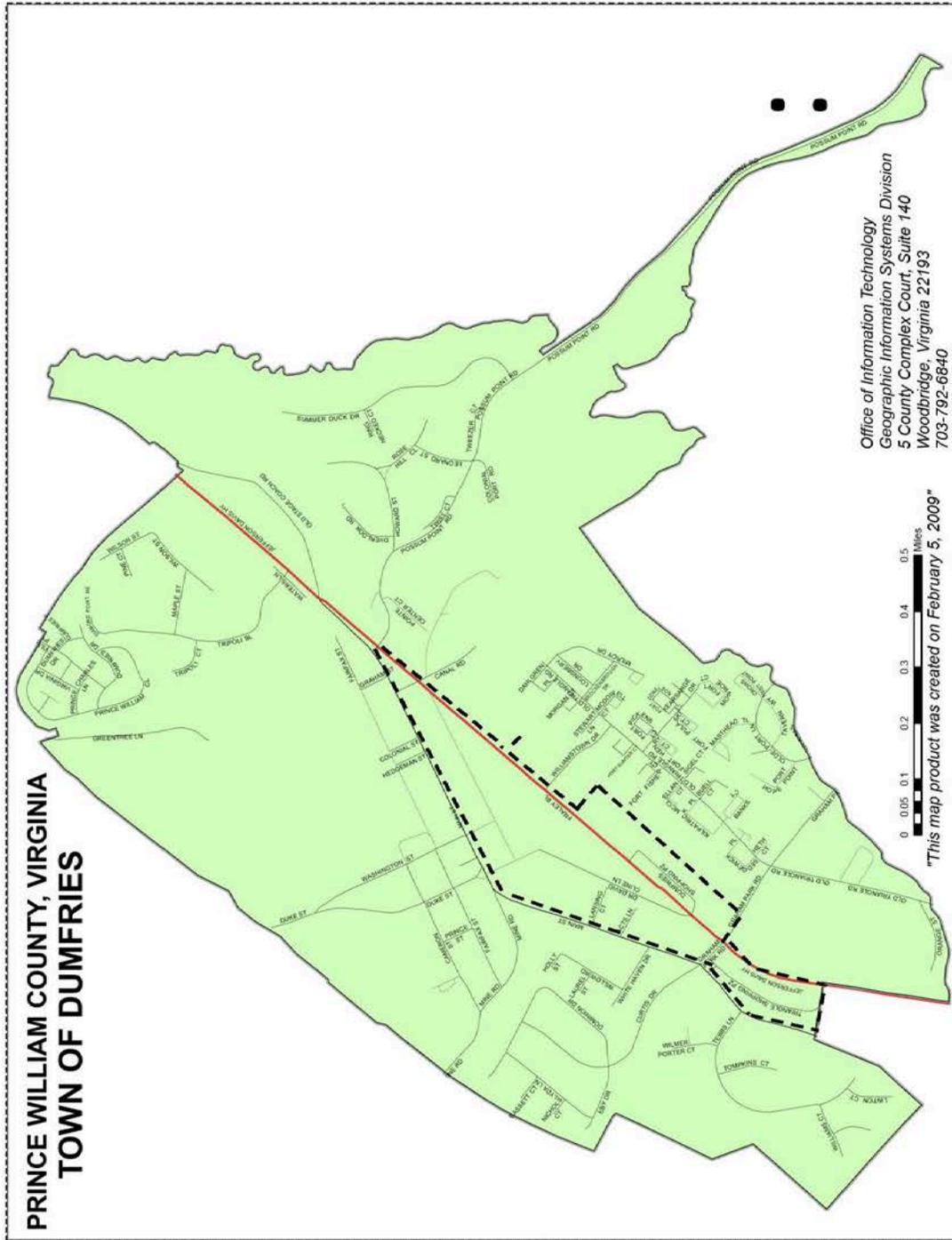
NOW, THEREFORE, BE IT HEREBY DETERMINED AS FOLLOWS:

(1) the Area is blighted, deteriorated, deteriorating or, if not rehabilitated, is likely to deteriorate by reason that the buildings, improvements or other facilities in the Area are subject to one or more of the following conditions: dilapidation, obsolescence; overcrowding, inadequate ventilation, light or sanitation, excessive land coverage; deleterious land use; or faulty or inadequate design, quality or condition; and

(2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the Area and will induce other persons and families to live within the Area and thereby create a desirable economic mix of residents in the Area.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Section 36-55.30:2 (A) of the Code of Virginia, 1950, as amended, the Area is hereby designated as a revitalization area.

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8188-68-8791



The information contained on this page is not to be construed or used as a legal description. Map information is believed to be accurate but accuracy is not guaranteed. Any errors or omissions should be reported to the Pricerange.com Geographic Information Systems Division of the Department of Information Technology. In no event will Pricerange.com be liable for any damages, including loss of data, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains.

8188-79-7450



8189-80-2217



RESOLUTION AUTHORIZING THE TOWN MANAGER TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF REAL PROPERTY OWNED BY THE TOWN OF DUMFRIES, VIRGINIA, 17740 MARKET STREET, APPROXIMATELY 3.3581 ACRES OF VACANT REAL PROPERTY, IDENTIFIED AS PRINCE WILLIAM COUNTY TAX MAP NUMBER 8189-91-1574, OWNED BY THE TOWN OF DUMFRIES, VIRGINIA

WHEREAS, there exists a vacant parcel of land known as 17740 Market Street, approximately 3.3581 acres, Prince William County tax map number 8189-91-1574 in the Town of Dumfries located in the Potomac Magisterial District, Prince William County, Virginia (hereinafter referred to as the "Property"); and

WHEREAS, the governing body of the Town of Dumfries (hereinafter "Town Council") has received a request from the Dumfries Development Group, L.L.C. (hereinafter referred to as "DDG, LLC") to purchase the Property at fair market value in order to develop, construct and complete the First Town Center project; and

WHEREAS, Town Council has determined that it is in the best interest of the Town and its citizens to sell and convey this Property; and

WHEREAS, Town Council acknowledges the importance of the sale and conveyance of the Property in accordance with the request of DDG, LLC as it is pertinent and necessary for the development and completion of the First Town Center project in the Town of Dumfries.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Town Manager shall advertise for a public hearing to address the adoption of the proposed ordinance to authorize the sale and conveyance of the Property.

A RESOLUTION TO ADOPT THE 2015 COUNCIL MEETING SCHEDULE AND HOLIDAY SCHEDULE FOR THE TOWN OF DUMFRIES

WHEREAS, the Council of the Town of Dumfries must schedule its meetings for the calendar year 2015; and

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

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

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

- 1) The attached schedule containing the dates and times hereby established for 2015 meetings of the Council with all meetings being held on the first and third

Tuesday of each month (unless noted) to be held in Council Chambers, 17755 Main Street, Dumfries, Virginia, all to begin at 7:00 p.m.

- 2) The same schedule containing the dates for holidays is hereby established for 2015 and the offices for the Town of Dumfries will be closed in observation of the specific holiday.
- 3) The dates scheduled for “work sessions”, the third Tuesday of the month, are also hereby designated as the dates for continued Regular Meetings should that become necessary due to inclement weather or other conditions.

Town Council 7:00 p.m. Council Chambers – Town Hall 17755 Main Street Dumfries VA 22026 2015 Meeting/Holiday Calendar		
Regular Meeting	Work Session	Holiday Schedule
Previously scheduled January 6	January 20	January 1 – New Year’s Day January 2 – Additional Holiday Time
February 3	February 17	January 16 – Lee-Jackson Day
March 3	March 17	January 19 – Martin Luther King, Jr. Day
April 7	April 21	February 16 – George Washington Day
May 5	May 19	May 25 – Memorial Day
June 2	June 16	July 3 – In Observance of Independence Day
July 7	No meeting	September 7 – Labor Day
August 5 (Wednesday)	August 18	October 12 – Columbus Day
September 1	September 15	November 11 – Veterans Day
October 7 (Wednesday)	October 20	November 25 – ½ day
November 4 (Wednesday)	November 17	November 26 and 27 – Thanksgiving
December 1	No meeting	December 24 – Additional Holiday Time
January 5, 2016		December 25 - Christmas

RESOLUTION TO ADOPT THE 2015 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 2015 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 2015 Legislative Agenda.

BE IT FURTHER RESOLVED that the Town Council directs the Town Manager to forward the Town of Dumfries 2015 Legislative Agenda to the elected representatives at higher levels of government soliciting their support of the items included there within.

Recognizing Towns as a Locality

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.

Transportation

Support and funding for the widening of Route 1 through the Town of Dumfries remains the highest priority for the Town of Dumfries. Small Towns do not have the same capabilities to fund transportation projects as larger jurisdictions do and the use of state and regional funding to complete the Route 1 widening project is essential for economic development and the reduction of congestion in the Town and adjacent areas. As a result, the Town of Dumfries opposes any reductions to funding for the Northern Virginia component of the HB 2313 (2013) and further supports any efforts that will designate the Widening of Route 1 through Dumfries a priority for future funding consideration.

The Town of Dumfries also supports the continuation of the current system of VDOT maintenance of secondary highways. As a result, Dumfries strongly opposes any action that would change the current system of secondary road maintenance to require local governments to maintain secondary highways.

Recognition and Consideration of Towns as a Separate Entity in All Legislation Especially as it Pertains to Transportation Funding

The Town of Dumfries strongly supports town voting membership on regional transportation authorities. Towns do not have a vote on the Northern Virginia Transportation Authority, yet town transportation projects are subject to the same criteria as cities and counties. Towns require either equal membership or different criteria for funding. Town projects cannot compete with county and city projects for equal funding (shovel ready).

Aid to Localities

The current 2014-2016 State Budget reflects reductions of approximately thirty (30) million dollars in aid to localities. With the projected state budget deficits, there is concern that additional reductions and adjustments will be discussed in the next General Assembly legislative session. The Town of Dumfries urges the General Assembly to meet all of its budgetary obligations to local government by fully funding State aid to localities.

Unfunded Mandates

Historically the General Assembly continues to place unfunded mandates on local government. Despite concerns expressed by jurisdictions across the State, there has been a continued increase in these mandates over the past several years. The Town of Dumfries supports any effort to eliminate or suspend unnecessary mandates on local government.

In that regard, the Town of Dumfries also supports legislation requiring bills with fiscal impacts on local government to be filed on or before the first day of a legislative session. Fiscal impact statements play an important role in the decision making process of the General Assembly and such a deadline would allow for time to properly estimate fiscal impact sooner and give a better understanding of unfunded mandates that might result from any such legislation that is passed.

Aid to Local Law Enforcement

Providing effective and sufficient law enforcement services to the public remains a priority for the Town of Dumfries. The Town of Dumfries not only opposes the reduction of any 599 funding to local law enforcement, but also requests and encourages the General Assembly to provide additional support through this program and increase 599 funding.

Environment

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. At the present time restorative measures are urgently needed along Quantico Creek and the Town supports any legislation that will assist the Town in those efforts.

The Town of Dumfries is committed to supporting all efforts to restore the quality and sustainability of the Potomac River and the Chesapeake Bay in a fiscally responsible manner that provides federal and state assistance to local efforts such as those in the Town of Dumfries. We believe that the federal government and the Environmental Protection Agency (EPA) must not adopt a multitude of unfunded mandates and policies upon the Commonwealth, the costs of which are then passed down to local jurisdictions.

In addition, 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.

School Resource Officer Funding

The Town of Dumfries believes that it is important for the safety of our children that School Resource Officers be placed in elementary schools throughout the Commonwealth and that total funding of these positions be provided for in the state budget. There should be no stipulation in

such legislation that would prohibit this funding from applying to jurisdictions that already provide a school resource officer in their elementary schools.

**RESOLUTION PROCLAIMING DECEMBER 21 THROUGH 27 AS
CHILDHOOD CANCER AWARENESS WEEK**

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection Inc. report cancer is the leading cause of death by disease among U.S. children between infancy and age 15; and

WHEREAS, this tragic disease is detected in more than 15,000 of our Country's young people each and every year; and

WHEREAS, one in five of our nation's children loses his or her battle with cancer; and

WHEREAS, many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

WHEREAS, founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Children's Hospital of the King's Daughters in Norfolk, Inova Children's Hospital in Falls Church, Children's National Medical Center in Washington, D.C., as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor Courageous Kid Recognition Awards, community Get Well cards and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

NOW THEREFORE BE IT RESOLVED that the Town Council hereby proclaim December 21 through 27 as Childhood Cancer Awareness Week.

**RESOLUTION TO COMMEND THE SERVICE OF
KRISTIN W. FORRESTER AS A COUNCIL MEMBER OF THE TOWN OF
DUMFRIES**

WHEREAS, Kristin W. Forrester has served on the Board of Zoning Appeals from 2008-2010; and

WHEREAS, she will have served with distinction as a Council Member of the Town of Dumfries from July 2010 to December 2014; and

WHEREAS, she was a strong advocate for purchasing the property to develop the Ginn Memorial Park and believed the park would become an epicenter for the youth in the Town to participate in recreational activities; and

WHEREAS, she was a key supporter for creating the Parks & Receptions Commission to serve town citizens of all ages in planning for and maintaining Ginn Memorial Park, Garrison Park and Merchant Park; and

WHEREAS, she was instrumental in placing a School Resource Officer at Dumfries Elementary School and was an advocate for providing a safe learning environment for our youth; and

WHEREAS, she was committed to fiscal constraint in Town operations and played a role in reducing taxes for residents and business owners; and

WHEREAS, in serving the Town of Dumfries, she was committed to developing policies and initiatives that would shape the future growth of the Town to ensure the community would be self sustaining for future generations; and

WHEREAS, she was passionate about transforming the Town from a place people drive through to a place people want to live, work, play, and visit; and

WHEREAS, Ms. Forrester tendered her resignation effective December 31, 2014 due to her government assignment to Spain.

NOW, THEREFORE BE IT RESOLVED, that the gratitude and best wishes of the Town Council, the Town staff, and the citizens of the Town of Dumfries, are hereby extended to Ms. Forrester, for continued good health, good fortune, and happiness in all future endeavors.

IN RE: CITIZEN COMMENT PERIOD

Cydney Neville announced that some Community Leaders are getting together to have a community conversation. This is a dialogue on race relations in our community and an opportunity for citizens to meet the Police. Not just in the Town, but in Prince William County (PWC) as a whole. It will focus on the most part civic engagement. It will be held Thursday at 7 p.m. at the Dumfries Triangle Rescue Squad. They will probably have another in the Spring. She would love to have a Dumfries Police Department representative attend and discuss the Kid's Academy.

Pete Singh thanked Ms. Forrester for setting a certain standard for community involvement. He just learned that she is moving on to a new work assignment. He wished her good luck, thanked her for being a part of the community, and for setting the standard for other Council Members on how to conduct business.

IN RE: MAYOR'S COMMENTS

Mayor Foreman announced the following information.

- On Saturday, November 15, there was a special Town Council Meeting to discuss the Town's Vision Statement and economic development. The result of the meeting added clarity to the Council's position. Staff will provide an update at the January 25 work session.
- On Thursday, November 20, the first Mayor's Economic Summit was held. Mr. Brewer, the Town Manager and 35 participants attended. The focus was centered on future development, re-development, and business opportunities in the Town. The meeting was a success. He is confident the Town will move in the right direction that will benefit not only our business partners, but our citizens as well.
- On Saturday, December 6, the Christmas in Dumfries event will start at 8:00 a.m., the 68th Annual Quantico Christmas Parade will kick off at 1:00 p.m., and the Tree Lighting will start at 5:00 p.m. rain or shine. The Dumfries Elementary School Chorus will be performing and a small unit of the Marine Corp Band will be there as well.
- Sunday, December 7, is Pearl Harbor Day. The attack on Pearl Harbor resulted in the loss of 2,402 souls. Pearl Harbor Day serves as a harsh reminder of the challenges of the men and woman of our Armed Forces face on a daily basis as they stand in harm's way defending our Nation, its liberty and our values. Thank you to the veterans of not just World War II, but to all those who have served and are serving in the military and public service. He sincerely appreciates their service, your dedication to duty, and your commitment to keeping our way of life free.
- On Saturday, December 13, the 40th Annual Dumfries Christmas Parade that starts at 1:00 p.m. and culminates with the arrival of Santa Claus. This year's theme is Christmas From Around the World. After the parade, visit Historic Dumfries, the Weems-Botts Museum, for their open house. There will be food, crafts for the kids, and Santa Claus will be there too.
- He wished everyone a Merry Christmas. The United States has always been and will continue to be a country based on religious freedoms. In 1870, Congress and the President Ulysses S. Grant designated Christmas, the celebration of the birth of Jesus Christ, as a Federal holiday in the United States. Federal, state, and local offices will be closed December 25 in observance of Christ's birth. So, as we approach this festive time of the year and as we remember our military, public servants, and first responders

that cannot be home for Christmas he wished everyone a very Merry Christmas celebrating our Lord Jesus Christ's birth.

IN RE: COUNCIL MEMBER COMMENTS

Mr. Taber provided the following comments on Mr. Toney's behalf. He wanted to let everyone know that he wanted to be here this evening; however, his wife suffered a medical emergency and was transported to the hospital. She is being kept overnight for observation. He wanted to make sure that everyone knows he appreciates the support that the citizens have given him over the past year. He wishes everyone a very happy and safe holiday season. He asked his friends and the residents to keep his wife and family in their prayers and thoughts.

Ms. Forrester thanked everyone for giving her the opportunity to serve in the Town. She will really miss the Town and its residents. She asked for everyone's prayers for safe travel and wished the Town a Merry Christmas.

Ms. Reynolds wished everyone a Merry Christmas and a Happy New Year. She asked everyone to remember to look after their neighbors. Not only keep Mr. Toney and his wife in their prayers, but also keep Mr. Wood in your prayers as he is traveling out of the country for a funeral. She thanked the residents for their support this past year. It has been an honor for her to serve with Ms. Forrester.

Ms. Washington wished everyone a Merry Christmas and a Happy New Year. She thanked everyone for their support. She asked everyone to come out and celebrate Christmas with the Town.

IN RE: PRESENTATIONS

A. RESOLUTION COMMENDING THE SERVICE OF KRISTIN FORRESTER AS A COUNCIL MEMBER – MAYOR FOREMAN

Mayor Foreman stated this has become a time-honored tradition to pass a resolution when a Council Member leaves. He and Ms. Forrester have championed many things together and at times have not seen eye to eye. There are seven Council Members that may not always get along and see eye to eye; however, every Council Member cares about the Town, the residents, and the future of the Town. He respects every Council Member and he thinks every Council Member respects each other for the job and the attributes that they bring to the dais. He presented Ms. Forrester with a resolution commending her for her service as a Council Member and a clock from the Town of Dumfries.

The resolution was adopted under the consent agenda earlier in the meeting.

Ms. Forrester has enjoyed her time on the Council, hoped she did a few things for the growth of the Town and knows that Council has many good initiatives underway. She cannot wait to when she returns in three years and can see those great things.

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

There was no report.

B. BOARD OF ZONING APPEALS (BZA)

There was no report.

C. HISTORIC DUMFRIES

Joann Barron announced Weems-Botts Museum will hold its open house after the parade on December 13. They will be all decked out in Colonial and Victorian décor. There will be refreshments. Santa will be there on his Victorian sled. The Broad Run Strings, a four-piece string quartet, will perform. There will also be make and take crafts for the children.

D. PLANNING COMMISSION (PC)

John Webb gave the following report.

Work Session

1. Reviewed and discussed proposed changes to the bylaws.
2. Reviewed and discussed proposed changes to section 70-13(f) of the zoning ordinance.

Regular Session

1. Approved and adopted the minutes from October 20, 2014.
2. Voted unanimously to recommend Council approve the bylaws as presented to the PC on November 10 with the exception to remove one item. The item was in Article 19, Role of the Zoning Administrator for the Town of Dumfries, number 4, as it was redundant with number 3.

IN RE: COUNCIL REPORTS
A. BOYS AND GIRLS CLUB

Ms. Reynolds was unable to attend the meeting and tele-conferenced in. She asked if anyone had any questions.

There were no questions.

B. PARKS AND RECREATION COMMISSION

Mayor Foreman asked if the minutes from June to October were approved.

Mr. Taber advised the secretary was not in attendance so no action was taken. The Commission was directed to be prepared to review and vote on the minutes at the next meeting.

C. PLANNING COORDINATION ADVISORY COMMITTEE (PCAC)

Mayor Foreman stated that is part of the Northern Virginia Transportation Authority (NVTA). He serves as the Chair. This is the second meeting and the first one that there was an agenda. The biggest thing was talking about the policy framework for approved projects not advancing, which basically means the grading criteria for projects. The Route 1 widening project has fallen off of the Commonwealth Transportation Board (CTB), the Virginia Department of Transportation (VDOT); however, it is still very much alive on the NVTA. The other items discussed was the legislative agenda and the TransAction 2040 update.

Mr. Brewer asked if the Committee had a legislative liaison.

Mayor Foreman did not know and thought that the Committee did not. He will check and get back to Council with an answer.

Mr. West indicated that Noelle Dominguez is very active with the NVTA, present during the entire legislative session, and she provides routine updates to the Town.

IN RE: STAFF PRESENTATIONS

A. DIRECTOR OF COMMUNITY SERVICES – RYAN GANDY

Mr. Gandy gave the following update on the Parade and Tree Lighting. The Tree Lighting will be this Saturday at 6:00 p.m. The Brass Ensemble from the Quantico Marine Corps and the chorus from Dumfries Elementary School will perform. The Christmas Parade currently has 42 entries plus dignitaries.

Ms. Reynolds asked when the Christmas Parade was changed from being held in the morning to 1:00 p.m.

Mr. Gandy stated that was the time that worked out best this year. Moving forward he would be happy to entertain a time change. He noted the Chief also suggested a time change because of traffic. The reception is held at Noon.

Mayor Foreman asked to check on the kick off time. He thought it was between Noon and 1:00 p.m.

Ms. Washington asked that it be announced that the Town is still seeking volunteers.

Mr. Gandy announced that the Town is seeking volunteers. He clarified the pre-meeting for the Parade will be December 9 at 6:00 p.m. in the Community Center. Participants will find out where they are in the lineup and receive their passes. The Basketball Clinic being put on by the Dumfries Cares Program is on January 10 from 11:00 a.m. to 3:00 p.m. Anyone interested in participating should contact Antoine Harris at Town Hall

Ms. Reynolds asked when Main Street would be closed off.

Mr. Gandy stated the times would be posted on the website

B. PLANNER/ZONING ADMINISTRATOR – DARREN COFFEY

Mr. Coffey gave the following report.

- The ARB reviewed and approved the First Town Center site plan including the comprehensive sign package and hardscape plans certificate of appropriateness. The ARB also reviewed the Garrison Park site plan materials.
- The ARB provided feedback for design concepts for the Town Hall information sign. Staff is in the process of revising the sign plan to bring it back to the ARB for their approval.
- Staff is continuing to generate new code enforcement cases and are following up on existing ones. There have had some tangible results.

C. DIRECTOR OF PUBLIC WORKS – RICHARD WEST

Mr. West stated that projects are moving forward as weather permits. Proposals are due this Friday for the stormwater management consultation work at Ginn Memorial Park for the stormwater management facility. He is expecting six, seven, or more submittals.

Mayor Foreman stated Council talked about the fence between Port-O-Dumfries adjacent to Ginn Park and asked if it had been installed.

Mr. Taber explained that the week of Thanksgiving he received a letter from the other homeowners' associations (HOA's) authorizing the Town complete the work that was proposed, which has not been scheduled.

Mayor Foreman asked if the stormwater ditches along Possum Point Road have been cleaned.

Mr. West stated he did not have a specific schedule on it, but it has been prioritized. He has several small paving projects being completed before the ditch work on Possum Point Road and Prince William Estates will be completed.

Mayor Foreman stated that if the Town is going to wait to do the entire job then the ditch in front of the two houses that has had flooding issues should be cleaned.

D. CHIEF OF POLICE – REBECCA EDWARDS

Ms. Edwards announced that 54 applications have been received for the Christmas in Dumfries program. That is 24 families with ages ranging from 4 years old to 13. There will be 34 volunteers assisting this year. Santa will be in attendance after the breakfast.

Mayor Foreman encouraged the HOA's call the Police Department so that a representative can attend their meetings. He asked that a letter be sent every six months to the HOA's from the Police Department.

Chief Edwards noted that one was sent about six months ago and would be sure to send another after the New Year.

E. TOWN ATTORNEY – OLAUN SIMMONS

Mr. Simmons stated he is making progress on the Town Center resolutions and ordinances for Council's consideration.

F. TOWN MANAGER – DAN TABER

Mr. Taber noted he attended, along with the Treasurer, a one-day seminar on November 3 on employment law in Fredericksburg. Because of some changes made in recent years to Federal Law will require staff to make some further amendments to the personnel policy before it can be brought forward to Council. The Legislative Agenda was adopted earlier in the meeting under the consent agenda. An email was sent out about whether Council wanted to meet with the elected representatives here prior to the session starting. He wanted some direction on how Council wanted to proceed.

Mayor Foreman asked for comments from Council on whether to hold a legislative social and dates.

Ms. Reynolds was amenable to a social.

Mayor Foreman asked if Council preferred a weekday or a Saturday.

Mr. Brewer said anytime would work.

Ms. Washington stated that during the week after 5:30 p.m. would work better.

Mayor Foreman commented a weeknight would work better. He asked Mr. Taber to send an email to Council asking what dates are open.

Mr. Taber indicated staff would try to get two or three dates.

Mayor Foreman reminded the Town Manager that Council typically meets with the HOA's and Historic Dumfries, LLC in January and should be a special meeting in the Community Center.

Ms. Forrester thanked the Town Manager for all of his service and the staff he has built.

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

There were no reports given.

**IN RE: ACTION ITEMS
A. PUBLIC HEARING – ORDINANCE FOR A ZONING TEXT AMENDMENT
CHAPTER 70-282(B)(14) CUP B-2 USES ON GROUND FLOOR – OLAUN
SIMMONS**

Mr. Simmons noted that Council has reviewed the proposed zoning text amendments to 70-281 and 70-282 and Council has expressed a desire to amend the Code of Dumfries.

The public hearing was opened to citizen comments.

There being no citizen comments the public hearing was closed.

Mr. Foreman moved, seconded by Ms. Forrester, to introduce the zoning text amendment ordinance to 70-281 and 70-282 and be placed under the January 6, 2015 consent agenda for adoption. 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, absent.

B. DISCUSSION ON TIME TO HOLD PUBLIC HEARINGS – DAN TABER

Mr. Taber reminded Council that at the last meeting there was some discussion on the dais concerning the inconsistency of the starting time of public hearings. It was discussed that some citizens are here to actively participate and speak at these public hearings and others are waiting at home. As Council knows, some of the meetings have gone into the late hours and it was suggested that some sort of consistency might be a better way to handle that. A resolution was prepared that would set the public hearings to be heard at 8:00 p.m.

Mayor Foreman recommended holding the public hearings immediately following the adoption of the consent agenda. At the latest, Council would hold the public hearing at 7:15 p.m. There was a point, a few years ago, where a lot of people showed up after the meeting started which caused commotion and noise when they entered the room.

It was the consensus of Council to hold public hearings after the adoption of the consent agenda.

Mr. Taber stated the resolution could be amended and adopted this evening.

Mr. Foreman moved, seconded by Ms. Forrester, to amend the proposed resolution to reflect public hearings be held after the adoption of the consent agenda and place the resolution under the consent agenda at the January 6, 2015 meeting for adoption. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, absent; Ms. Washington, yes; Mr. Wood, absent.

**C. DISCUSSION ABOUT VACANCY ON COUNCIL AND WRIT OF ELECTION
– OLAUN SIMMONS**

Mr. Simmons noted that due to Ms. Forrester resigning Council needs to appoint a person to take her place. The appointment should be made within 45 days of the vacancy and should probably be discussed in closed session. Even though Council appoints someone to fill the vacant seat, Council still

has to hold a special election to fill the vacant seat. The person who is elected will take over as soon as they are elected and the person who was appointed will have to step aside. Council will need to also decide the date on which the special election will be held. Council has to file a petition for writ of election, which he is prepared to do once Council adopted the resolution giving him permission to file the petition for writ of election. A special election has to be held within 56 days before the primary election or 56 days before the general election. The primary election is held on June 9, 2015 and the general election is held on November 3, 2015. The cutoff date before the primary election would be April 14, 2015. If done before the general election the cutoff date would be September 8, 2015. The special election could be held anytime between July 7 and September 8. He spoke with an official from the Board of Elections and there are special elections scheduled for February 10, 2015 and March 17, 2015. If Council decides to hold the special election on one of those dates there would be a reduction in the cost or the special election could be held on November 3.

Mayor Foreman indicated Council would discuss the appointment during the closed session; however, Council could discuss the election dates now.

Ms. Forrester moved, seconded by Ms. Reynolds, to push the discussion to the next meeting when the other Council Members are present.

Mr. Simmons stated that if Council waits, the February or March dates might be more difficult.

Mayor Foreman stated that Council should give interested individuals at least 30 to 60 days to get the required number of signatures for the special election. Therefore, the February 10 and March 17 dates should not be considered.

Mr. Simmons noted that would leave April 14, July 7 through September 8, and the general election date of November 3.

Mayor Foreman asked that these dates be included on the agenda item form for the next meeting.

The motion to hold off the discussion until the next meeting failed by the following roll call vote: Mr. Brewer, no; Mr. Foreman, no; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, absent; Ms. Washington, no; Mr. Wood, absent.

Mr. Brewer asked for clarity on the dates.

Mr. Simmons indicated that February and March are still available.

Mr. Brewer moved, seconded by Mr. Foreman, to hold the special election on March 17.

Ms. Forrester asked if Council was going to decide tonight who to appoint for the vacant seat.

Mayor Foreman explained that the only decision being made was the date to hold the special election. Council still has enough time to decide on who to appoint. If Council waited on deciding when to hold the special election, it would push the date out farther.

Ms. Reynolds noted that in the past when a person was appointed they kept the remainder of the term. She asked for clarification.

Mr. Simmons explained that he believes that Council just went with the May date and did not opt to choose a date. Council has the option to wait until the general election or choose a date. Ultimately, the court decides.

Mr. Brewer indicated that in the past the appointee had more than a year left on the term and Council just waited until the next election cycle.

Ms. Washington noted that she was appointed and when she ran, it was for a two-year term in November.

Mayor Foreman indicated that was Ms. Jurgensen's seat, which became vacant in July and there was an election in November that Ms. Washington ran for filling the remainder of her term. He recalled when Mayor Yohey passed the Council decided that the Vice Mayor would hold the seat until the next scheduled election in May. During that election, he was elected Mayor, which left his seat vacant. Council appointed Lou Praino to hold the seat until the November election. Just after the election is when Ms. Jurgensen announced she was leaving and Ms. Washington was appointed to fill the vacant seat until the November election, which was a national election. The Council made the decision that since there was going to be an election within the next 90 days that the vacant seats would be filled in November. Every election was held aside from Mayor Yohey was done in a 90-day period. There is no May election.

Mr. Simmons stated that Council can choose to wait until the following May.

Ms. Forrester would like to see that happen, because that would maintain the May election. This keeps the election from the hustle and bustle of the November election. It would not cost anything more than what was already going to be charged for the election. It also provides time for the appointed individual to work with Council, provide input to the Council, and show his or her ability to work with the Council. This also gives the citizens a more informed vote the following year.

Ms. Washington liked the May date as well. She was glad that the Council was having this discussion because the people who have applied should know how long they are going to be committed to serve.

Mr. Brewer commented that when Council appoints someone it takes the decision out of the hands of the citizens who should be the ones making the decision. Council should allow the election to occur as soon as possible.

Ms. Reynolds asked if there was a motion on the floor.

Mayor Foreman stated there was a motion and a second to hold a special election March 17. He agreed with Mr. Brewer and felt an appointment should not last 18 months.

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

Ms. Reynolds asked, in order to be fair to the Council Members that were not in attendance, whether there was a way to get feedback from them.

Mr. Simmons responded that there is a quorum, so the vote stands.

Mayor Foreman stated that if Council Members are not going to be present, and they know they are not going to be present, they can send an email with their comments.

Ms. Reynolds commented that in this case the Council Members could not attend because of an emergency and did not have a chance to voice their opinion.

Ms. Washington asked if there was a reason why Council could not wait until January 6 to hold the closed session to make an appointment. She pointed out that Ms. Forrester is not leaving until December 31.

Ms. Washington moved, seconded by Ms. Reynolds, to wait until the January 6 meeting to go into closed session to choose the appointment to fill the vacant seat.

Mr. Brewer commented that if Council waits until January there will be one seat empty and if another Council Member does not make it, whether it is an emergency or not, it would be the same situation as now.

Ms. Washington stated that Council discussed this at the last meeting. The discussion was that if a major decision needed to be made that Council should wait for the other Council Members. If the Council Member was on vacation Council should move forward; however, these are medical emergencies.

Mayor Foreman explained that if Council decides to delay the appointment then the dates need to be opened back up for applications. The new cutoff will be January 6. He pointed out that Mr. Wood knew he was not going to be here tonight and Mr. Toney did have a family emergency. He noted all the dates were not on the agenda item form so Mr. Wood probably could not have weighed in on that; however, he had all the resumes and could have sent an email on the selection.

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

Mayor Foreman advised that with the adoption of the motion there is no longer a need to go into closed session.

IN RE: CLOSED SESSION

There was no closed session.

IN RE: ADJOURNMENT

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

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Gerald M. Foreman
Mayor