

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON FEBRUARY 4, 2014, AT 7:00 P.M., IN COUNCIL CHAMBERS, 1775 MAIN STREET, DUMFRIES, VIRGINIA:

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

THERE WERE ABSENT: Kristin Forrester

PLANNING COMMISSION

THERE WERE PRESENT: John Webb, Chair
Christopher Padberg, Vice-Chair
Selonia Miles
William O'Kelly Russell
Lou Praino
Louise Waggy

THERE WERE ABSENT: Naeem Arshad

IN RE: CALL TO ORDER AND ROLL CALL

Mayor Foreman called the meeting to order. Dawn Hobgood, Town Clerk, took roll call. Chair Webb called the Planning Commission Meeting to order and 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: PUBLIC HEARINGS

A. JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION ON CONDITIONAL USE PERMIT FOR GRASS ROOTS CHRISTIAN FELLOWSHIP TO OPERATE FROM 17932 SOUTH FRALEY BOULEVARD – LAURA O'DELL

Ms. O'Dell reported an application was received for a conditional use permit (CUP) for Grass Roots Christian Fellowship Church to operate in the Elwey Building on Fraley Boulevard. The Church is proposing to operate on Sunday at 11:00 a.m. and Thursday at 7:00 p.m. They also plan to meet two Sundays a month at 10:00 a.m. and two Wednesdays a month at 7:00 p.m. The Church services and activities will occur during non-business hours and will not conflict with other tenants in the building. A poll was taken of the building tenants and 80 to 90 percent are in favor of the use. The Church congregation is in attendance to provide their comments.

The public hearing was opened to public comments.

Pastor Herschel Chenault explained the ministry, when it first started, began in Stafford. He lives in Woodbridge. He had a sense every time he drove by Dumfries that they were supposed to be here. He began looking and found the Elwey Building. He is looking forward to working with the community and getting involved. He provided a petition of support (attached to the minutes).

Mike Vanderpool, attorney with Vanderpool, Frostick & Nishanian, represents the owners of the building. The property is zoned B-1, General Business, which allows churches with a CUP. When the Town looks at whether to issue a CUP guidance is provided by Town Code as well as State Code. Town Code states you need to consider whether there is any adverse impact on health, safety, and welfare of the public. Matters to consider are traffic congestion, noise, lights, dust, odor, etc. and whether the application conforms to the Comprehensive Plan (CP). The Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 states that you cannot impose greater conditions on a religious organization than you could on any other organization. If the impacts of this use are no greater than the impacts of a use permitted by-right then the CUP would be appropriate to approve. There is support from the tenants, but from a legal perspective, you have to make a decision based on impacts. As the staff report noted there are not really going to be any impacts. The use is going to be off peak hours. There is no evidence at all that there will be excess light, noise, or odor. Parking is more than adequate. Doing a RLUIPA, State Code, and Town Code analysis it appears that this application should be approved. As a practical matter, the impact of this use will be less than the use of an office, because an office would impact traffic during peak hours.

Richard Driscoll, attorney representing Caldwell Consultants, an information technology contractor located in the building, stated it is not consistent with the CP; the imposition of a CUP in this particular neighborhood would bar this particular use because it is inconsistent, and is not in violation of the RLUIPA. This is an after-hours operation, this is a closed secure building, which will open the building such as safety is now becoming an issue within the building because people from off the street and others can access the building, and the property owner has provided no assurances this will be corrected. It is not relevant to say that 80 to 90 percent of the tenants support this. The standard for evaluating this is whether it imposes an adverse impact on the community and whether it is consistent with the CP. In regards to the parking issue and adverse use, there is a law firm and another church across the street that use the parking lot that puts quite a burden on it. There are also five churches in the area that release at the same time on Sunday. The CP states the B-1 zoning district is to provide a wide variety of commercial and miscellaneous uses and miscellaneous activities. Churches and places of worship are not permitted by-right in the B-1 zoning district; however, they are permitted by-right in the R-1 and R-2 zoning districts, which cover 603 acres of the Town, or 58 percent of the total acreage of the Town. The Town is not imposing any burden

on the church use. It has only designated this particular area as B-1, because it seeks to provide a wide variety of commercial and miscellaneous service activities. The B-1 zoning district comprises 17 percent of the total land use area within the Town. A total of 179 acres. The land use Fraley Boulevard goal in the CP is to encourage the development and well planned mixed-use employment center that will create higher income jobs, generate economic growth, and improve the tax base of the Town. The land use Fraley Boulevard policy is to encourage a boulevard themed mixed-use employment center. Employment centers in the CP is defined as primarily composed of office uses and related services. It is not consistent with a church use in this particular area or other non-commercial uses. The implementation section of the CP for the B-1 and B-2 zoning districts states in part, that the broad range of potentially high impact uses permitted within the B-1 and B-2 zoning districts of the Town may require the imposition of conditions for uses that are not in keeping with the Towns' adopted plans or policies. With all due respect, the staff's conclusion that the church use is fairly consistent with the CP is contradicted by the express language of the CP both for the goals of the Fraley Boulevard employment center and the policy and for the land use policy for the mixed-use. In terms of the standard by which the Council has to review the CUP is inconsistent with the CP and it cannot be passed. RLUIPA is focused on creating availability of areas in which a church may locate without a substantial burden. A judge in the State of Georgia noted, "for the purposes of the act, it is not to examine restrictions placed on individual landowners, but to prevent municipalities from broadly limiting where religious entities can locate." Religious entities are allowed to locate, as a matter of right, in 58 percent of the Town, it cannot hardly be said that the Town imposes any burden on the religious use. He noted that Caldwell Consultants has absolutely no opposition to the good works and the outstanding programs the Church has. These are all things that should be welcomed into the community and they would endorse their use, it is just not consistent with an employment center.

There being no further comments the public hearing was closed.

Ms. Miles moved, seconded by Mr. Russell, to recommend Council approve the CUP as presented. The motion carried by the following roll call vote: Mr. Arshad, absent; Ms. Miles, yes; Mr. Padberg, no; Mr. Praino, yes; Mr. Russell, yes; Ms. Waggy, yes; Mr. Webb, yes.

Mr. Padberg moved, seconded by Mr. Russell, to adjourn the meeting. The motion carried by the following roll call vote: Mr. Arshad, absent; Ms. Miles, yes; Mr. Padberg, yes; Mr. Praino, yes; Mr. Russell, yes; Ms. Waggy, yes; Mr. Webb, yes.

Mr. Brewer asked if Grace Church was still utilizing the parking lot, and if so, was there enough parking to accommodate both Churches.

The property-owner (no name given) responded that Grace Church was told that the parking lot is for another tenant and to not use it.

Mr. Brewer asked if the space was adequate to accommodate the size of the congregation.

Ms. O'Dell confirmed it was. She stated the space is 4,300 square feet in area and there are 60 members in the congregation.

Mr. Brewer expressed concern over the security of the building not being addressed. He was not a fan of CUPs and with the current regulations; the use does not conform to the CP. He pointed out that the Potomac Landfill also started as a CUP and Council needs to be very cognizant about approving CUPs every time one comes before them.

Ms. Reynolds asked if the concern over safety was for the tenants or the building.

Mr. Caldwell, owner of Caldwell Consultants, stated the building is locked after hours, but this use will provide access. His concern is for the safety of his employees that work after hours. He indicated you have to look at the demographics of the area. He also expressed concern regarding the business.

Ms. Reynolds pointed out the Police Department is in the same shopping center. She asked if he trusted the Police Department.

Mr. Caldwell did not.

Mr. Toney noted the PC knows what they are doing. CUPs provide an opportunity to place further conditions. He welcomed them to the community and looked forward to working with them.

Ms. Washington was impressed with their goals. There are things that can be done to address any conflicts. The services the Church provides are needed in the community. She has a lot of confidence in the PC.

Mr. Wood moved, seconded by Ms. Washington, to approve the CUP for Grass Roots Christian Fellowship Church to operate in the Elwye Building on Fraley Boulevard

Mayor Foreman thanked the Church for choosing Dumfries. He pointed out that there are 14 churches in the Town. He expressed concern over the CUP staying with the property after the Church moved out. Any business who occupies the space would have the same approval in place. Anyone not allowed to park in the lot can be towed; however, a parking agreement is required. He would be voting no because there are businesses operating in the building without a current business license and are not paying taxes.

Ms. Reynolds asked what other property owners have to do with the Church. She welcomed them.

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

IN RE: APPROVAL OF THE MINUTES

Mr. Brewer moved, seconded by Ms. Washington, to approve the minutes of February 19, 2013 as presented. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: ADOPTION OF THE AGENDA

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

IN RE: APPROVAL OF THE CONSENT AGENDA (NONE)

IN RE: CITIZEN COMMENT PERIOD

There were no citizen comments.

IN RE: MAYOR'S COMMENTS

Mayor Foreman announced there is an election coming up on May 6. There has been quite a bit of publicity for the Mayor's seat; however, there are three Council seats available as well. The deadline for submitting petitions to get your name on the ballot is March 4. He encouraged Town residents get involved. He noted the Town Manager, Mr. Taber, was unable to attend the meeting this evening.

IN RE: COUNCIL MEMBER COMMENTS

Mr. Toney would like to see more people come to the Council meetings. The members of Council take the people's business seriously. Council needs to be held accountable for the decisions it makes and the votes they cast.

Mr. Wood explained that February is a very busy and short month. In February, celebrations are held for Black History, Valentine's Day, and Presidents' Day.

Ms. Reynolds had the privilege and the honor of meeting a candidate for Eagle Scout, Charles Nelson. His Eagle Scout project is to get donations for the unsheltered community, people in the eastern part of Prince William County (PWC). He will be collecting items such as tents, tarps, sleeping bags, cots, air mattresses, and personal items like toothpaste, toothbrushes, shampoo, soaps, lotions, and combs. These items can be dropped off at any of the eastern region PWC Supervisors offices. She invited citizens to attend the Black History Month Program on Saturday at Little Union Baptist Church starting at 12:00 p.m.

Ms. Washington wanted to remind everyone that this is Black History Month. She encouraged everyone to take time to reflect on the accomplishments of Black Americans. This should be done throughout the year, but especially during February. She hoped that some people had the opportunity to attend the Martin Luther King, Jr. Youth Oratorical Competition on the 20th at the Hylton Chapel. It was

a wonderful kick-off for the Black History Celebration. The Dumfries Elementary Chorus will be at the Town's Black History Month program to sing on Saturday.

IN RE: PRESENTATIONS (NONE)

IN RE: BOARDS & COMMISSIONS

A. ARCHITECTURAL REVIEW BOARD (ARB)

There was no report.

B. BOARD OF ZONING APPEALS (BZA)

There was no report.

C. HISTORIC DUMFRIES

Joann Barron reported the following items.

- ✓ Today is the 40th Anniversary of the Weems-Botts Museum.
- ✓ Children's Day at the Museum will be February 15 and will celebrate African American History Month. They were unable to get the traveling trunk from the White House. The children will learn about the first African Americans that came to Dumfries in 1619 through the civil war into present day.
- ✓ An African American Cultural Arts Round Table will be held February 19 from 7:00 p.m. to 8:30 p.m. They would like the community to come out and tell them what they would like the Museum to look like. The Museum has very few oral histories of African Americans. She has one from Annie Archie. This is one of the communities that when the Civil War broke out there were over 550 free African Americans, which is very rare in the State of Virginia.
- ✓ On February 22, there will be free cupcakes and ice cream to celebrate Washington's Birthday, which was his favorite treat.

Mr. Wood asked if she was connected with PWC's Tourism and the State of Virginia.

Joann indicated they were and are also part of the tourism bureau.

D. PLANNING COMMISSION (PC)

Chair Webb reported the following items.

- ✓ At the work session:
 - The bylaws were reviewed.
 - A request was made to change the meeting date in October from the 13th to the 20th.
- ✓ At the regular meeting:

- The CUP 2014-001 for the Town Center Development was reviewed and discussed. The vote was delayed until the applicant submits all requested changes by staff and the PC.
 - December 16, 2013 minutes were adopted.
 - The amendment to the bylaws were approved.
 - Voted and passed moving the October meeting from the 13th to the 20th.
- ✓ The presentation to be given by the Department of Environmental Quality (DEQ) will be from 5:00 p.m. to 6:55 p.m., February 10.

Mr. Brewer asked what changes were needed for the Town Center Development CUP.

Mr. Webb explained there were issues with height restrictions and staff will need to get with the Town Attorney for an interpretation. There is a 55 foot height maximum unless a CUP is obtained allowing for a maximum height of 75 feet. Cupolas and architectural elements can go up an additional five feet. The applicant has proposed an alternative solution to reduce the height.

Mr. Toney inquired about the changes to the bylaws.

Mr. Webb responded the change was to remove the Director of Community Development and replace it with Zoning Administrator. Also, changed the requirement for having a secretary to may have a secretary.

IN RE: COUNCIL REPORTS
A. BOYS AND GIRLS CLUB

Ms. Reynolds informed Council the Boys and Girls Club would be holding a fundraiser called “Taste of Greater Washington Area” on March 26, at 6:00 p.m. at the VFW building off Minnieville Road where restaurants will bring food and for a small fee, you can taste their food. Mayor Foreman had talked with Glenn Vickers, with the Boys and Girls Club, about transporting Dumfries children to the facility. It was going to be a pilot program; however, the children would have to get transportation home. A legal issue needed to be worked out. A legal document was supposed to be provided to the Town for review. He sent an email to Ms. Reynolds with questions and what he got back was a point of contact from staff. His concept of a Council member sitting on a board or commission is for the member sitting on the board or commission to speak to the board or commission and then return to Council for further dialog. He did not feel the response he got was full representation. He asked if he was supposed to be the point of contact.

Ms. Reynolds clarified that in her mind if you are asking a question then you should go to the person who can answer the question. She brought the question to the Boys and Girls Club and they asked for clarification, which she did not know. She felt it would be better for Mayor Foreman to talk to them

directly. She provided Mayor Foreman the contact information for someone at the Girls and Boys Club and thought that the issue was over. She stated that Mayor Foreman was grandstanding.

Mayor Forman called a 15-minute recess and asked Ms. Reynolds to meet him in his office to discuss the matter.

Mayor Foreman called the meeting back to order and indicated that Ms. Reynolds had yielded the floor.

Ms. Reynolds stated that she had not yielded the floor. She asked Mr. Simmons to clarify the procedure.

Mr. Simmons stated that Ms. Reynolds should be allowed to complete her comments.

Ms. Reynolds stated that she brought Mayor Foreman's questions to the Boys and Girls Club. They had more questions that she could not answer and they asked her to have Mayor Foreman call them. She did not know if Mayor Foreman had contacted the Boys and Girls Club. She takes it personal when someone attacks her integrity. When she says she is going to do something, she does it. She then remarked about Mayor Foreman having no integrity. She then yielded the floor.

Mayor Forman stated Council, in the past, has discussed Council rules. He would not sit back while Council members attack each other, even rhetorically.

Ms. Reynolds began to comment and Mayor Foreman stated that she had already spoken twice.

B. PARKS AND RECREATION COMMISSION

Mr. Wood reported the following.

- ✓ The Commission discussed the schedule of events.
- ✓ The bylaws were forwarded to Council for the work session.
- ✓ The January 21 meeting was cancelled and one of the things that the Commission wanted to discuss and forward to Council was the schedule of events. They are looking at an Easter Egg Hunt, April 19, and they wanted to invite the local churches to do an Inspirational Festival too, which would be held at Garrison Park. They requested a letter from Mayor Foreman to go to each of the churches.
 - On March 19, the Commission wants to initiate community gardening in Ginn Memorial Park. On May 17, they hope to host a three-on-three basketball tournament.
 - On April 15, they are considering a commonwealth day to allow for a community exchange but not a yard sale. A field day would also be done with sporting activities.
 - On June 7, they would like to host a pop concert with various bands.

- On June 21, the Commission is considering a 5K walk/run.

Mr. Toney thanked Mr. Wood for putting everything together. He offered his services if needed.

Mr. Wood asked the Town Attorney to research, if the Commission raised funds, what those funds could be applied toward.

Mr. Simmons would research the topic.

Ms. Washington thanked the Commission for coming up with a wide variety of activities for all different types of people and age groups.

Mr. Wood indicated the Commission plans to have the event schedule on the agenda for Councils next work session for approval.

C. NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

Mayor Forman was unable to attend as he was attending a workshop for the CP.

D. NORTHERN VIRGINIA CIGARETTE TAX BOARD (NVCTB)

There was no report.

IN RE: STAFF PRESENTATIONS

A. DIRECTOR OF COMMUNITY SERVICES – CYDNY NEVILLE

Mr. Simmons indicated that Ms. Neville was not in attendance to provide her report.

Mayor Foreman explained that this has happened twice in the past 60 to 90 days. He was informed today that he had not sent out any invitations to elected officials, dignitaries and the like for the Black History Month Celebration being held Saturday. He will speak with the Town Manager when he returns; however, the Town has a Community Services Director with an advisory group, a Parks and Recreation Commission and a Public Works Director, all of which are putting together activities throughout the year and he assumes that they are coordinating them. It is incumbent upon these bodies to send an email to the Town Clerk and carbon copy the Town Manager 30 days prior to the event to request invitations be sent out as well as identify if there is any special invitations required. The Town Clerk, Town Manager, and he have developed a standard invitation list. Include the itinerary or agenda for the event, which should be included with the invitation. The guests should know beforehand if they are expected to participate. It is too late to send out invitations now. He hopes that between the Town's website, the television channel, and the online news sources there is enough coverage. He is willing to work with the Town Clerk to send an email to get the invitations out. The key is to make sure that proper notification is being sent out.

Mr. Toney is in communication with the Community Services Director preparing for the Black History Program and there are some things in flux. The agenda was just finalized this week. He stated an elected official contacted him and asked why an invitation had not been sent. There are times when a short turnaround time is required. He was willing to assist with contacting people.

Mr. Brewer stated this should not have been dropped and it is the responsibility of the Community Services Director. He wanted the Town Manager to take action on this issue. This was not the first time this has happened and it should not be taken lightly.

Ms. Reynolds asked why the Community Services Director was not in attendance.

The Town Clerk noted the Community Services Director did not notify her she was unable to attend.

Mayor Foreman has attended meetings where events are being planned and the different groups are coordinating with each other. He wants to ensure that the last link is in place. There is a list of who to invite and a letter just needs to be written. It should be noted that 30 days before an event an email be sent requesting that invitations be sent.

B. PLANNER/ZONING ADMINISTRATOR – LAURA O'DELL

Ms. O'Dell reported the following items.

- ✓ February 10, at 5:00 p.m., a representative from DEQ will discuss what types of development, if any, are allowed in the resource protection area (RPA).

Mayor Forman thought it was taken care of, but there is a dealership that is parking vehicles in the entranceway and would like staff to look into the issue.

Ms. O'Dell felt this would be a matter for the Police Department.

Mayor Forman asked how the Town approves the number of cars per dealership.

Ms. O'Dell responded that most the dealerships are non-conforming and there were no regulations on the number of cars allowed per lot or where they can be parked. When a dealership gets a conditional use permit conditions can be placed that would require cars be parked in an approved parking space. There are not any regulations across the board that dictate how many cars can be sold and where they have to be parked.

Mayor Forman stated the entranceway is not a place to park, regardless. He asked who issued the permit for the damaged billboard sign.

Ms. O'Dell stated the Town did not issue a permit.

Mayor Foreman indicated that it is being assumed that the Virginia Department of Transportation (VDOT) issued the permit.

Ms. O'Dell agreed.

Mayor Forman noted that State Code says if the permittee fails to keep in good general condition and in a reasonable state of repair, the advertisement, or the advertising structure for which the permit was issued will be in violation. It further states, that in no case shall a non-conforming billboard sign be

replaced or rebuilt if the cost of the replacement or rebuilding exceeds 50 percent of the current replacement cost. He asked if the Town was waiting for the legal renderings before doing anything.

Ms. O'Dell explained that State Code trumps Town Code. It is in VDOT's hands and they have to act on the matter, which they have not. She has been in contact with VDOT, but the bottom line is that VDOT does not have to abide by Town Code.

Mayor Foreman asked if the State was going to provide an update to the Town about the legal proceedings or where they are at in the process.

Ms. O'Dell would contact VDOT tomorrow and provide an update.

Mr. Brewer asked about the property at the corner of Route 234 and Route 1, across from the BP Gas Station. When the application was originally approved there was nothing stating that they would be selling cars there. The parking was only to be used for cars that have not been worked on yet. He asked if the Town approved auto sales there.

Ms. O'Dell would look into it.

Mr. Wood asked what type of input staff was getting from the surveys on the CP.

Ms. O'Dell stated the consultant was managing the surveys and has not been given an update yet.

Mr. Wood requested a black board message and a text message be sent out to get more participation. He asked if the questions that were asked about the Grace Church project had been answered.

Mr. Simmons would update Council during his report.

C. DIRECTOR OF PUBLIC WORKS – RICHARD WEST

Mr. West reported the following items.

- ✓ He provided information from the NVRC Clean Water Partners to give Council an idea of how they help the Town with stormwater issues.
- ✓ The NVTA put out a call for projects to get financing for FY14, 15 and 16. The Town has submitted an application for the Route 1 widening project.

Mayor Foreman requested that staff contact PWC or VDOT to find out how many adopt a signs are in the County and how many have sponsors. There is a tree on the property adjacent to 4047 White Haven Drive that overhangs and the property owner is worried that it could damage his property.

Mr. West believed that the Town addressed this in the past. It is a civil issue between the two property owners.

Mayor Foreman could see where branches were cut a while ago, but there are new branches overhanging the property.

Mr. West would look into it.

Mr. Brewer asked for an update on the Tripoli Boulevard Drainage Improvement Project.

Mr. West is reviewing the bidding documents. The bid should be advertised a little later this month. He plans to issue a notice to proceed as soon as possible. Three properties need to be cleared before moving forward with construction. Verizon is waiting for Comcast. Comcast has assigned their work to a subcontractor and he needs to get an update on their schedule.

Mr. Wood asked for an update on the crosswalks at Graham Park Road by the McDonalds.

Mr. West explained that is an ongoing VDOT project that is in design. He met with VDOT in the field to get coordination.

Mr. Wood requested a timeline be included in his report.

D. CHIEF OF POLICE – CHIEF EDWARDS

Chief Edwards reported the following items.

- ✓ Officer Chad Polliard was released from field training and started patrol on January 25. This will provide an additional officer. Two officers are presently in field training and two are attending the academy.
- ✓ Members of the Police Department have been discussing modifying the uniform for some time; the changes are based upon the following:
 - Over the past three years, the Police Department has worked to improve its relationship with the citizens and businesses of the Town through improved community outreach, improved positive interaction, and increased criminal and traffic enforcement to improve overall safety and quality of life for those who live, work, and visit the Town.
 - The Police Department has been restructured and has hired nine new officers in the past three years, and has improved training and equipment.
 - The uniform is a representation of the Police Department and is a recognizable symbol to the public.
 - The change will represent the Police Department's improved openness, commitment to being professional, service-oriented, and responsive to the needs of the community.
 - A lighter color shirt was selected as the contrast brings a sharper, more professional look to the uniform; the color is not the same as any other agency nearby; and it will be less hot when the temperature rises.
 - Another change is that Officers will have silver trimmed patches and supervisors will have gold trimmed patches.
 - Officers are supportive and excited about the uniform change.

- There is no additional budget impact to move to the new shirt.
- The Police Department wanted to introduce the change in uniform to the Town Council and citizens, explain the reasoning behind the change, and demonstrate how the uniform will look prior to implementing the change in the field.

Mayor Forman thought this was a good news story. He asked that a photo of Officer Fields be placed on the home page of the Town's website. He liked the fact there was no impact on the budget.

Mr. Brewer asked if there were any other changes to the uniform.

Chief Edwards responded there were no other changes.

Mr. Toney stated a couple of years ago the Town resurrected the police force and at that time a couple of the patrol cars had tinted windows, which gave the appearance that the Officers were less approachable. The then Chief had the tint removed with the same idea in mind and the uniforms are another step toward moving the police force to be more people friendly.

Ms. Reynolds stated Fairfax County has grey shirts. She joked she might get Dumfries confused with her husband's uniform. She mentioned there was a business owner who stated he did not have faith in the Police Department. She commended and has faith in the Police Department.

E. TOWN ATTORNEY – OLAUN SIMMONS

Mr. Simmons advised that Grace Church, located on Williamstown Drive, wants to expand their parking into an area that has been dedicated as a resource protected area. This raised several questions about whether or not this was allowed.

- The first question was; can the Town override the law embodied in the Code of Virginia and the Code of the Town when making decisions regarding the Chesapeake Bay Overlay District and the RPA. No. Given Dillion's rule and the case law that has interpreted it; the Council cannot override the law embodied in the Code of Virginia and the Code of the Town. The Council does not have its own authority or sovereignty, and it must operate within the common law and statutory limitations. The framework and laws for local governments are provided in Article VII of the Constitution of Virginia and Title 15.2 of the Code of Virginia.
- The second question was; is Grace Church authorized to expand its parking lot into the RPA using the exceptions found in Town Code Section 70-448. No. Grace Church is not authorized to expand its parking lot into the RPA because it does not qualify for either of the exceptions mentioned in Town Code Section 70-448. Pursuant to Town Code Section 70-448, development in a Resource Protected Area is allowed only if it is (1) water dependent; or (2) constitutes redevelopment. Water dependent means a development of

land that cannot exist outside of the RPA and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to ports, the intake and outfall structures of power plants, water treatment facilities, sewage treatment plants, marinas, beaches, things of that nature. Redevelopment means the process of developing land that is or has been previously developed with no increase in the amount of impervious surface. In addition, the Code states that redevelopment shall be permitted only if there is not an increase in the amount of impervious cover and no further encroachment within the RPA. In analyzing this particular issue, he looked at the site plan that was submitted by Grace Church, specifically the one that was submitted and compiled on September 23, 2013. It describes Grace Church's proposed parking area expansion. The RPA boundary line is delineated on that site plan by a broken line that is located on the far left side of the page and was verified by Wetlands Studies Solutions. The site plan demonstrates that the proposed parking structure will go well beyond the RPA boundary line, and will result in a further encroachment into the RPA. As a result, Grace Church fails to meet either of the exceptions. There is no indication or suggestion that the proposed parking areas being considered for water dependency purposes and the expansion of the parking area does not meet the definition of redevelopment primarily because it is going to result in a further encroachment into the RPA.

- The third question was; can Grace Church request permission from the Director of Public Works and the Chesapeake Bay Preservation Board for the parking area expansion. Yes, in Section 740 of the Design and Construction Standards Manual (DCSM). In our case, Grace Church can request permission to further expand its parking area into the RPA by first requesting an exception from the Director of Public Works for the Town. The Director of Public Works will review the request for RPA encroachment, along with Grace Church's Water Quality Impact Assessment (WQIA). The Director of Public Works for the Town will forward recommendations, along with Grace Church's WQIA on to the Chesapeake Bay Preservation Area Review Board (CBPARB) for its consideration. After conducting a public hearing, the CBPARB is authorized to grant Grace Church's request for an exception. If the request is denied Grace Church can then appeal to the PWC Circuit Court.
- The fourth question was; can Grace Church apply for a permit from the US Army Corp of Engineers in order to expand the parking lot into the RPA. Probably not. The US Army Corp of Engineers has the authority to grant construction permits for any work, including construction and dredging, in the Nation's navigable waters. According to the

- representative from the US Army Corp of Engineers, Grace Church will probably not be able to pursue a permit because the expansion does not actually enter into a body of water.
- The final question was; can Town Council as a local government body grant Grace Church an exception thereby giving them permission to build in the RPA. Yes. Prior to granting the exception, Council must determine whether the parking lot expansion preserves the purpose and intent of the Chesapeake Bay Preservation Act and whether it is detrimental to water quality. According to Grace Church's WQIA the parking lot expansion will not disturb the wetlands, the porous concrete pavers will not affect the hydrology, there will be no impact to the site's geology, there will be no impact to the adjacent lands, the stream circulation will be restored to pre-development conditions and there is no dredging required for the parking lot project. The Council may take this into consideration when evaluating Grace Church's request for an exception. Prior to granting the exception, Council must provide notice and conduct a public hearing. If after the public hearing and careful consideration Council determines an exception is warranted, then Council can grant the exception that allows Grace Church to expand the parking lot into the RPA. This issue with this option is the Town may run into legal challenges from the Chesapeake Bay Foundation in terms of contesting the environmental issues that they may see there.

Mr. Wood asked if a copy of the memorandum could be provided to Dr. Grier and why they could not be provided prior to the Council meeting.

Mr. Simmons compiled the memorandum for Council. It was his understanding that it was not to be shared with anyone outside the body until given further permission to do so.

Mayor Foreman explained that in the future the attorney might want to indicate when the information will be released and available for the public. This internal document may need to be cleaned up if Council asks further questions.

Mr. Brewer clarified the opinion has been given. Now it is a matter of public record. He did not see an issue with giving the applicant a copy. The memo is confusing to him because it states that the Town cannot supersede State Code and then it states that Council can grant an exception. What does Council do?

Mr. Simmons responded that the Town, in and of itself, as a governing body can grant an exception. The Design and Construction Manual appears to allow the Council to do that without seeking permission from the CBPARB.

Mr. Brewer stated it seemed like a conflict because the Town cannot supersede State Code and State Code says that no development may occur in the RPA.

Mr. Simmons responded there is an exception in the State Code that allows Council the ability to grant an exception. One option Grace Church has is to apply directly to Council. The other would be to approach the Director of Public Works for his recommendation and that recommendation would be forwarded to the CBPARB for their review and permission. The concern with having Council approving the exception is that it is susceptible to legal challenges.

Ms. Reynolds wanted to know which board Grace Church needed to go through.

Mr. Simmons noted they would go through the PWC CBPARB.

Mr. Toney talked to an aid to a local Congressman who advised him that the CBPARB has approved such requests in the past. It is a matter of going through the logistics of applying. Some precedent has already been set.

Mr. Brewer made it clear the reason the questions were brought up, was so that Council could make an informed decision. Council is not trying to circumvent anything. Now that Council has an opinion, Council can make a better decision.

Ms. Reynolds found information on the Prince William County Board. You can go to pwcgov.org website or by phone at 703-792-7070. The website allows you to sign up for notifications.

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

Mayor Forman had a phone conversation with Delegate Torian concerning the Route 1 funding that is being discussed in Richmond.

IN RE: ADJOURNMENT

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

Mr. Toney stated Ms. Forrester was unable to attend tonight's meeting due to illness.

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Gerald M. Foreman
Mayor



PETITION

Topic: Conditional Use Permit Approval for Grass Roots Christian Fellowship to lease Space in the Elwye Center to conduct worship services in the Town of Dumfries.

What do you want the council to do? Approve the Conditional Use Permit for immediate occupancy.

Lead petitioner: Name: Pastor Herschel Chenault

Email address: Pastor@grassrootscf.org

Telephone: Home: (703) 897-8573

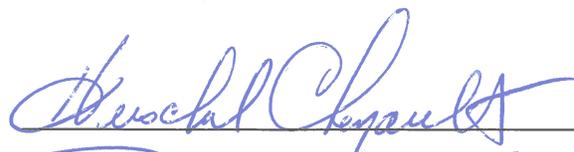
Work: (703)784-2580

Mobile: (703) 675-0182

Address: 6415 Oxbow Court, Woodbridge, Va 22193

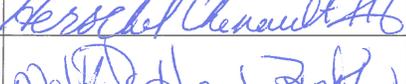
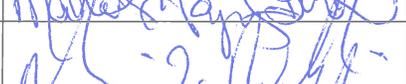
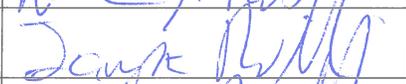
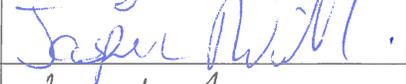
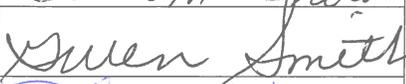
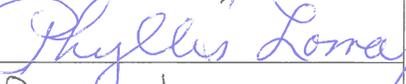
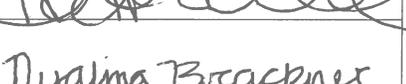
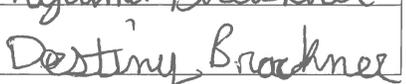
We, the undersigned, want the Town of Dumfries Council to approve the Conditional Use Permit for Grass Roots Christian Fellowship for immediate occupancy.

Lead petitioner:



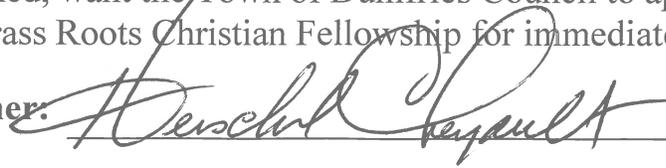
PASTOR GRCF

SIGNATURES

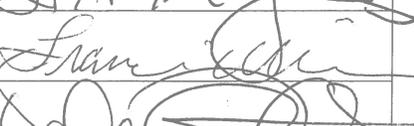
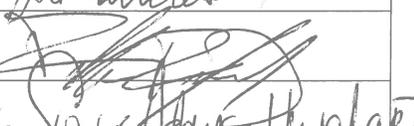
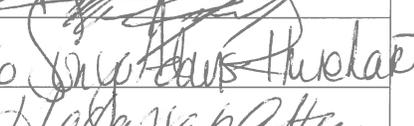
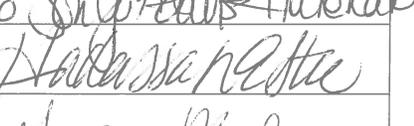
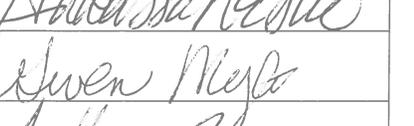
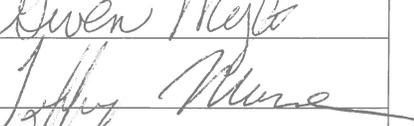
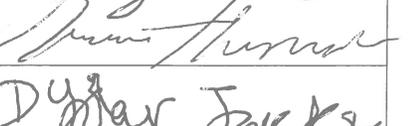
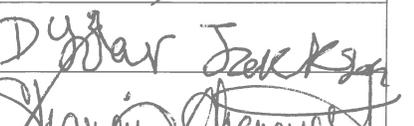
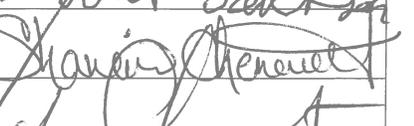
NAME	ADDRESS	SIGNATURE
Emercy-Haynes	13428 Orangerwood Dr	
Jessie L Haynes	" " "	
Herschel Chenault III	6415 Oxbow Ct	
Makita Haynes Burks	13428 Orangerwood Dr. Woodbridge VA	
Melvin Willis	4730 Kirkdale Dr. Woodbridge VA	
Tanya Willis	" " "	
Jasper Willis	" " "	
Sarah Tenney	14081 Bigcrest Ln. #402, Woodbridge VA 22191	
Travis Willis	" "	
Isaiah Adams	3359 Canton Ct Dumfries, VA	
Sharalyn Brown	2 Parkwood Ct, Stafford, VA 22554	
Gwen Smith	3305 Bronson Ct #403 Woodbridge, VA 22193	
Phyllis J. Lomax	3356 Canton Ct Dumfries, VA 22026	
Raymondos Smith	13101 Tazanaki Way Woodbridge VA	
Brian Ewell	15787 Silent Tree Place Woodbridge, VA 22191	
Heather Ewell	" "	
Destiny Brackner	" "	
Myaima Brackner	" "	

We, the undersigned, want the Town of Dumfries Council to approve the Conditional Use Permit for Grass Roots Christian Fellowship for immediate occupancy.

Lead petitioner:



SIGNATURES

NAME	ADDRESS	SIGNATURE
Keonante Williams	1944 Heather Brook CT	Keonante Williams
Jene Haynes	1944 Heather Brook CT W13 VA	
Danielle Williams	Marr Coast Woodbridge VA 22193	
Dr. Meta James	4115 Oxbow CT, VA 99123	
Francine Williams	14596 Marr Court Woodbridge Va. 22153	
Valerie Coman	15193 Bonon Way #304 Woodbridge VA 22193	
Jahde Wilson	27 Florida Ave NW, Washington D.C. 20001	
Bradley Rufford	17419 Wilson St Dumfries, VA 22026	
Sony Akus Thinehart	3359 Canton Ct Dumfries VA 22026	
Hilda Nuhette	97 Florida Ave NW, Washington D.C. 20001	
Gwen Myles	14217 Westway Ln Woodbridge VA 22143	
Tiffany Moore	12959 Torchlight Drive Woodbridge VA 22193	
Nana Raiford	3412 Bellepoin Ct Dumfries VA 22026	
Tonciya Raiford	3412 BELLEPOIN CT.	
Monaska Ferring	3111 Chesapeake Ct.	
Dyjour Jackson	15787 Silent Tree Pl Woodbridge, VA 22191	
Shaneice Chenaut	3242 Tawhill St woodbridge VA 22191	
Valerie D Chenaut	4115 Oxbow Court woodbridge VA 22191	

We, the undersigned, want the Town of Dumfries Council to approve the Conditional Use Permit for Grass Roots Christian Fellowship for immediate occupancy.

Lead petitioner:



SIGNATURES

NAME

ADDRESS

SIGNATURE

NATASHA HAYNES

1944 Heatherbrook Court, WB, VA 22192

Natasha Haynes

Demetrius Burke

13428 Orange wood

Demetrius Burke

We, the undersigned, want the Town of Dumfries Council to approve the Conditional Use Permit for Grass Roots Christian Fellowship for immediate occupancy.

Lead petitioner:

Herchel Reynolds