

AT A WORK SESSION OF THE DUMFRIES TOWN COUNCIL, HELD ON FEBRUARY 18, 2014, AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:

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

THERE WERE ABSENT: None

IN RE: CALL TO ORDER AND ROLL CALL

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

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

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

IN RE: ADOPTION OF THE AGENDA

Mayor Foreman requested placing on the agenda the reading of a press release, provided by the Town Manager, between the adoption of the agenda and the closed session.

Mr. Wood requested Item VIII-K, Town of Dumfries Social Media Policy and Strategy, and Item VIII-L, Town of Dumfries Scholarship Program, be removed from the agenda, and placed on the work session agenda.

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

Mayor Foreman read the following press release from the Town Manager, Dan Taber.

“As some of you know, I was involved in a slip and fall accident while on my way to work on January 10, 2014. As a result of the incident, I was hospitalized for a period of approximately four weeks receiving treatment for injuries related to that fall. I am currently in rehabilitation and hope that this aspect of my recovery will be concluded very quickly.

It is important for you to understand that I correspond with a very effective Town staff on an almost daily basis. As an example, the Town Treasurer and I along with other department heads, continue to work on the FY15 budget and hope to attend Council meetings via teleconference as soon as I am able.”

IN RE: CLOSED SESSION

Mr. Toney moved, seconded by Ms. Washington, to allow Ms. Forrester's daughter be present in the closed session because of her unique situation as a young mother, noting her presence was important during the closed session. The motion carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, abstain; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

Mr. Wood moved, seconded by Mr. Foreman, to convene into closed session. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, 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 February 18, 2014; and

WHEREAS, the nature of the subject is for 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 the public body The discussion of same in Closed Meeting is expressly permitted by Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Dumfries does hereby reconvene in Open Session at its meeting of February 18, 2014 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

IN RE: CITIZEN COMMENT PERIOD

Dorothy Dye wanted to make it clear that she was not speaking as a Board Member of the Williamstown Homeowners' Association; however, she is speaking as a homeowner of 34 years in Williamstown. She was totally disgusted with the snow removal that was attempted. The blade never

touched the ground. They ended up having to do their own snow removal. A child was almost hit crossing the road. She wanted to remind everyone that Old Triangle Road is a snow emergency route. Anyone sitting along the road should have been towed away and it should have been cleaned. They allow people to come in and park, off the Old Triangle Road, when it snows so there is no excuse. Pictures were provided to Council (attached). Cars were going through the intersection without stopping because it was not cleared. The snow issue has not been properly addressed for the last three years.

Joyce Stewart has been having problems with neighbors to the right of her property. They have engaged in throwing cigarette butts into her backyard. In the Summer, she keeps a gas can in the backyard for the lawn mower. She called the Police Department and filed a report on the 12th for insurance purposes to ensure that she has proof she tried to do something about the situation just in case something happens, and she has to file a claim. She has not gotten a response from the Police Department or a report number.

IN RE: PRESENTATIONS

A. TRIPOLI BOULEVARD UPDATE – DARRELL FISCHER, GENERAL MANAGER/PRINCIPAL RINKER DESIGN ASSOCIATES, P.C.

Richard West, Public Works Director, introduced Mr. Fischer who is the project manager working on the Tripoli Boulevard Drainage Improvement Project.

Mr. Fischer stated the Tripoli Boulevard Drainage Improvement Project (TBDIP) schedule was provided to Council with the different time lines, actual schedule versus how a locally administered revenue sharing project acquiring Virginia Department of Transportation (VDOT) funding should proceed. A typical roadway project using revenue sharing dollars would be about a 15-month design. The TBDIP, if you look at the design period, which would be the period leading up to when field inspection was reviewed and the two-month period prior to the public hearing, it is right in line with the 15-months. He indicated there was a significant lull in the project for review and getting authorization to proceed with a public hearing. After the public hearing, they were able to initiate right-of-way (ROW). There was a discrepancy between the ROW phase of what transpired versus revenue sharing and how long it should take. It is somewhat unpredictable how ROW can proceed and in this case, ROW went well beyond what would be expected or anticipated. Approximately two years of ROW versus an anticipated 15-month timeframe for a typical project. At this point, ROW is behind them and acquisition is done. The utility relocations have been initiated. If you look at the timeframe from ROW acquisition to end of utility relocations the project is on schedule. Everything is out of the way except for Comcast. Comcast has contracted its work to Capitol Cable. He explained that the owner of the pole issues a ticket, which in this case is Dominion Power. Dominion Power initiated an engines ticket, which is a national joint utilities notification system (NJUNS). The ticket tells each utility on the pole when they are done with their portion

so they can initiate their relocation process. Comcast was left off that ticket. Verizon pointed out that Comcast needed to complete their work before Verizon could finish what they needed to do, notification was made, and it has been rectified. Initial contact with Capitol Cable went well; however, since then they have been unable to reach them. At this point, all they can do is continue to push. He mentioned that Council is looking at the Comcast franchise renewal and may be a good opportunity to push Comcast as well. They will probably turn to VDOT to ask for their assistance. He could talk to Mark Homer to start dialogue and mention the Securities and Exchange Commission (SEC), which utility companies tend to listen once SEC is thrown out there. The bid docs have been prepared and submitted, so once the project has been approved, the project can be put out for bid. Comcast should not hold anything up at this point; however, Comcast needs to be out of the way before a contractor can be provided a notice to proceed.

Mr. Brewer announced he is a resident of Tripoli Heights who works for a construction company. They have put in six office buildings in the time it has taken to get this relocation done. The consultant badgered the devil out of everybody down there to get the paperwork signed and nothing has been done in over four months. He was there when Dominion Power relocated the poles and nothing has happened since. He asked what needed to be done in order to move these utilities to the new poles, so that the old poles can be removed. He asked who would be pulling up the old poles.

Mr. Fischer indicated the new contractor or the owner of the poles, which Dominion Power owns some and Verizon owns some. Typically, it is the last utility company who moves their equipment off then removes the pole.

Mr. Brewer noted it was Verizon then.

Mr. Fischer explained that Verizon is the last piece in it and once Comcast is out of the way, the poles will come out.

Mr. Brewer stated something here is just not right, because this was two years ago. It should not take two years to do a quarter of a mile of a road, period. He noted this was totally unacceptable. This has been going on since before he got back on Council and he has been back for two years, so the matter has been going on for more than two years. He is suggesting to Council to direct either the Town Manager or his designee to instill liquidated damages on the contractor that is hired to do this work. Council does not want to sit around twiddling its thumbs for another two years waiting for pavement to be poured. As far as he is concerned this has been managed beyond poorly. He acknowledged there have been a few setbacks as far as the acquisition of the properties. That was only because a few of the businesses or residents were holding out for more money, but that should not stop the project from being done. He asked when the project was going to be done.

Mr. Fischer could not give a firm date. He has to get Comcast out of the way. Comcast is holding up the final utility relocation. This does not stop them from moving forward with hiring a contractor and going through the administrative aspect.

Mr. Toney asked Mr. Fischer if he was managing any other projects.

Mr. Fischer was managing a project at the Marine Corps Museum.

Mr. Toney noted it seemed to him that getting work done for Dumfries tends to always take a backseat. He recalled a situation with a contractor doing work at Ginn Memorial Park who promised to get a project done in July, but when something came up in another locality, it was pushed to the side and did not get done until late August. He agreed with Mr. Brewer that there should be penalties if work is not completed on schedule. He has been on Council for six years and this has been floating since then. He asked if the utility companies rent the use of the poles.

Mr. Fischer noted the utility companies do rent the poles. He explained that they are at the finish line. The only thing needed is the one utility and the bid docs, which have been done and need to be reviewed by Mr. West and possibly Council. He agreed putting liquidated damages in to the contractor's side of this is certainly a way to ensure that the project is completed by a certain date.

Ms. Forrester agrees. In the future on these projects, it is only fair when negotiating with property owners that it is taken into account what the delays may be. As you know, quotes that were received for replacement fencing, trees, landscaping, or other items are only good for 90 days. Some of the property owners have been holding their payment for two years and the project is still another year out before completion. This means there is no guarantee that the property owners can replace fencing, trees, landscaping, or other items for the amount the Town paid them for their property.

Mayor Foreman asked if the consulting firm was dealing with the Comcast subcontractor.

Mr. Fischer indicated they were.

Mayor Foreman remarked that as a consultant they should not be dealing with the subcontractor, but should be dealing with the prime.

Mr. Fischer stated they have worked with the prime who states it is Capitol Cable.

Mayor Foreman stated the Town has an attorney and Council should be getting an update every 30 days. He asked if the contract is a firm fixed price, fee based or time and material.

Mr. Fischer indicated it is fee based.

Mr. West will provide a monthly update.

Mr. Fischer explained that Comcast was not aware of the process because they were left out for a good portion of this project. They are trying to get a firm timeline, but do not have one yet.

Mayor Foreman stated if the subcontractor is not responding then go back to the prime. If the Town's consultant is having issues then they need to contact the Town Attorney, Town Manager, and Department Head to get a plan of action.

Mr. Brewer felt the timeline that was provided should just be thrown in the trash, because Council is no closer to knowing when the project is going to be completed. Council is in the process of reviewing the Comcast franchise agreement and suggested holding off on signing the agreement, and have Comcast come in and answer some questions. The roads and the gutters are eroding away.

Mr. Toney asked how long it was before Comcast was notified.

Mr. Fischer noted the initial ticket was established in late September, early October. Dominion relocated their utilities, which initiated Verizon to relocate their utilities. Verizon contacted him around the first of the year letting him know they were done and that Comcast needed to remove their equipment. Verizon let him know at that time that Comcast was not on the ticket but were on the pole. The utility companies are on the notifications, not the Contractor.

Mr. Toney asked how long it takes to move the equipment once the notification has been sent.

Mr. Fischer stated that if everything were ready to go it would be about a two-month timeframe.

Mr. Toney questioned the subcontractor being able to complete the relation in the two months. He felt that the Comcast franchise agreement discussion could be held off due to the lack of response with relocating equipment.

Mr. Fischer felt that Comcast should be being worked on it right now, but they are not.

Ms. Washington asked if he has ran into this same type of problem before. She asked how many of these type of projects, similar to the Town's, he has managed.

Mr. Fischer explained that it was not many. This project is unique with a lot going on in a small space. When working with utilities there are a few ways that the different companies have operated in the past. Many times when it is a minor situation Verizon will go in, relocate their utilities, and relocate Comcast's at the same time. In this situation, they were under the impression that was going to be the case; however, Verizon notified them they that could not move Comcast's equipment.

Ms. Washington asked whose responsibility it was to notify Comcast.

Mr. Fischer stated NJUNS notifies them. Private utilities are a part of this system and Comcast is one that is named in the system because they do not own the poles and typically rent from Verizon or Dominion.

Ms. Washington asked whose job it was to keep up with the process, do the oversight. Is that not the job of the consultant?

Mr. Fischer responded the consultant's role in utility relocation takes it up to the point where the engines ticket is initiated. Typically, it goes smooth from there. The system is in place to notify each utility when it is their time to move equipment. That system fell apart in this situation. It is not normal for the consultant to be managing that process. The consultant does not have access to the system or knowledge of the information in the system.

Ms. Washington stated she owns a business and manages the whole process. She stated that somewhere along the way someone dropped the ball. She pointed out that the Town has legal counsel that could have helped.

IN RE: INFORMATION ITEMS

A. TREASURER'S REPORT – RETTA LADD

There were no comments or questions.

B. MODIFY POLICE DEPARTMENT STAFF ASSIGNED TO THE TOWN'S TOWING ADVISORY COMMITTEE – CHIEF EDWARDS

Chief Edwards reminded Council that the Towing Advisory Committee was created at their regular meeting held on March 2, 2010. The Towing Advisory Committee bylaws approved June 22, 2010, require the same number of police officers to the number of towing companies on the Town's tow list. A resolution was passed on December 10, 2013 appointing her and two other officers to serve on the committee since there were three towing companies on the list. Currently there are only two towing companies on the Town's tow list, so one police officer needs to be removed. She is proposing a modified resolution appointing Captain Mark Robinson and herself to the committee and removing Sergeant Michael Fink to be adopted under the consent agenda at the March 4 meeting.

There being no questions or comments the item will be placed under the consent agenda for adoption at the March 4 Council meeting.

IN RE: DISCUSSION ITEMS

A. PROPOSED ICE CREAM STAND IN DUMFRIES SHOPPING PLAZA (AL AND ARCHIE'S) – LAURA O'DELL

Ms. O'Dell received a site plan for an ice cream stand to be located at the Dumfries Shopping Plaza on a site that is approximately 0.9 acres in area. The Planning Commission (PC) reviewed the site plan and recommends approval with the following conditions:

- The location of the dumpster be included on the site plan;
- A safety area around the seating; by either chain or another feature to protect from cars;
and
- The location of the lighting and signage on the property.

The applicant made those changes to the site plan.

Mayor Foreman asked who the owner of the lot was.

Ms. O'Dell stated Dumfries Shopping Plaza owns the lot.

Mayor Foreman asked if there was some place in the process where the property owner submits something stating they approve of the conditioned items to be installed on their lot.

Ms. O'Dell replied consent is required for some things but not for others.

Mayor Foreman stated the Town requires a business who is proposing an event or festival permission from the property owner so the Town is not held liable; however, in this process there is no document required stating the owner approves.

Ms. O'Dell could provide that if needed; however, the property owner has indicated they are fine with the project. Permission by the property owner is required for a conditional use permit (CUP), a temporary use permit, or things that are not a by-right use; however, this is a by-right use.

Mayor Foreman explained if the business is not the property owner then the Town needs to get the property owners signature verifying that they are aware of the PC's amendments and that they have seen the plans and approve the business being on their property before it gets to the Council. He asked if the dumpster must be enclosed.

Ms. O'Dell confirmed it did.

Mayor Foreman pointed out the fee schedule allows for a grand opening banner at no charge and if all fees are paid on time, they get one free banner a year.

Mr. Brewer moved, seconded by Ms. Washington, to place the resolution approving the site plan for the ice cream stand under the consent agenda for adoption at the March 4 Council meeting. Ms. Washington seconded the motion. The motion carried by the following roll call vote: Brewer, yes; Foreman, yes; Forrester, yes; Reynolds, yes; Toney, yes; Washington, yes; Wood, yes.

B. MAINTENANCE CODE OFFICIAL – LAURA O'DELL

Ms. O'Dell explained that a requirement of the Virginia Maintenance Code is that a Code Official be appointed to oversee the enforcement and administration of the Virginia Maintenance Code. The State has strict requirements for anyone appointed to that position. Staff is suggesting that she be appointed as the Code Official.

Mr. Brewer questioned later on in the agenda doing away with the property maintenance code.

Ms. O'Dell clarified that staff is requesting to do away with the rental inspections.

Mr. Brewer questioned whether that was part of the property maintenance code.

Ms. O'Dell clarified that they are two separate codes.

Ms. Forrester asked if there was anyway someone could perceive a conflict with being both the Zoning Administrator and the Code Official.

Ms. O'Dell noted that in smaller jurisdictions it is typically combined.

Mr. Toney moved, seconded by Ms. Washington, to place the resolution appointing Ms. O'Dell as the Maintenance Code Official under the consent agenda for adoption at the March 4 Council meeting. The motion carried by the following roll call vote: Brewer, yes; Foreman, yes; Forrester, yes; Toney, yes; Reynolds, yes; Washington, yes; Wood, yes.

C. VDOT FUNDING TRANSFERS – RICHARD WEST

Mr. West explained staff is trying to get Federal money on the Town's Federal projects, which is the intersection project at Graham Park Road/Route 1, and the Multimodal. He has broken it down into three resolutions. The first one is the Possum Point Road Drainage Improvements, which currently has VDOT UPC number 104056, and declare that a revenue sharing project, along with the Route 1 improvements to Main Street. That will allow the Town to reallocate funds from the project for Main Street to Possum Point Road Drainage Improvements and the Route 1 improvements to Main Street and cancel the project to reconstruct a portion of Main Street. Money formerly on the reconstruction of Main Street have been rolled into the Graham Park intersection project. Finally, staff will be able to transfer Federal funding from the Possum Point Road Drainage to the Route 1 improvements to Main Street, which is the intersection project. The request is to move the resolutions to the March 4 consent agenda for adoption.

Mr. Wood moved, seconded by Mr. Toney, to place the resolutions transferring VDOT funding under the consent agenda for adoption at the March 4 Council meeting. The motion carried by the following roll call vote: Brewer, yes; Foreman, yes; Forrester, yes; Toney, yes; Reynolds, yes; Washington, yes; Wood, yes.

D. MEMORANDUM OF AGREEMENT BETWEEN THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY, PRINCE WILLIAM COUNTY, AND THE TOWN OF DUMFRIES REGARDING DISTRIBUTION AND USE OF FUNDS – RICHARD WEST

Mr. West noted the House Bill 2313 (HB2313) appropriations were previously introduced that are coming up for road projects. The Northern Virginia Transportation Authority (NVTA) has come up with a standard memorandum of agreement (MOA) between the NVTA and its constituent cities and counties that will take care of the 30 percent portion of the HB2313 funds distributed through the NVTA to them. They are then required for those counties that have qualifying towns within them that proportion of that needs to come to the qualified town for use. The request is to place the resolution authorizing the Town Manager enter into the MOA under the consent agenda for adoption at the March 4 Council meeting.

Mayor Foreman asked if this was the language that was sent to the Town. He noted the reason he asked was that some language is high-level language that does not to apply to the Town while all the other language does.

Mr. West stated this was what was sent to him and is the same language the other towns are signing. Those paragraphs are in there to show some of the history and to emphasize that the county must give the towns its portion of the funds.

Mayor Foreman thanked Delegate Torian, Prince William County (PWC) Chairman Stewart, Supervisor Nohe, and Supervisor Caddigan. He especially thanked the Mayor's from Herndon, Leesburg, Purcellville, and Vienna for the unity of effort and allowing him to represent the Towns on the NVTA. He also thanked Town staff and Richard Burke from VDOT.

Mr. Brewer has a problem with PWC managing the Town's money. He referenced the time the Police Department applied for Homeland Security funds. The Town was depending on PWC to manage the money for the Town, which PWC refused to do. The Town ended up going to Stafford. When the former county executive was confronted about the allocation of money to the Town, the response given was that the Town was nothing but a little Section 8 Town and PWC would give the Town what it needed.

Mayor Foreman clarified the money is held by PWC, the Town submits the projects, PWC does not approve the projects, all PWC does is verify the project meets the State requirements for VDOT. When the Town expends the funds, PWC will reimburse the Town within 20 days. If PWC does not provide those funds to the Town or has a concern about the projects, the Town can go through an NVTA arbitration process.

Mr. West stated HB2313 states that the northern Virginia region's portion of that tax money is going to come to northern Virginia counties through NVTA. The NVTA then must distribute the money to its constituent members in northern Virginia, which consists of counties and cities, but not the towns. This is the mechanism to get the money from the State through NVTA, through the counties to the towns.

Mr. Brewer noted what was just said would probably happen. If the Town's money were not dispersed then the Town would have to go through arbitration. He would prefer the City of Alexandria hold the Town's money then PWC.

Mr. Foreman moved, seconded by Ms. Washington, to place the resolution authorizing the Town Manager enter into the MOA under the consent agenda for adoption at the March 4 Council meeting. The motion carried by the following roll call vote: Brewer, no; Foreman, yes; Forrester, no; Toney, yes; Reynolds, yes; Washington, yes; Wood, yes.

E. AMENDMENT TO THE STORMWATER MANAGEMENT ORDINANCE – RICHARD WEST

Mr. West stated the Town has an existing stormwater management ordinance, which established the stormwater management fund. The proposed amendment is an additional division to the Code. It does not touch the fund or affect how the fund is currently managed. It establishes a stormwater management system, which is how the Town goes about evaluating the stormwater systems, reviewing them, inspecting them, and looking for illegal discharges. It is following exactly the model ordinance that was promulgated by the Department of Environmental Quality (DEQ). All of the local governments that have a stormwater system are doing this statewide.

Mr. Brewer asked if the stormwater management amendment would also apply to Potomac Landfill.

Mr. West responded it would. He was not sure if Potomac Landfill has its own National Pollutant Discharge Elimination System (NPDES) permit. If they do not, then it would.

Mr. Brewer asked that it be looked into.

Mr. West agreed to check on it.

Mayor Foreman asked if the fee schedule is lower than or equal to Stafford and PWC.

Mr. West explained it should be the same, because it is based on DEQ's fee schedule. It is DEQ's fee schedule, a portion of the fee goes to DEQ, and a portion goes to the Town.

Mayor Foreman asked for confirmation that it is equal to or less than.

Mr. West agreed to check on it.

Mr. Wood moved, seconded by Mr. Foreman, to place the resolution under the consent agenda authorizing the Town Manager advertise a public hearing on the ordinance at the March 4 Council meeting. The motion carried by the following roll call vote: Brewer, yes; Foreman, yes; Forrester, yes; Toney, yes; Reynolds, yes; Washington, yes; Wood, yes.

F. ORDINANCE TO REPEAL ARTICLE III IDENTIFICATION AND INSPECTION OF RENTAL DWELLING UNITS, SECTION 14-95 THROUGH 14-173, RELATING GENERALLY TO THE IDENTIFICATION AND INSPECTION OF RENTAL UNITS – RICHARD WEST

Mr. West explained the requested action is to repeal the Identification and Inspection of Rental Units ordinance because it is redundant due to recently adopting the Virginia Maintenance Code ordinance. The requested action is to place the resolution under the consent agenda authorizing the Town Manager advertise a public hearing to repeal the ordinance at the March 4 Council meeting. The Virginia Maintenance Code is easier to manage and is more responsive than this program would have been.

Mr. Brewer asked in what way.

Mr. West stated the Virginia Maintenance Code allows for the issuance of a notice of violation (NOV). The Identification and Inspection of Rental Units would require a letter be sent to approximately 800 units to determine what units are rentals, do an initial inspection of the unit, and then go back and do regular inspections depending on how the initial inspection went. Adopting the Virginia Maintenance Code allows for inspections on an as needed basis.

Mr. Brewer asked if the reason the change was being made was the Town being undermanned.

Mr. West felt it would be a funding and personnel issue.

Mr. Brewer questioned it not being self-funded. He explained that whenever a citation is issued, if it is ignored then there would be a fine imposed. He noted that was the whole intent at the beginning when this came about. The rental inspection was put in place so when a tenant moved out, the Town would inspect before a new tenant moved in to ensure them that everything is up to par.

Mr. West noted that when staff started to enforce the program last year, staff looked at the fees and felt that it would not cover the cost and at the time, the fees were higher than some of the surrounding localities. He thought this was going to be a bit cumbersome to implement and enforce.

Mr. Wood was rather torn about repealing the ordinance. He knows people that have issues with their rental units. He asked if this was just an exterior inspection.

Mr. West thought the Virginia Maintenance Code deals with both the interior and exterior, such as plumbing and electrical being up to Code. Since he has been with the Town, there have been, at the most, four rental inspections.

Mr. Wood mentioned the main issue is that a lot of tenants who move in do not know that Town Hall exists or that they have an advocate for them.

Ms. Forrester has concerns as well. She has been against this from the start. She thinks it is significant government overreach. The role of local government is not to be an advocate for renters or homeowners. There are legal protections in place and have nothing to do with the Town. She does not like when the Council provides direction, staff does not agree with the direction, so staff does not do anything, and then staff brings it back to try to reverse it. She thinks this is stupid, but she did not like the fact that it has sat this long and never been acted on. It is supposed to be that the only way to reverse a decision of Council is that a person who once voted yes or no, depending on which side changes its vote, brings it back. Not that staff sits on it forever and just brings it back at their whim.

Mr. Toney asked why staff is bringing this back, because it is an ordinance that was enacted by the Council. He asked if that was procedurally correct. He was an advocate for this, because he saw this as a quality of life issue. People moving into areas that have sub standards, create slums, an adverse situation. He recalled a rental property having mold that created a health hazard in the basement from

having dogs. Sure enough, it was painted and tenants were moved in not knowing what they moved into for a couple of months. There was no advocate. He is not in favor of repealing this until he can clearly see the difference with the Virginia Maintenance Code.

Mr. Brewer guessed that building inspections could be considered government overreach too. He talked with a gentleman in Williamstown who thought he had a water leak, but found out it was a neighbor three doors down. This apparently went on for about eight months and created an erosion problem, mold, and who knows what else. When this was initiated, Linda Frye was the Building Inspector at the time, it was simply because other jurisdictions were doing it and it was successful. This takes more than one person to do. If the Council wants to keep this, Council is going to need to fund the program in order to track who the tenants are in each unit.

Ms. Washington was concerned with the cost factor. She asked if the Town has teeth in the citations. She wanted to see a comparison of what can be done with the maintenance code. How enforceable is it? Section 8 housing is monitored and inspected by PWC, which might cut down on the amount of units to inspect. She asked how many citizens know they can report issues to the Town. She mentioned putting something on the website to let renters know that they can call the Town.

Mayor Foreman asked what the difference is between ordinance O-2011-009 and ordinance O-2013-013. By reading the background information it sounded as though these were two ordinances that did the same thing; however, after discussing it he was not sure.

Mr. West explained one is the maintenance ordinance; the other is the rental ordinance. The rental ordinance mandates an initial inspection once the rental unit is identified and further inspections may be required. Once approved, a certificate is issued for a fixed amount of time. The maintenance ordinance dictates that once the Town is made aware of an issue they go out, inspect it, and if necessary write a citation.

Mayor Foreman did not think they should repeal either ordinance. The current ordinance allows for a routine inspection at the beginning of the process and the other allows for an inspection on a complaint basis. These are two different ordinances that serve two different purposes. He could not vote to repeal this ordinance.

Ms. Forrester thought that was where it was left at one point, because there is a question about the cost and manpower. She mentioned the ordinance does not apply to all rental units, because she understood that the ordinance would not apply to Section 8 housing. This does not apply to all rentals in the Town, only certain neighborhoods. What is the process for complaints and is the Town looking out for the property owner when the tenant tears up the place. She has not seen any process for the various scenarios that could occur. She reiterated that Council does not know the cost.

Mr. Wood stated the ordinance protects both the tenant and the property owner. He indicated that staff could determine rental properties by the tax bills being sent to a different address than the physical location.

Mayor Foreman pointed out that some tax bills go to the mortgage company, not the property owner.

Mr. Toney stated when a rental lease is signed, a deposit is usually required that assists with the tenant leaving the property in good shape in order to get it back. He thought the Town should look at hiring someone to run the program. He was in support of keeping both ordinances.

Ms. Reynolds asked that the agenda items be resubmitted separately. She will not support it in this format.

Mr. West explained the two items submitted with the agenda item form is the ordinance to repeal and a resolution to authorize the Town Manager schedule a public hearing. If Council does not want to repeal the ordinance there will be no need to schedule a public hearing.

Mr. Brewer moved to bring this item to the March meeting for a vote in order to vote no. Motion failed due to the lack of a second.

Mayor Foreman indicated that Council could vote no tonight. Council did not need to move it forward.

Mr. Brewer moved to keep the rental inspection ordinance in place.

Motion failed due to the lack of a second

After a brief discussion, it was clarified that nothing needed to be done if Council does not want to repeal the ordinance, which leaves the ordinance in place.

Mr. West asked to clarify a few issues that come up during the discussion. He explained that notifications, to determine which properties are affected by this ordinance shall be handled per Section 14-145 which states, "The codes compliance office shall give written notice by personal delivery or first class U.S. mail to all property owners located within the inspection districts of the requirement to notify the codes compliance office of any real property of the owner located in an inspection district that is a residential rental property as defined in section 14-96." On the certifications, staff is to complete an initial inspection of all identified rental properties within the rental district. If the property passes the inspection, they get a 48-month certificate. If they do not pass the inspection, staff will inform them of the reasons, a period of time will be provided to bring the property up into compliance, and then a re-inspection will be performed. If the property passes, a one-year certificate is issued, at the end of that year another inspection is done, if it passes then a certificate is issued for a four-year period. Every four years a certificate would be issued to an identified rental property within the rental inspection district.

**G. UPDATE ON QUANTICO CREEK STREAM RESTORATION ASSESSMENT
– RICHARD WEST**

Mr. West indicated Council has previously seen the draft Quantico Creek Stream Restoration Assessment. He received the final draft with revisions and now the consultant is looking for direction to move forward. There is \$40,000 a year being allocated in the Capital Improvement Plan over the next couple of years to do work on the creek. The next steps would be to do some surveying and design work on the upper reach of the creek. He is looking for Council to pass the resolution adopting the Quantico Creek Stream Restoration Assessment Summary to be used as the plan moving forward.

Mr. Foreman moved, seconded by Mr. Brewer, to place the resolution under the consent agenda to adopt the Quantico Creek Stream Restoration Assessment Summary at the March 4 meeting. The motion carried by the following roll call vote: Brewer, yes; Foreman, yes; Forrester, yes; Toney, yes; Reynolds, yes; Washington, yes; Wood, yes.

**H. NORTHERN VIRGINIA TRANSPORTATION AUTHORITY CALL FOR
PROJECTS SUBMISSION – RICHARD WEST**

Mr. West stated that NVRTA has issued a call for projects of a regional impact. The Town submitted for funding on the Route 1 widening project within the Town. He is looking for approval to have this project become a candidate for a portion of the 70 percent funding that is available. It is always nice when doing a submission like this that the governing body pass a resolution of support. Staff was on a bit of a timeline to get that submittal in.

Ms. Forrester moved, seconded by Ms. Washington, to place the resolution under the consent agenda to adopt the Fiscal Year 2014-2016 Northern Virginia Transportation Authority Regional Project Application at the March 4 meeting.

Ms. Reynolds asked about the status of the sidewalks.

Mayor Foreman stated that this is not what this project or funding is for.

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

**I. PARKS AND RECREATION COMMISSION BYLAWS – COUNCILMAN
WOOD**

Mr. Wood stated that Council approved the formation of a Parks and Recreation Commission. The Commission has discussed its bylaws at previous meetings. The requested action is to review and recommend any changes, further discuss, or move forward to the March 4, consent agenda for adoption.

Mayor Foreman asked who the Town staff representative currently is to the Commission under Article I: Creation. He asked Mr. Wood to talk to the Town Manager to make sure the Town has a

representative. He pointed out that all the other commissions have its meetings televised to the public. This Commission is not televising its meetings. It certainly effects the Commission because money is being spent and it would assist with the social media aspect.

Mr. Wood asked if the request was to place televising the meeting in the bylaws.

Mayor Foreman noted that these are all comments that he is throwing out. Under Article III: Meetings, it should state that the meeting agenda will be published at a minimum 24 hours prior to the scheduled meeting.

Mr. Wood thought the agenda was covered under Article IX: Reporting.

Mayor Foreman noted that talks about the materials to be submitted for the Council meetings and not for the Parks and Recreation Commission meetings. Under Article VI: Election of Officers, paragraph one states, "The Commission at its first meeting in June shall elect a Chairperson, whose term shall be for one year, beginning July 1." He is all about having the Commission ran by a citizen; however, a Council Member is running the current Commission. He noted this needs to be addressed if it is going to stay that way. Under Article XI: Financial Duties and Responsibilities, is states, "By the February work session of each year, the Commission shall discuss with the Town Council an annual budget sufficient to finance the programs and services the Commission feels is necessary for the welfare of the residents of the Town for the following Fiscal Year. The Commission shall provide to the Town Council a recommended list of capital improvements in accordance with the vision of the Comprehensive Plan. The Commission shall make recommendations to the Town Council on community use, maintenance and physical planning of the town parks." He noted that this has not happened. He noted that no matter what the language is, it has to include all three parks. He mentioned the phasing of Ginn Memorial Park, the maintenance of Merchant Park and that is part of the reason that an annual meeting is requested with Historical Dumfries Virginia. He recommended the Parks and Recreation Commission attend the meeting as well. There is also Garrison Park. He asked who updates the Town's website. He has asked for the past six months for the website to be updated. He does not mean physically, but provide information. The website only talks about Ginn Memorial Park.

Mr. Wood noted the Commission talked about asking Historic Dumfries Virginia to the Parks and Recreation Commission March meeting, because the Community Use Policy needs to incorporate all three parks. This is all tied into the financial duties. The goal was to get the bylaws approved first and then coordinate with the commissions and committees. He mentioned the Commission discussed allowing a citizen to serve as Chair and that a Council member could sit on the Commission to provide insight, oversight, and to help. He felt if all the other Boards and Commissions are televised then the citizens should be able to see what is going on with the Parks and Recreation Commission.

Mayor Foreman mentioned coordinating with the Town Manager budget requests to assist with the budget buildout.

Ms. Washington recommended the term be two years for the Chair to allow the individual to learn the position.

Mr. Toney stated the individuals on the Commission are very serious about what they are doing and he is impressed. He felt the Commission has come a long way in the seven to eight months the Commission has been operating. The Commission is charged with looking at three parks instead of just one. He wants them to also consider using Garrison Park.

Mayor Foreman recommended the bylaws be taken back to the Commission for further changes, brought back to the Council at the March work session to review, and then the bylaws can be moved to the April agenda for adoption.

Mr. Wood mentioned placing in the bylaws a bi-annual review to coincide with the new chair coming on every two years.

J. PARKS AND RECREATION EVENTS FOR MARCH THROUGH JUNE 2014 – COUNCILMAN WOOD

Mr. Wood stated the Parks and Recreation Commission has created a comprehensive list of events, which have been compared to other Town events. The Commission is considering the following schedule of events.

- Community Gardening – March 19 at Ginn Memorial Park
- Commonwealth Day – April 5 from 2 p.m. to 6 p.m. at Ginn Memorial Park, which is in conjunction with the Quantico Creek Clean Up Day
 - Contests (free throw, three point, horse shoe, football toss, soccer goal)
 - Community Exchange (not yard sale) to give away to someone in need
- Easter Egg Hunt and Inspirational Festival – April 12 from 10 a.m. to 5 p.m. at Ginn Memorial Park
- 3 on 3 Basketball Tournaments – May 17 at Ginn Memorial Park
- 5k family walk, run – June 21

The requested action is to move the schedule of events to the consent agenda for adoption

Mr. Toney suggested moving some of the activities to the other parks. He mentioned the 5K walk that Image Church and ACTS sponsored at Merchant Park was well attended.

Mr. Wood stated the 5k was planned for Merchant Park and would use the same route.

Mr. Toney mentioned using Garrison Park.

Mr. Wood noted that the Town has events already scheduled for Garrison Park.

Mayor Foreman stated that Ms. Neville should be at the Commission meetings because she is on the Events Committee. He mentioned that April 5 was going to be a busy day with the Quantico Creek Cleanup, a Civil War Demonstration at Merchant Park, and the Commonwealth Day. On April 12, the Weems Botts Museum has its Children's Day and the Town has the Easter Egg Hunt. On May 17, the Weems Botts Museum has its Children's Day and the Parks and Recreation Commission has the 3 on 3 Basketball Tournament. He noted the 5k Walk/Run put on by Image Church and ACTS is planned 12 months in advance and requires police coordination. He asked if the planning has started for the event.

Mr. Wood explained the Commission wanted to get the events approved prior to starting any planning.

Mr. Brewer stated that any governmental entity needed to be careful when working with religious groups. He asked what the Inspirational Festival was.

Mr. Wood stated it is to inspire and there is no religious connotation in there. All religions and businesses will be invited. He mentioned singing, dancing, poetry, miming, any of those type of things.

Mr. Brewer asked if there are any churches involved in the event.

Mr. Wood said they would be sending invitations out to the churches, all the religious organizations in the Town.

Mr. Brewer asked if this would be done on the same day as the Easter Egg Hunt at Merchant Park.

Mr. Wood indicated it would be and the location would be Ginn Park.

Mr. Brewer requested that the Town Attorney get clarification as to what the Town can and cannot do with religious organizations. The former attorney frowned upon the Town doing events with religious organizations.

Mayor Foreman read the following out of the Town's 2020 Vision Statement. "Through public and private partnerships with County government, faith based organizations and the business community, a summer youth employment program and a targeted internship program offer work experience and vocational training for our youth. These entities also collaborate to offer college scholarships to high achieving graduating high school seniors." He understood that the invitation was going to go out to all of the churches to play in 15-minute increments. He asked the Town Attorney to consider the 2020 Vision Statement as well.

Mr. Brewer stated the Council needs to be very clear about what local government can do with religious organizations regardless of the Town's 2020 Vision Statement.

It was clarified, by a member in the audience, that the Easter Egg Hunt is scheduled for April 19.

Mr. Toney moved, seconded by Ms. Forrester, to place the schedule of events under the consent agenda as amended for adoption at the March 4 meeting.

Ms. Reynolds asked if all the activities scheduled on the same day as the Commonwealth Day were being incorporated into one event or is the date changing.

Mr. Wood explained the Quantico Creek Clean Up is held earlier in the day and the volunteers will be acknowledged at the Commonwealth Day event.

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

**K. PLANNING COORDINATION ADVISORY COMMITTEE (PCAC)
REPRESENTATIVE – MAYOR FOREMAN**

Mayor Foreman stated that over the past year he has been a member of the NVTA. The towns in the northern Virginia area rotate to serve as a member on the NVTA. While serving on the NVTA they are not a member of the PCAC. His term is up on the NVTA, so he falls back to being on the PCAC. The Mayor typically serves on the PCAC.

Ms. Forrester moved, seconded by Ms. Washington, to place the resolution under the consent agenda for adoption to appoint the Mayor to serve on the PCAC at the March 4 meeting. The motion carried by the following roll call vote: Brewer, yes; Foreman, yes; Forrester, yes; Toney, yes; Reynolds, yes; Washington, yes; Wood, yes.

**L. HEIGHT RESTRICTIONS FOR TOWN BUILDINGS – COUNCILMAN
BREWER**

Mr. Brewer stated building heights are restricted to 80 feet. There a lot of taller buildings throughout PWC, which is why PWC is seeing a lot of economic development. PWC's height restrictions are less restrictive. The Town has limited land and the only way to develop is to go vertical. He mentioned there are hotels that are looking to expand into other locations. He pointed out it would open the doors up to economic development.

Mr. Wood stated this is a great topic to look at. At the Virginia Municipal League (VML) annual conference, this was a hot topic between the towns about mixed-use developments and going up. Strip malls take up a tremendous amount of space and are eyesores. Height is needed to encourage development.

Mr. Toney felt there is merit and value in looking at the height restrictions. He would be more specific and look at the different the zoning districts. A consultant drew up a plan that looked at the Town in the year 2020 having over 15,000 residents. The consultant envisioned a mixed-use Main Street, which is what is being proposed today. He agreed it is time to look at the zoning regulations. Council should not prohibit development.

Ms. Washington mentioned there was a discussion at the VML annual conference about small towns building tall mixed-use buildings. She is in favor of going up in height. She recommended looking

at other Town ordinances since they are archaic and are overly restrictive as well. She suggested when looking at the budget that discussions be had about bringing in a speaker. She recommended using the gentleman that spoke at the VML annual conference, staff, etc. to bring in some new ideas and get the Council pointed in the right direction.

Ms. Forrester stated the PC looked at this issue and looked at some overlay districts, so she was not sure which way Council wanted to go with this. She did not want to get stuck discussing and studying the matter. She wanted to move on it and asked if there was a specific idea in mind.

Mr. Brewer wanted to open it up for discussion to determine how the Council felt about the matter. He explained that young people want to live in mixed-use developments. In order for developers to do mixed-use, the density has to be increased. He would bring back some ideas and suggestions to the next work session.

Mr. Toney mentioned a project that is going through the PC process now and one of the issues is height.

Mr. Wood asked how Council needs to go about making changes. Does Council need to use a consultant as recommended, does Council direct the PC to make changes, or can Council vote to change the ordinance. He wanted to know how Council goes from the talking stage to the doing stage.

Mayor Foreman clarified that Mr. Brewer was going to bring a proposal back to the Council at the work session.

M. COMCAST FRANCHISE RENEWAL – OLAUN SIMMONS

Mr. Simmons met with Marie Schuler, the Comcast representative, and began the process of trying to get the franchise agreement to the point that he and Council are happy with it. He wanted to get any comments and recommendations that Council may have on the proposed franchise agreement. Any recommendations made he will make the necessary changes and forward those changes to Ms. Schuler to continue the negotiation process.

Mayor Foreman read the following from the franchise agreement. "Subscriber Surveys: Upon the request of the Town, but not more than once every three years, the Franchisee shall conduct a Subscriber satisfaction survey pertaining to the quality of the service, which may be transmitted to Subscribers in the Franchisee's invoice for Cable Services. The result of such survey shall be provided to the Town on a timely basis and in any case not less than three months after the survey has been distributed to the Subscribers." He understands that when asking for something the cost may be absorbed by the customer. He wanted a subscriber survey conducted and provided to the Council. He pointed out that surveys are being done for the Comprehensive Plan, surveys were done for Ginn Memorial Park, and surveys have been done for other things. He asked when the last time was that staff requested updates to the maps from

Comcast. He read the following from the franchise agreement. "Franchisee shall make available to the Town upon written request annually updated maps of the Franchise Area and Franchisee's cable system which shall clearly delineate 1) areas where cable service is available; and 2) areas covered by the Franchise where the system cannot be extended due to lack of present or planned development." He noted lack was probably a typo and went on to read the following. "Portions of this information which Franchisee identifies as proprietary will be kept confidential by the Town to the extent possible under law." He noted the Public Works Department should keep that map. He asked what the possibilities were of the franchise agreement putting in place free Wi-Fi for Town residents. He asked this before of the last Town Attorney and she tried. He noted the Town used to have a Comcast outlet in the Town, which was shutdown. Comcast defaulted to the onus that people were not using the outlet. He did not even know it was there until the last two years before it was shutdown. He asked why people should have to drive all the way to Dale City to drop off a box. He wanted to know what they are doing to relocate an office back to the Town. He pointed out that there was no advertising done last time.

Mr. Simmons would look into all of those matters.

Mr. Brewer read the following from the franchise agreement. "Changes in Service: Franchisee shall also provide the Franchising Authority with thirty (30) days written notice prior to implementing any rate or service change." He felt that needed to be changed to notifying the Council of any rate changes, 90 days prior, so the Council can discuss the rate change and get public opinion. He is all for this franchise agreement; however, since Comcast has been dragging its feet on the Tripoli Heights Drainage Improvement Project nothing should be signed until the work is complete.

Mr. Simmons noted that in the franchise agreement it states that when the Town or VDOT notifies Comcast that a repair or relocation is needed that Comcast has to act within a certain period of time to take care of those issues. He was not sure if this would apply directly to the Tripoli Boulevard Drainage Improvements Project; however, it does put it in writing that Comcast has a duty.

Ms. Reynolds asked when the 60 days would have started per the franchise agreement.

Mr. Simmons noted it would have started at the time it was determined a repair or relocation was necessary. He advised it would have been a long time ago.

Ms. Reynolds indicated it was past the 60 days then.

Mr. Simmons agreed.

Ms. Reynolds asked what the next course of action would be.

Mr. Simmons would need to look into that to determine what the next course of action would be, because he has not looked at the issue regarding Tripoli.

Mayor Foreman recalled that during the presentation earlier in the meeting it was stated that the request to Comcast went out in the October timeframe.

Mr. Toney clarified the gentleman also stated Comcast got that notification late, so it was closer to the beginning of January. It was indicated that the other utility companies did what they needed to do within two months. Now it is the later part of February and Comcast has not even initiated the process. He is of the opinion that before Council moves forward the issue be resolved.

Mr. Simmons asked for clarification on whether he was to continue working on the language or stop completely.

Mr. Toney wanted all work to stop on the franchise agreement.

Mr. Wood asked if the Town is currently working under a franchise agreement or has it expired.

Mr. Simmons stated it automatically extended. This proposed agreement would extend it for ten years. No revenue would be lost with the new agreement.

Mr. Wood asked about the grant in the agreement and how would they be able to get it.

Mr. Simmons stated that it was a one-time grant.

Mayor Foreman read the following. "Within 90 days of the execution of this Franchise Renewal, Franchisee shall provide a ten thousand dollar (\$10,000.00) grant to the Franchising Authority to be used in support of the production of local government access programming. The Franchisee reserves the right to pass through PEG Access equipment/facilities costs associated with this Franchise Agreement to Subscribers in accordance with applicable law and regulations."

Mr. Simmons noted the representative pointed out that this is a pass through grant. The subscribers are ultimately paying for the grant.

Ms. Washington recalled that discussions were had before Mr. Simmons came on board about other options and Council was informed that there were no other options, so it is hard to hold Comcast accountable for the Tripoli Boulevard Drainage Improvements Project. She mentioned the possibility of going with a shorter contract. She asked if going without a contract was an option.

Mr. Simmons noted that was a good question. He had not examined any other options. He was going to look into the matter further.

Mr. Brewer pointed out the Town has a franchise agreement with Verizon. The thing about other cable companies, such as Cox Communications, they do not come into this area.

Ms. Reynolds mentioned asking previously about getting updated equipment every two years. She never heard anything back. She did not want to be stuck with no options. She wanted to look at the other agreements to compare them.

Mr. Simmons would look into it.

Mayor Foreman stated the Comcast representative that Mr. Simmons is working with probably has no idea what is happening with the Tripoli Boulevard Drainage Improvements Project. The representative needs to be educated about the project. There is a default paragraph in the agreement that states that the contract is in place until it is terminated. He suggested getting a liaison with Comcast for construction projects in the Town.

IN RE: ADJOURNMENT

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

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Gerald M. Foreman
Mayor

Town H.O.A. Start.

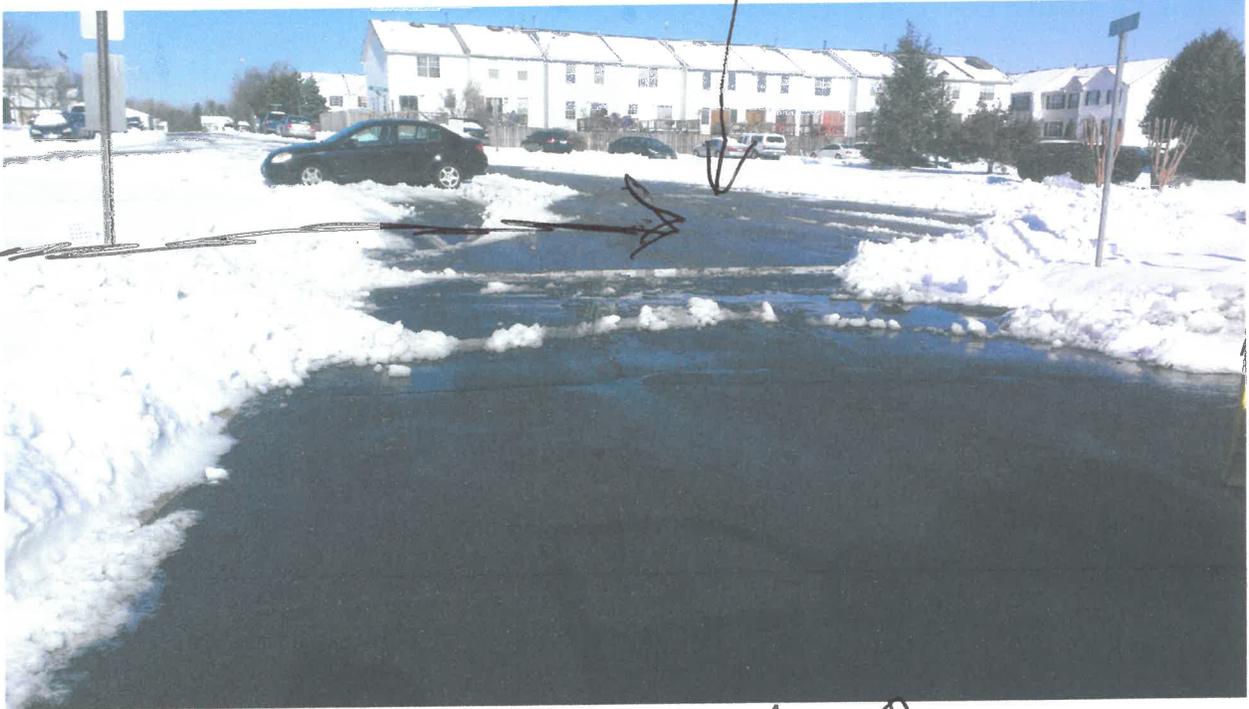


HOA Start

Town - Rearrange Dr after - truck went By

(Town)
Kearney Dr

we did it



MONROE et ↑
(H.O.A.)