

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON FEBRUARY 5, 2013, AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:

THERE WERE PRESENT: Mayor Gerald M. Foreman
Vice-Mayor Willie J. Toney
Charles C. Brewer
Kristin W. Forrester
Helen D. Reynolds
Gwen P. Washington
Derrick R. Wood
Daniel Taber, Town Manager
Christine Sanders, Town Attorney

IN RE: CALL TO ORDER AND ROLL CALL

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

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

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

IN RE: APPROVAL OF THE MINUTES

Mr. Brewer moved, seconded by Ms. Washington, to approve the minutes from the July 10, 2012 meeting and July 24, 2012 Council Orientation as presented. The motion carried and was approved by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: ADOPTION OF THE AGENDA

Mr. Taber noted a request was made by Mr. Wood to add to the agenda Item XIII-E, Town of Dumfries Parks and Recreation Commission and Item XIII-F, Town Trash Collection and Recycling.

Ms. Forrester moved, seconded by Ms. Reynolds, to adopt 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.

IN RE: APPROVAL OF THE CONSENT AGENDA

Ms. Forrester moved, seconded by Ms. Washington, that the Consent Agenda be adopted.

Mr. Toney mentioned that Item V, Resolution Adopting the Fundraising and Donations Policy was discussed at the work session and the Town Attorney had indicated that the following language would be removed. "Once donations are received for a specific purpose, the Town Manager or his designee shall see that the funds or donated items are used in accordance with that purpose. However,

should a specific program no longer be active, the Town Manager may use his/her discretion to reallocate donated items or funds for a similar program with similar goals.”

Ms. Sanders noted it had been identified and changed in another paragraph of the policy; however, Mr. Toney found another reference that should have been changed. She mentioned that Council can approve the policy as amended and the resolution will reflect the change or it can be brought back to the next regular meeting.

Mr. Toney asked that the policy be amended and brought back to Council for approval.

Clarification was made that the motion needed to be removed from the floor and another motion made removing the item and adopting the consent agenda as amended.

Ms. Forrester amended her motion to adopt the Consent Agenda after removing Item V-B, Resolution Adopting the Fundraising and Donations Policy. Ms. Washington seconded the motion. The motion carried and the following resolution and ordinance were approved by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, no; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

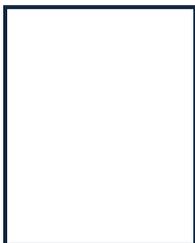
RESOLUTION TO ADOPT A FREEDOM OF INFORMATION ACT POLICY CP01-13

WHEREAS, the Town Council recognizes the importance of the Virginia Freedom of Information Act (the “Act”) and its guiding principle of openness wherein the Act aims to “ensure the people of the Commonwealth ready access to records in the custody of public officials”; and

WHEREAS, Town Council acknowledges that the Town receives numerous requests for public information as defined by the Act; and

WHEREAS, Town Council recognizes the need to adopt a policy of guidelines whereby citizens of the Town of Dumfries and the Commonwealth may obtain access to public records timely as required by the Act, including a uniform schedule of fees, which may be assessed for the production of information, requested under the Act.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the following Freedom of Information Act Policy CP01-13 be and hereby is adopted this 5th day of February, 2013.



**Town of Dumfries
COUNCIL POLICY**

Subject	Freedom of Information Act
Policy Number	CP01-13
Original Effective Date	February 5, 2013
Revision Date	

- I. **Purpose:** To courteously and promptly provide requested information in compliance with the law and to assure access to public records in the custody of the Town of Dumfries government officials; to provide guidelines on availability of records; and to establish authority for carrying out the provisions of the Freedom of Information Act, Section 2.2-3700, *et. seq.* of the Code of Virginia (1950) as amended, (the “Act”), including a uniform fee schedule for reproduction of requested documents.

II. **Rights and Responsibilities under FOIA:**

A. **Background:**

1. The Virginia Freedom of Information Act (FOIA), located § 2.2-3700 et seq. of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees.
2. A public record is any writing or recording -- regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format -- that is prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. All public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies.
3. The policy of FOIA states that the purpose of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

B. **FOIA Rights:**

1. FOIA requestors have the right to request to inspect **or** receive copies of public records, or both.
2. FOIA requestors have the right to request that any charges for the requested records be estimated in advance.
3. FOIA requestors, who feel that their FOIA rights have been violated, may file a petition in district or circuit court to compel compliance with FOIA.

III. **Procedure for Responding to FOIA requests:**

1. The Town of Dumfries (“Town”) policy is to facilitate access to the official records of the Town, to make such records available, and to respond to requests for access to official records timely pursuant to the Act.
2. All requests for information or for Town records shall be referred to the FOIA Officer for response, regardless of who received the request for records.
3. The Town Manager shall designate the Town Attorney as the FOIA Officer. In the absence of the Town Attorney, the Town Manager may designate the Town Clerk or other Town staff members to assist the public with requests for official Town records.

4. When requests are made pursuant to the Act, the FOIA Officer will maintain a written record of requests and responses. Although a written request is not required to trigger a FOIA request, the FOIA Officer may ask the requester to submit a written request in order to understand the scope and specifics of what is requested.
5. The FOIA Officer will notify Town Council of requests for information under the Act.
6. A copy of the request and the response shall be maintained by the FOIA Officer. Official records shall be open to inspection and/or copying during regular office hours, unless the records are excluded from production under the Act. When extensive or complicated requests are made or when legal factors must be considered when responding to a request under the Act, the Town Attorney shall be consulted.
7. Upon receipt of an overly broad or unclear request under the Act, it is encouraged that the requestor be contacted to ascertain exactly the documents being requested.
8. Initial responses to the request for records shall be provided within five (5) business days after receipt of the request and shall be one of the following:
 - a. Make the requested records available in writing;
 - b. Advising the requestor in writing that the records are being withheld as permitted by the Act or other, with references to the applicable Virginia Code section which exempts records from disclosure and identifying within reason the volume and the subject matter of the withheld portions;
 - c. Making part of the requested records available and advising the requestor in writing that the remainder are being withheld including the specific citations of the Code sections that exempt records from disclosure; and/or
 - d. Informing the requestor in writing that it is not practically possible to identify or collect the requested records within five (5) work days, and explaining why. If this response is made within the five (5) work days, the Town has an additional seven (7) days to make one of the preceding three responses.
9. The Town is not obligated to create or compile information or records which are not in existence or in the format requested.

IV. Charges:

1. Where minimal search time is required, there is no charge for viewing only of records. When search time is not minimal or when copies of records are requested, charges may be made based on reimbursement to the Town for the cost of searching for and reproducing documents. If the charges to search for and reproduce are expected to exceed \$200.00, the Town may require payment of the estimated costs in advance by the requestor. Where advance payment is requested, the time allowed for response stops running until the requestor responds.
2. Where extensive search time is required and extensive copying is anticipated, the requestor has the option of viewing the records.

3. Requests to provide information and records in computerized formats (diskettes, tapes, email) will be reviewed on a case by case basis and charges will be calculated based on material and staff time costs.
4. Charges may be paid in cash or by check made payable to the Town of Dumfries and reference the specific request.
5. Charges for costs incurred in searching and copying Town records are calculated based on cost of labor, including staff time, cost and wear and tear on office equipment and materials as follows.

Office Copy Reproduction: Five pages, or fewer, no charge; thereafter \$0.25 per 8 1/2" X 11" or 8 1/2' X 14 "page, \$0.50 per 11" by 17" page and \$1.00 per color copy.

Data CDs: \$10.00 per CD

DVD of a recorded meeting: \$15.00 per DVD (available for Town Council regular meetings, Planning Commission regular meetings; BZA meetings and some ARB meetings, availability may expire typically expires 30 days after the meeting or upon approval of the meeting minutes, whichever occurs last)

Other video, CD or DVD: Cost of staff time to prepare, if available.

Annual Budget, CIP, Comprehensive Plan available online at www.dumfriesva.gov – Hard copies at \$0.25 per page

Town Code, Zoning Ordinance available online at www.dumfriesva.gov –hard copies at \$0.25 per page

Charges for information not covered by the above will be made according to Virginia FOIA law at the discretion of the FOIA information officer, and based on actual costs to produce the requested information.

ORDINANCE TO ADOPT THE TOWN OF DUMFRIES CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2014 - 2018

WHEREAS, Pursuant to Section 15.2-2239 of the Code of Virginia, the Town of Dumfries Planning Commission at the direction of the Town Council has prepared a capital improvement program based on the Comprehensive Plan of the Town for a period not to exceed the ensuing five years; and

WHEREAS, the capital improvement program includes the Planning Commission's recommendations, estimates of costs of facilities, including road improvement, transportation improvements, building improvements and land acquisitions as provided for in the Comprehensive Plan, and the means of financing them; and

WHEREAS, in the preparation of its capital budget recommendations consultation was held with the Town Manager and the Town's Department Heads; and

WHEREAS, a public hearing was duly advertised and held on January 22, 2013, at 6:30 PM when the Capital Improvement Plan was introduced; and

WHEREAS, the recommended Capital Improvement Plan was discussed during the Work Session held on January 22, 2013 after the public hearing and moved forward to February 5, 2013 for adoption.

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries that the Capital Improvement Plan for fiscal years 2014 - 2018 is hereby adopted.

Mr. Toney moved, seconded by Ms. Forrester, to bring the fundraising policy back with the changes discussed to the next regular Council meeting. The motion carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: CITIZEN COMMENT PERIOD

There were no citizen comments.

IN RE: MAYOR'S COMMENTS

Mayor Foreman read the following comments.

"I'd like to thank Ron Smith for the tour he provided of the Civil War Cockpit Point Battery on January 12, 2013.

I would like to mention the passing of Sarah Stewart May. She was born June 19, 1922 and passed away on January 27, 2013. Our prayers are with your family.

I would like to congratulate the Forrest Park High School Track Team: The 4 x 200 boys relay team went to New York February 2, 2013 and brought home another victory running against five of the top ten ranked teams in the country.

Since May 2012, as a Council we came to a consensus that the first meeting of the month would be a regular meeting that would include presentations, staff and committee reports, and items from which to vote. The second meeting of the month is a work session and items are discussed, brought to maturity, and then placed on the consent agenda before a regular meeting to vote.

There are several items on tonight's regular agenda; that were discussed during the work session and not brought to a full conclusion. If we are going to persist down this path of discussion items being on the first meeting of the month, then we should go back to two regular meetings a month where votes are taken at each meeting, and all meetings are televised for the public to view their elected official's dialogue.

Part of the reason that I ran for Town Council in 2010 was because I watched in horror as our then Town Council raided our security funds or some would call emergency funds and then created and voted for Equalization Initiatives that had a direct "negative" effect on my pocketbook.

I have listened since 2010 to citizens and business owners come to the podium and tell the Council to make lowering of taxes and fee schedules a priority and stick to a budget. Now as we enter the FY13 Mid-Year Budget review and begin planning for the FY14 Annual Budget I will remind Council to stick to the budget. We should ask questions to ensure adequate funding is

available to the Town Manager to execute his responsibilities, but we should only move monies when safety is of paramount concern.

We tend to as a Council want to solve problems by taxing our citizens. Too many times when providing a service to Town citizens, the default mechanism is for Council to either eliminate a standing program or raise taxes. Our relationship with Prince William County (PWC) needs to change from observation to involvement. Council needs to be vocal with our PWC Board of Supervisors (PWC BOS). We need to coordinate our efforts. PWC treats each of its four Towns as separate entities; we are treated quite frankly as a city such as Manassas or Manassas Park. With a \$4M budget and approx 5,000 citizens, we are not by definition a city. There are numerous ways to leverage our taxes paid to PWC in such a way that our citizens and business owners will benefit from Council involvement. As an incorporated Town, we should have a voting seat on PWC committees. Just as citizens are asked to participate in the Town's budget process, so too should the Council participate in the Potomac Magisterial Budget process. Tonight we are going to discuss initiatives that directly affect our mid-year and next year's Annual Budget, I applaud the motion, however I believe that as a Council, individually and collectively, we should be having the School Resource Officer conversation with the PWC BOS, not asking our citizens to pick up this burden. We are going to discuss Parks and Recreation services, we as a Council should be knocking down PWC's door asking why the Town does not have a seat on the Parks & Recreation Committee.

Lastly, one of the unfortunate aspects of this job is that my daily interaction with citizens, business owners, and churches is limited to very few of you. To help with that, I plan to have a series of brown bag lunches, over the next year to meet some of you and catch up with others.

There will be no agenda and I plan to keep these sessions low key and informal. In addition to social interaction, I am interested in hearing ideas, suggestions, concerns, or whatever is on your mind - the good, the bad or the ugly from each of you. So please plan to join me when the event is scheduled.

I do actually plan on eating during these sessions, so please bring your own brown bag. If it looks better than mine, I reserve the right to eat yours. These lunches will be scheduled on a random basis on Friday's subject to availability; please visit my website for dates and times.

I look forward to seeing you soon. Remember as winter is upon us to drive safe."

IN RE: PRESENTATIONS

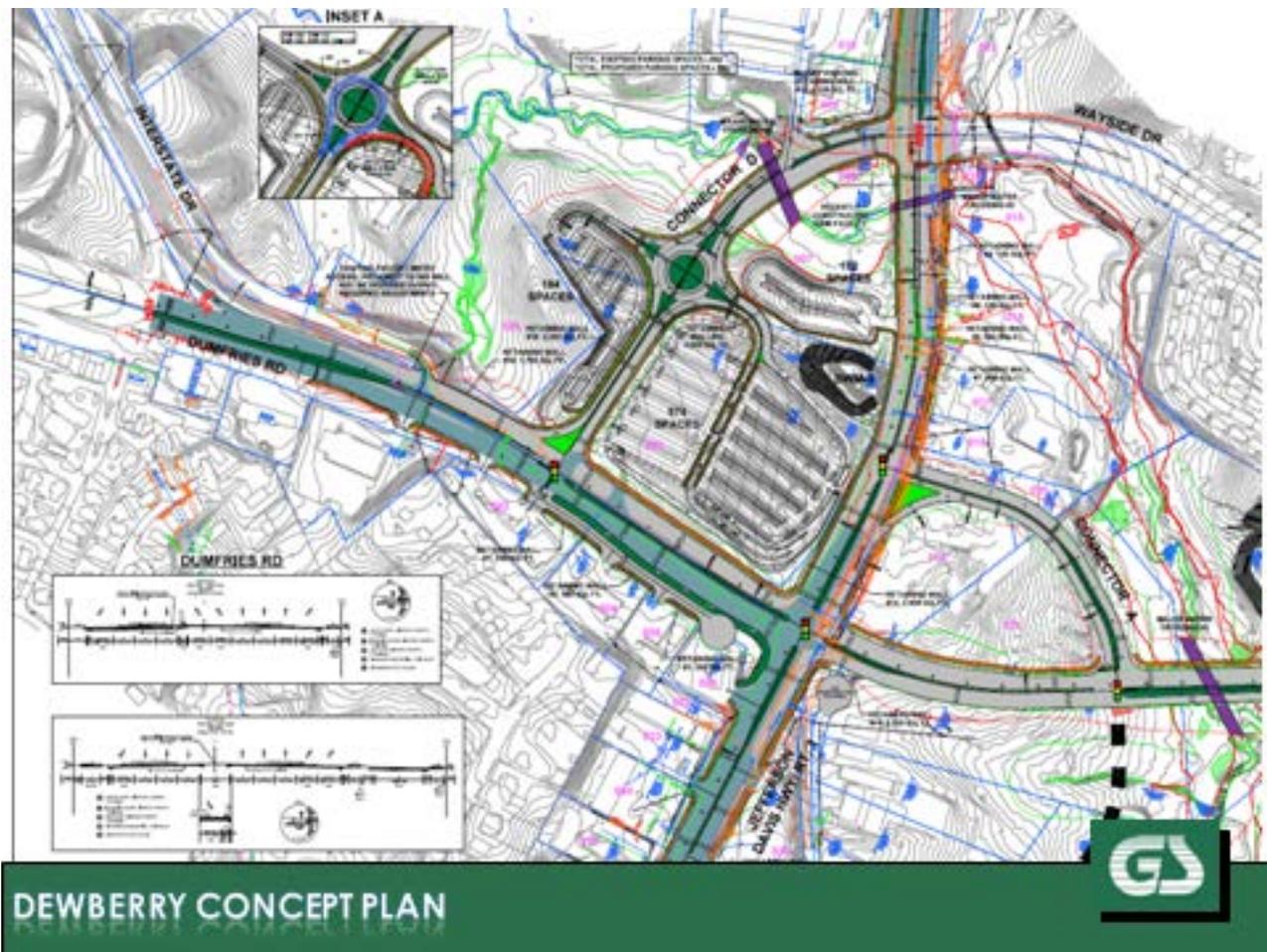
**A. POTOMAC SHORES (FORMERLY HARBOR STATION) – EDDIE BYRNE,
VICE PRESIDENT OF PROJECT MANAGEMENT, ARGENT
MANAGEMENT, LLC**

Mr. Taber reminded Council that the original presentation did not deal much with the intersection and transportation issues involved with the project. He believed it was Council's desire to have that presentation tonight and allow Council the opportunity to think about what is presented over the next two weeks to formulate questions. Mr. Byrne will be back at the next work session to answer those questions.

Mr. Byrne explained he was going to discuss the intersection at Route 1 and Route 234. The spine road that will run through the Potomac Shores project is Potomac Shores Parkway. The plan has always been for that road to continue west of the property, west of River Heritage Drive and proceed all the way down to Route 1 where it intersects with Route 234, so there would be a continuous link from Route 234 to Potomac Shores Parkway. Most of the right of way was previously set aside when the areas west of the property were subdivided except for the last link between Route 1 and property Potomac Shores controls, which goes through the recycling yard. Originally, there was an interchange proposed by the Virginia Department of Transportation (VDOT) to replace the at-grade intersection and in early 2000 the then developer proposed to build this link to that interchange. Subsequently, the property was sold and the next developer, who named the project Harbor Station, ultimately proposed to build the previous VDOT interchange in conjunction with one of their zoning applications approved by Prince William County (PWC). He is familiar with some of that because he was involved with the developer at the time and there was a good deal of discussion that might be considered controversial about the interchange. He was involved with Town staff in many meetings about whether the interchange was appropriately designed, could function, and what impact it might have to the businesses along Route 234 and Route 1. Moving past that point, which was around 2006/2007, when SunCal began looking at the property and investigating what the issues were, what the zoning was, what are all the issues behind it, and where are the points of controversy. He identified the interchange and the discussions it had generated with the Town as something that needed to be looked at again. SunCal hired Gorove/Slade, specifically Chad Baird, who is in attendance, to take a look at the access to Route 1 and try to identify whether there is an alternative that does not involve a grade separated interchange that functions and meets all the demands for traffic management the project generates as well as the current activities and future activities on Route 1 and Route 234. In addition, can it do so in a way that does not disrupt the businesses along Route 234 and Route 1. Certainly, a third consideration is the physical appearance of an interchange versus an at-grade intersection. He believes that Mr. Baird returned what Potomac Shores believes to be a successful concept. It is known as a quadrant intersection. He asked Mr. Baird to come up and explain what has gone into the concept. He noted they have been working with VDOT, PWC, and Town staff with the concept and incorporated as many ideas as possible. He noted that this is just a concept.

Mr. Baird explained that Gorove/Slade was hired to look at primarily two things; a study looking at the internal roads and looking at the Route 1/Route 234 intersections. It was known from the very beginning that the interchange through this intersection had a lot of discussion as to whether it should be at-grade, grade separated, and what direction it should go. One of the things he was tasked with was how

to get the intersection back to at-grade and operating at acceptable levels. At the time, the company was working in the Bealeton area of Fauquier and one of the projects brought up there was a concept called quadrant intersection. What it does is it adds a quadrant that takes turning traffic away from the main intersection. It would remove traffic turning left away from the main intersection and would turn at the quadrant intersection. This would take traffic that was turning away from the intersection, taking cycles away from the intersection, which will allow more traffic to move through the intersection. This puts it at a different intersection where you can have additional lanes and a lower level of volume at the different intersections. He went over the following diagram pointing out that a quadrant was added to the northeast quadrant and another was added around the park and ride lot on the northwest quadrant.



A preliminary analysis was done and scoped out with PWC and VDOT to make sure all of the guidelines were being followed and everything that was needed was included in the traffic impact study. Several meetings have been held with the Town, VDOT, and PWC. One of the primary changes made from having those meetings was the removal of a quadrant following the existing road that is around the park and ride lot and Wayside Drive is now being continued to Route 234. After analyzing all of the new

quadrants, there are acceptable levels of service at all of the intersections around the intersection. The Route 1/Route 234 intersection is a two phase signal, no left turns allowed at all, and a right turn can be made. At Potomac Shores Parkway, there will be a new signalized entrance where the right in, right out entrance goes to the park and ride lot. The existing entrance to the park and ride lot would go away now that there is the connection to Wayside Drive. Wayside Drive would be a brand new road connection with a roundabout. The roundabout is mainly for traffic calming. It also is to make sure to be able to get all the ins and outs of the park and ride lot. Through discussions with the Town, PWC, and VDOT the park and ride lot was also a major concern that needed to be evaluated; buses, slug lines, people coming and going, parking everywhere, so that was evaluated and made sure that parking was added. Any parking removed was added back in. A slug line and bus drop off and pick up have been added to take it off the main road and make sure it is in the park and ride lot. All of this is still under review by PWC, VDOT, as well as the Town. Through the process, the Town brought up a couple of things that needed attention. There are businesses on the south side of Route 234 and on the west side of Route 1 that are critical to the Town. As part of the widening of Route 234, the proposal is to add a signal with a collector road that would run along the south side of Route 234, which will accommodate all the businesses. Another point was cul-de-sacing Old Stage Coach Road. As part of that a southbound left turn will be added maintaining access. He did not think it was a road right now and is a private parcel. He noted discussions are being had with the Town now to make sure it is being evaluated appropriately. How some of that traffic is transferred from Old Stage Coach Road and how does it back on to Old Stage Coach Road. Access to the west side is being maintained to all the businesses on Route 1 currently as it is today with the widening. Again he was tasked with making sure the Route 234/Route 1 intersection were at-grade and maintaining acceptable levels of service based on PWC and VDOT standards. This plan does that with the widening and the quadrant intersections. He was available to answer any questions that Council may have.

Mayor Foreman explained that the purpose of tonight was for the presentation. Potomac Shores will be coming to the next work session. Any questions Council may have can be sent to the Town Manager or saved until the work session.

Mr. Brewer pointed out the service road on Route 234 was what was proposed the last time the project was before Council that was rejected. The only thing that he saw that was different was the roundabout in the park and ride lot. He asked if Route 234 was being widened.

Mr. Baird confirmed that Route 234 and Route 1 were going to be widened.

Mr. Brewer noted the Town, when Route 234 was originally widened, goes to the center of the roadway. The center has not changed. He noted the Town does not want a service road because it will

cut off business to the businesses. It is dangerous getting to the businesses now since the road was split up. He mentioned the strip mall with the 7-11 has a right in and right out only, so a left turn cannot be made to go toward Manassas. He noted there were a number of things that needed to be discussed with the developer and among Council because there is a lot of property that is impacted in the Town. He asked what area was not going to be able to make a left hand turn.

Mr. Baird explained it would be the intersection of Route 234 and Route 1 heading north.

Mr. Brewer asked if he realized how much traffic was coming out of there that was going to be placed on the service road.

Mr. Baird noted the roads were designed to handle the amount of traffic that is being placed on them.

Mr. Brewer noted traffic coming from Manassas was going to be diverted around the park and ride lot, through the roundabout, to Route 1 in order to go north or, a vehicle would have to go straight across to Potomac Shore Parkway and take the side road to go north.

Mr. Baird explained the purpose is to take the left hand turns out of the cycle of the signal to allow Route 1 and Route 234 to be a 2-cycle signal, which gives more green time to through movements and allows more movements out of the surrounding intersections in the area.

Mr. Brewer noted that coming from the north, through the Town, traffic is already backed up. He asked if the traffic was being slowed down, is the traffic more expedient coming through Town, or is it by the road configuration.

Mr. Baird explained he did not hit on any of the road improvements that are part of the proposal. He noted Route 234 and Potomac Shore Parkway will be anywhere from six lanes to eight lanes wide to get through lanes. Route 1 is six lanes going through this corridor. The traffic is not being slowed down. The traffic is being maintained. The signals are being put in with the cycle length that is acceptable to VDOT, which is still being reviewed. Everything is a level of service of D or better by lane group or approach with the existing traffic, growth, and Potomac Shores added to the road network.

Mr. Brewer asked if the six lanes carried all the way through the Town.

Mr. Baird explained the six-lane section matches up with the Town's existing road before it divides.

Mr. Brewer noted the traffic would be going from six lanes down to four.

Mayor Foreman asked if a copy of the slide could be provided to Council prior to the work session in two weeks. He asked if a table could be set up with a big map in order for Council to stand and ask questions. He noted the map should show all the improvements to Possum Point Road or at least to Tripoli Heights. Council needs to be able to see where the road is going into Tripoli Heights. He

noted the brief this evening was to allow citizens the opportunity to contact the Town Manager, staff, or an elected official with questions they may have.

Mr. Toney asked what the projected increase in traffic would be.

Mr. Baird noted there were a couple of build out years. The build out year being looked at in the conceptual plan is for 2030, which anticipates the total build out of Potomac Shores.

Mr. Toney asked when the road is expected to be completed.

Mr. Baird noted the completion is still being discussed with VDOT and PWC.

Mr. Toney mentioned that when the presentation was made to PWC a number was provided.

Mr. Byrne indicated that a 25,000-vehicle threshold was talked about. He explained that they have been working with VDOT and PWC to determine the appropriate amount for the threshold. He mentioned they are still discussing this and searching for a threshold. The number that was used came from what the previous developer used.

Mr. Toney stated that from his perspective it would negatively impact the quality of life for the citizens of the Town. He mentioned the cul-de-sac at Old Stage Coach Road and asked if they thought it would not negatively impact the businesses.

Mr. Baird indicated that was still being evaluated. He explained a southbound left turn has been added to try to connect with Old Stage Coach Road. They are still trying to figure out if they can get the right-of-way, if a signal can be constructed there, if VDOT would allow it, and how all the parcels would come together if that were the case.

Mr. Toney understood this was a concept and there is room for ideas. He hoped that some amendments are taken into consideration to keep the people who live in Dumfries and the businesses from being choked off.

Mr. Baird clarified their goal was to make sure that traffic would flow in and out of the Town while maintaining the flow in the surrounding area.

Mr. Wood concurred with the concerns expressed by Mr. Brewer and Mr. Toney.

Ms. Washington asked if at the work session some discussion could be had on the impact the changes being made at the Route 234 intersection will impact the changes being proposed to Route 1/Fraley Boulevard, north and south.

B. RESOLUTION COMMENDING THE SERVICE OF LOUIS A. PRAINO TO THE TOWN OF DUMFRIES – MAYOR FOREMAN

Mayor Foreman presented a resolution to Louis Praino commending him for his service to the Town.

Mr. Praino thanked Council. He pointed out all the Boards and Commissions that he has served on are not one person, but a group.

The resolution was previously adopted on January 8, 2013.

Mr. Toney moved, seconded by Mr. Brewer, that a resolution be drafted to recognize the service that James Vinson. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: BOARDS AND COMMISSIONS
A. ARCHITECTURAL REVIEW BOARD

There was no report.

B. BOARD OF ZONING APPEALS

Ms. Sanders reported the following on behalf of Bette Begley, Chair.

- The meeting calendar for 2013 was adopted.
- Bette Begley was appointed Chair and Bob Price was appointed Vice Chair.
- New members were introduced.
- A mock zoning appeals case was held.

C. HISTORIC DUMFRIES

There was no report.

D. PLANNING COMMISSION

There was no report.

IN RE: COUNCIL REPORTS
A. GINN PARK COMMITTEE

Mr. Toney reported the following items.

- Meeting was held on January 29 at Ginn Memorial Park with all members in attendance.
- Greg Tkac gave an update.
- The website was updated to include the final concept plan for Phase II, pictures of the evolution of the Park, and meeting notes.
- The Parks signs have been installed.
- The Parks infrastructure was mapped and staked out and a review was done to make sure the amenities planned would fit on the property.
- Fencing and painting of the basketball court are the two things that remain to be finished.

Mayor Foreman asked the following questions noting that a response did not have to be made this evening.

“Ginn Memorial Park Committee

- ✓ Park Grand Opening date?
- ✓ Park ready for organized use:
 - Is the Town insured against personal injury, property damage to residence homes as well as passing traffic?
 - Does the Town have permission slips for organizations to sign?
 - Town Parks usage policy?
 - Fee Schedule?
 - Does the perimeter fence have to be installed prior to organized sports?
 - How many entrances are there on the perimeter fence?
- ✓ Ginn Memorial Park on Town website. Previously discussed a pull-down showing:
 - Resolution (as approved by Council)
 - Add minutes from meetings.
- ✓ Pavilion
 - What is the size and area for the office and restrooms?
 - Not addressed from 8 Jan 13 Council Mtg.
 - What will they be used for?
 - Not addressed from 8 Jan 13 Council Mtg.
 - What are the exact measurements of the Pavilion?
 - Prior to requesting monies in any FY budget for the pavilion & amphitheater to be built RFP's and estimate should be solicited from contractors so that accurate funding can be set aside in the FY Budget by Council.
- ✓ Have we Established Procedures for:
 - Community Garden Plots?
 - Not addressed from 8 Jan 13 Council Mtg.
 - Equipment Checkout?
 - Not addressed from 8 Jan 13 Council Mtg.
 - What is the impact on the Annual Budget?
 - Not addressed from 8 Jan 13 Council Mtg.
- ✓ Amphitheater
 - The Park Committee needs to present to the Council an architectural/conceptual view of the amphitheater addressing the concerns of Mr. O'Kelly's open space and Chief Forker and Chief Ester's recommendation that the structure not block the view of the basketball court.
 - When there are events at the amphitheater won't these activities be close to the street? The amphitheater is closer to the street than the pavilion. These concerns were brought up by Chief Forker and Ester.

Phase II is due to be completed in fiscal year 2013. Will the Committee be presenting a Phase III for the fiscal year 2014 annual budget?

We have Council members that chair committees. One of the responsibilities of these council members is to ensure that when any councilmember or citizen asks a question or has a concern, that a response is provided in a timely manner."

Mr. Brewer indicated the items addressed in Mayor Foreman's request should have already been answered during the purchase of the Park. He explained that when you build something you determine what it is you want, which is the planning phase. Once the Council decides what it wants then you look at how much money it is going to take to build. The Park is being piecemealed together. These type of

things have to be planned a whole lot better. He was not saying that what was placed at the Park in any way was wrong. What he is saying is wrong, is the procedure. It should not take more than eight months to build a park. It seems to be an ongoing thing. Get a plan together from start to finish then come to Council to decide what to do about funding the project. He has been in construction for 35 years and has never seen a building built like this before. Funding is in place before starting.

Ms. Forrester appreciated Mr. Brewer's feedback and agreed that one was one method for planning a construction project. It was pointed out that it is not a building. Council members all had a perspective and idea of what they wanted there and many things were talked about. Ultimately, Council was not ready or able to commit funds to a full project, which is why it was specifically divided into three phases. She noted Council was looking at getting rid of the equalization tax rate among other things and still in an uncertain budget time Council was not prepared to scrape together and commit funds for the grandest dreams of the park. Council was comfortable with planning it one phase at a time and commit funds then decide what resources were available and what priorities were going to be set. She felt the statement of doing something incorrectly, recklessly, or in a wrong way is incorrect.

B. EVENTS COMMITTEE

Ms. Washington was unable to attend the last meeting; however, she was provided with notes and reported the following items.

- Dumfries Cares is up and running. Mr. Toney, Ms. Reynolds, and she attended training a couple of weeks ago. The training was not well attended; however, it was very organized and informational. Staff has been attending workshops to get training. Information has been distributed to all of the schools. In the future, Council needs to look at the need for transportation.
- The Virginia Tourism–LOVE sign will be at Garrison Park from May 3 to May 7.
- Black History Month is scheduled for Saturday, February 9, from Noon to 2:00 p.m. at the Little Union Baptist Church at the end of Mine Road. The Dumfries Elementary School Chorus will be singing.

Mr. Taber noted there is a website for the LOVE sign and citizens are encouraged to take their picture taken with the sign and then post the picture on the State's website.

C. NORTHERN VIRGINIA REGIONAL COMMISSION

There was no report.

D. NORTHERN VIRGINIA CIGARETTE TAX BOARD

There was no report.

IN RE: STAFF PRESENTATIONS

A. DIRECTOR OF COMMUNITY SERVICES

There was no report.

B. DIRECTOR OF PUBLIC WORKS

Mr. Tkac reported the following items.

- The Washington Street storm drainage project is finishing up. Curb and gutter was being poured this afternoon and by the end of the week sidewalks will be installed between Fairfax Street and Cameron Street along Duke Street.
- There has been some major repair work done on Fairfax Street between Duke Street and Mine Road with regard to sinkholes.
- Signs were installed at Ginn Memorial Park and stripping of the basketball court is scheduled for tomorrow.
- A stormwater drainage improvement project is being scoped out along Possum Point Road. Included with that scoping is a project for future consideration of sidewalks from Summer Duck Drive to Route 1.
- A meeting was held with the VDOT about the sidewalk project along Route 1 from Route 234 to Main Street. Further discussions were held regarding pedestrian refuge and crosswalks at the Graham Street Intersection, Possum Point Road and Main Street, and Route 234/Route 1.
- A meeting was held with the consultant and VDOT on the intersection project at length about the parcels that the project would impact, future alignment, and the new entrance into Triangle Shopping Center.

Mr. Brewer asked where the Possum Point Road project was located in conjunction to the project PWC and the Town had done.

Mr. Tkac explained the project entered into with PWC was the quadruple box culvert, which was done in 2010. He mentioned this project is going to be the total length of Possum Point Road from Route 1 to the end of Town limits where the ditches are in need of continual maintenance.

Mr. Brewer explained the reason he asked the question is because there is an area where the Town only owns the road. The Town should not be responsible for anything off that road. He questioned whether PWC needed to be involved with the project. He asked if the Town was getting additional runoff from PWC.

Mr. Tkac noted the Town was. He explained that 100 percent of the runoff other than what is generated within the Town is coming from PWC. It is not just Possum Point Road. The Town owns the

roadway prism; the total typical section includes the road, the ditches, and an additional two feet outside of the ditch on the north side. It is ultimately the Town's responsibility.

Mr. Wood asked what the priority level was of getting a crosswalk at the intersection of Graham Park Road and Curtis Drive where the McDonald's is located.

Mr. Tkac noted the priority was huge. Staff is working with the traffic engineering section of VDOT, the Town has agreed to put in the ADA ramps, and VDOT has agreed to put in head signal buttons and a crosswalk. He had planned to install the ramps within the next two weeks; however, VDOT has asked him to hold off until a little more analysis can be done of the intersection. He would email Council the status after he meets with them again next week.

Mr. Wood asked what the status was of the street sweeper.

Mr. Tkac explained the sweeper had a recent breakdown, it has been repaired, and the new sweeper schedule will be up on the website tomorrow.

Mr. Wood asked if the Town's signs have been located.

Mr. Tkac was working with the Town Manager to get signs installed similar to the design of the one placed at Ginn Memorial Park.

Mr. Wood asked when Council was going to get a copy of the information requested by Mr. Toney at the last meeting regarding Olde Towne Landscaping.

Mr. Taber noted the information was going to be provided at a work session. Staff is in the process of compiling the figures.

Mr. Wood mentioned the report that was provided states the stripping of the basketball court would be done in the next couple of weeks and at the last meeting, it was stated that the work would be complete by the next meeting.

Mr. Tkac explained he has a tendency to go on what the contractor tells him and he does not allow any additional time. The court is scheduled to be stripped tomorrow.

C. CHIEF OF POLICE

Chief Forker reported the following items.

- Sergeant Mark Robinson has been cleared for full duty and is back out on the street.
- Officer Renee Moody is still on light duty.
- The latest recruit, John Lopez, is currently in the academy and running with a 95 percent average.

Mayor Foreman asked where the incident took place on the juvenile arrest that was made in December.

Ms. Sanders stated it was in Williamstown.

D. TOWN ATTORNEY

Ms. Sanders asked Council if they had any questions.

Mr. Wood mentioned that on occasion Council members are at a business and get blindsided by questions without knowing what kind of zoning violations are pending. He asked if there was some way that Council could be informed when a business has been issued a notice of violation.

Ms. Sanders asked the question be directed to the Town Manager who can in turn direct the Zoning Administrator.

Mr. Taber mentioned that there are many stages involved when there is a zoning violation. Staff talks directly to the business owner, whenever possible, about the violation to allow them an opportunity to correct the violation prior to going through the process of issuing a notice of violation. There are several preliminary steps, so he would need some guidance from Council. Staff can provide information at a number of points. He suggested that when a notice of violation letter is issued staff could notify Council. He noted an issue could be confidentiality. He thought Council has a right to know and cautioned Council about not forwarding any emails.

Mr. Brewer asked if the franchise agreement was close to being resolved with Comcast.

Ms. Sanders revised the agreement after getting comments from Council at the last meeting, forwarded the revised agreement to Comcast, and is now waiting for a response. She noted the agreement would probably come back at a work session with the Comcast representative on hand to answer any questions Council may have.

E. TOWN MANAGER

Mr. Taber reported the following items.

- The Town of Dumfries is scheduled to host the next CivMil (Civilian-Military) Evening Social on March 13. He will keep Council informed about the details as they become available.
- He will be out of Town February 13 until midday on February 15 at the VLGMA (Virginia Local Government Management Association) conference in Staunton.
- The spreadsheets for the midyear budget have been reorganized and placed in the Council member's boxes.

Mr. Brewer asked when Council was going to have a meeting with Potomac Landfill.

Mr. Taber mentioned the Council's questions were submitted. He understood that one of the exhibits asked for is holding up moving forward at this time. He noted that the issue brought up of the stockpiling at one of the last meetings has been corrected.

Mr. Toney noted that Council has not received any reports regarding the Hashimi project.

Mr. Taber stated the Hashimi's have not contacted the Town and has no additional information on how they plan to move forward. He would get in touch with the Hashimi's and give Council an update via email.

Mr. Toney explained the Town went into an agreement with the Hashimi's to vacate Union Street so that this would not impede on their project. The Hashimi's had three years from the date of the agreement to break ground on the project and if not the vacation would revert back.

Mr. Taber was going to have staff look into the matter and follow up with Council.

Mr. Toney mentioned dropping off an audit report to be copied to the other Council members.

Mr. Taber thought he sent it by email, but would look into it to make sure it gets to all the Council members.

Mr. Toney noted it was the audit report from the Northern Virginia Cigarette Tax Board.

Mr. Brewer got the audit by email.

F. TREASURER

Report moved to the February 19, 2013 work session meeting.

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

Ms. Reynolds while at the Virginia Municipal League's Local Government Day met with Delegate Luke Torian and spoke about transportation. She also saw Rich Anderson who sits on the Board of Transportation.

Mr. Wood also attended the conference and met with some of the PWC Supervisors. He sat in on the meeting with Delegate Torian. There was also a discussion had with Senator Chuck Colgan about transportation concerns.

Mayor Foreman reported the following meeting.

Delegate Luke Torian

21 Jan 13

- Met with Delegate Luke Torian,
 - VDOT Commissioner Gregory A. Whirley
 - Garrett Moore
 - John Lynch
- Interstate 95 and Route 1 impact on Dumfries
- Route 1 Widening efforts
- Result of meeting was VDOT letter dated 22 Jan 13 requesting \$1M set aside in six year plan.

**IN RE: ACTION ITEMS
A. DISCUSSION/DECISION ON TELEVISIONING FY13 MID-YEAR BUDGET &
FY14 ANNUAL BUDGET MEETINGS – MAYOR FOREMAN**

Mayor Foreman stated that citizens and business owners should hear and witness their elected officials discuss budget items. All mid-year FY13 and FY14 annual budget discussions should take place during televised sessions. Prior to all budget discussions, the current budget should be available online for interested citizens and business owners to download. In this way, citizens and business owners will be better prepared for the public hearing. This will allow for citizens and business owners to observe their elected officials and Town government discuss budgetary priorities that directly affect their pocketbook.

Mr. Brewer did not understand why this was being discussed since all discussions dealing with money have to be advertised and televised.

Ms. Forrester moved, seconded by Mr. Wood, to televise all FY13 mid-year budget and FY14 annual budget meetings. 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.

B. DISCUSSION ON AGENDA TOPICS FOR MEETING WITH SUPERVISOR MAUREEN CADDIGAN – DAN TABER

Mr. Taber reminded the citizens that Council has a policy of meeting with the Potomac District Supervisor on a quarterly basis or at least a semi-annual basis. A few months ago, he had asked for input on what Council would like to discuss, the meeting was scheduled, and due to circumstances out of Supervisor Maureen Caddigan's control, the meeting was cancelled. He wanted to make sure that if anything has come up that Council would like to see on the agenda that he be advised tonight in order to make contact to reschedule the meeting.

Mr. Toney asked what getting the ideas on rebranding the Town was about.

Mr. Taber noted that was Mr. Wood's suggestion.

Mr. Wood explained the district used to be the Dumfries District, which was renamed to the Potomac District, and he wanted to know how Supervisor Caddigan felt the rebranding/restructuring impacted the Town. In the news, the area is still referred to as Dumfries. He wanted to know what her ideas were for the Town being a part of her district.

Mayor Foreman submitted the following to be added to the agenda for discussion with Supervisor Caddigan, Prince William County (PWC) Potomac District.

- **School Resource Officer**
- **Parks and Recreation**
 - **How are Parks and Recreation amenities managed by PWC?**
 - **Is there a committee?**
 - **Why don't Towns have a seat on the Committee?**

- PWC Wetlands Board
 - The Town should have a seat on the PWC Wetlands Board.
- PWC Legislative Agenda
 - There are four Towns within PWC; these Towns should be considered and/or asked to contribute to the PWC Legislative Agenda.
 - Towns did not receive final copy of Legislative Agenda.
 - I had to download the brief from PWC Chamber site.
- PWC Potomac Supervisor's Budget
 - To date the Town has not received a copy, nor has the Town Government been asked for input.
 - When we build the Town Budget we are in constant dialogue with PWC staff.
 - District Supervisor decisions impact Town budgets.
 - PWC continuously engages the Commonwealth of Virginia's ongoing budget process, PWC's intergovernmental affairs representatives engage with the Governor's administration to advocate for including PWC's budgetary needs in the Commonwealth's proposed budget. This advocating should include the Town's interest as well.
 - Members of the PWC delegation to the General Assembly receive regular updates on PWC's funding needs from the State. These updates should be provided to the Town as well.
 - In the months that the General Assembly is not in session, PWC is continually engaged in education efforts to ensure that the PWC delegation is aware of PWC needs. This effort should also include the Town's needs as well.
- Transportation Roadway Improvement Program (TRIP) Allocations
 - Each Supervisor was allocated \$214,286 in FY13.
 - How can the Town utilize this money (their fair share) for sidewalks, intersection improvements and turn lane improvements, etc?
- Ethanol Facility on Cockpit Point Road
 - Facts to note:
 - Storage of 155,000 barrels.
 - 400,000 gallons a month go through the Town on trucks.
 - All product from the Eco-Energy facility will be transferred to the existing NuStar Energy Terminal.
 - Additional Capacity facilitated by the Eco-Energy facility is expected to generate on average two (2) trucks per hour from the NuStar Terminal.

Road Maintenance

- Possum Point Road is not ready to handle increased traffic.
- Possum Point Road connects Route 1 to Cockpit Point Road and is approximately 3 miles.
- Cockpit Point Road distance from that turn to the facilities is approximately 2 miles.
- Possum Point Road has the sensitive waterfront of Quantico Creek and Bay.
- PWC staff have inspected the route and stated that the road conditions are not ideal, however can be reasonably expected to handle an additional 50 trucks daily.

- PWC staff had indicated that additional truck traffic will impact the maintenance requirements of the route.
- Intersection of Possum Point Road and Route 1 will be negatively affected.
- This increased transportation will put undue pressure on the Town for safety enhancements to Possum Point Road and Route 1 intersection (crosswalk, sidewalk and bus stop).

Operational Impacts

- PWC should provide an emergency impact plan in case of accident and there is contamination of waterways, environment and residents (include side affects).
- Emergency impact plan should include cost to the Town and PWC.
- What is the percentage of traffic increase in the Town (Route 1, Route 234 and Possum Point Road)?
- What are the hours of operation the increased traffic will occur?

Zoning

- Does Special Use Permit (SUP) #73-40 cover ethanol distribution.
- SUP #73-40 allows for petroleum storage facilities on-site, does it include automotive transportation.
- Was the Town of Dumfries invited to attend any meetings concerning the decision by PWC to allow for a change/modification to the usage?
- What correspondence was sent to the Town to notify of the change/modification of usage?
- **Potomac Shores**
Possible discussions with Potomac Shores to extend Cockpit Point Road to Route 234 extension, this would eliminate ethanol trucks on Possum Point Road and allow for a more direct route to Interstate 95 and Route 1. Also, eliminate environmental concerns of contamination of waterways.

Mr. Brewer did not think it was a good idea to be sending the Town’s legislative agenda to PWC since their legislative representative has been the number one culprit of knocking the Town’s legislative agenda down. He felt that giving them the information gives them time to prepare and lobby against the Town.

Mayor Foreman noted the Town is in PWC and cannot solve all of its issues alone. He believes the Town’s plan has to fit into PWC’s plan, which in turn has to fit into the State’s plan. He agreed it should not fit perfectly, but PWC has to know what the Town is doing. He noted the Town is paying for the legislative representative that PWC has. He mentioned if the representative is doing what Mr. Brewer says then the Council needs to talk to PWC’s elected officials.

Mr. Brewer did not have a problem with letting PWC know what the Town is doing; however, he did not think PWC needed to have the Town’s legislative agenda.

Ms. Forrester agreed with Mr. Brewer.

C. DISCUSSION/DECISION ON FUNDING FOR A SCHOOL RESOURCE OFFICER (SRO) AT DUMFRIES ELEMENTARY SCHOOL – KRISTIN FORRESTER

Ms. Forrester moved, seconded by Mr. Wood, to direct the Town Manager to establish and fund an SRO position, begin the recruitment process, and report to Council on the implementation plan at the work session scheduled for March 19.

Mr. Brewer asked why this was being automatically brought to a vote. There were a number of questions that needed to be asked that have not been answered before deciding to do something like this. There has been no input from PWC, the Police Chief, or the Town Manager and no discussion on the cost of implementing this or the training needed. He thought the cart was being put before the horse. He asked if this information should be provided before hiring someone.

Ms. Forrester thought most of this was discussed at the work session and the reason it was moved forward as an action item. The Mayor has made particular mention that when things are moved to an action item they need to be voted up, down, or moved to a work session if more details were needed.

Ms. Washington was concerned there was still so much the Council did not know yet. She thought that at this point Council would have a feasibility study done to determine if it was even feasible to have an SRO in the elementary school. One of the things that needs to be considered, even though Dumfries Elementary School is in the Town, is the Town does not own the school unlike the Police Department. The school is owned by PWC and there seems to be things the Town needs to discuss with PWC and the departments within PWC schools that deal with SRO's. She understood from a conversation with Betty Covington, PWC School Board Member, that the School Board is for having an SRO, as she thinks everyone on Council is over safety concerns; however, there are concerns about who will be responsible in overseeing what the SRO does at the school. The Council has yet to talk with the Principal of the school to see how it fits with what goes on at the school on a daily basis.

Ms. Forrester appreciated the concerns; however, the concerns were discussed at length at the work session. What was explained then, which continues to be said, now is that those concerns are part of implementation and if at any point PWC were to be disagreeable or something were not able to come to fruition, then obviously that would be dealt with. There is no need for Council to hammer out the implementation on the frontend. This is a job for staff. Council's job is to decide if this is something Council wants to commit to, which is why this is an action item today.

Ms. Washington mentioned that when spending her own money, she asks why am I spending this money, what am I getting for this money, and is it necessary to spend the money. She finds it difficult to

spend Town money without knowing more about whether it is feasible to have the position, what the position is going to do, and how it will impact the school. She noted a major renovation is taking place at the school and was not sure there was room at the school for the SRO. She needed more information to make the decision.

Mr. Brewer indicated the Town would be spending \$100,000 the first year of implementation. He noted PWC is discussing providing part time SRO's for elementary and middle schools. He asked if PWC was going to be spending tax dollars on an SRO why would the Town want to spend tax dollars and be redundant.

Mayor Foreman spoke to Maureen Caddigan on January 29 through email. He read the following from the email. "Of course I am in favor of anything that would make our schools safe. As you know, we are in the early stages of our budget, so it is too early to tell exactly what will be the final result. I am sure that you have heard that the Governor is looking at providing some funding to the localities to staff schools with police officers. As this process moves forward, the County is working closely with the school division to meet their requested needs. I can assure you that the County Board of Supervisors is very interested in our children's' safety." He read the following response from Rita Goss, Associate Superintendent of Eastern Elementary Schools. "Dumfries does have limited space, so it can mean that it is a shared work area. Should the Town Council decide to do this it would be imperative for the Town of Dumfries to work with Ms. Mitchie and Patti Pittman to develop a memorandum of understanding." He read the following response from Ms. Covington on January 31. "Please convey my thanks to the Town Council, Town staff, and the Police Department for everything that everyone does to support our wonderful schools. I commend the Town on their concern and possibly offering assistance to the safety of our students." Ms. Mitchie called him, and whatever Council does, the workspace would be shared pre and post renovations. Dumfries Elementary wants to be involved in the development of the job description and want the position to be combined security and a SRO. He asked if this was a request for the midyear budget review or for next year's budget.

Ms. Forrester wanted it implemented as soon as possible. She indicated it was a midyear budget item.

Mayor Foreman stated he would be forced to vote no on it if it was a midyear budget item because it is February now. If a job description was developed with Dumfries Elementary School, a legal review done, the job listed internally then externally, with hiring that it would be June and school would be out for the year. The only way it would be sooner is if the hire were an already qualified SRO and a police officer. Otherwise, the individual would have to go through the police academy and SRO training. Safety is paramount and he will continue to say that.

The motion to direct the Town Manager to establish and fund an SRO position, begin the recruitment process, and report to Council on the implementation plan at the work session scheduled for March 19 carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman, no; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, no; Mr. Wood, yes.

Mr. Taber asked if funding could be found in the existing budget whether Council would have any objections to him moving forward. There have been some vacancy savings in the current budget. He was going to proceed as Council directed, as soon as possible. He asked Council to think about it for discussion during the midyear budget.

The motion was repeated and clarification was made that the Town Manager is to move forward with implementing a plan and bringing it back to Council at the March 19 work session while moving forward with funding and hiring a SRO as soon as possible, regardless of what budget year it falls under.

D. DISCUSSION/DECISION ON WHETHER TO PROVIDE 5% PROPERTY TAX REFUND TO PROPERTY OWNERS IN THE TOWN WHO ARE CURRENT ON THEIR TAX BILLS – KRISTIN FORRESTER

Ms. Forrester explained that Council has found, at the mid-year budget review, a surplus of unencumbered funds. In an effort to work toward a reduced tax rate she is proposing that a five percent property tax refund be given to the citizens who have paid their taxes and are current.

Mr. Brewer asked what the dollar amount was to be refunded.

Mr. Taber noted it would be approximately \$50,000.

Mr. Brewer stated that one penny equates to \$29,000.

Mr. Taber clarified one penny equates to \$30,020, which would equate to one and two-thirds pennies.

Mr. Brewer did not recall discussing the mid-year budget review. He recalled that it was put off until a later date.

Ms. Forrester noted a preliminary review was done that established the overage.

Mr. Brewer reiterated that a review has not been done. He recalled Mr. Toney asking for the budget to be able to see where the money is impacting the budget. Council is spending money that it does even know it has. The figures that were provided are projected amounts.

Ms. Forrester mentioned this was one of the problems of not having all the meetings televised. There is more sensationalism and citizens do not know what was talked about since they were not there. Just like the last issue that was discussed, much of the information was covered. There was a preliminary budget review done and Mr. Toney asked for a more detailed report, which she felt everyone was interested in seeing. Clearly, Council could see what all of the overages were going to be

and preliminary discussions were held around that. To address Mr. Brewer's concerns she asked the Town Manager if he felt this was reckless or might place the Town in a financial predicament.

Mr. Taber noted that there is a trade off with everything that is done. If this is done, something else cannot be done. What that is he could not answer since it was Council's decision. He felt it was hard for him to answer the question.

Mr. Brewer clarified that Ms. Forrester was not at the last meeting and was teleconferenced in. He reiterated that Mr. Toney had asked the Town Manager to bring back to Council the format that shows the entire budget. There was not a discussion. A copy of the request was left in Council's boxes today. He wanted some concrete figures before spending taxpayer's money.

Mr. Wood asked if an emergency fund was established or any type of reserve.

Mr. Taber noted he has not been given any direction from Council to establish an emergency fund. In 2009, when real estate values went down and the amount of revenue taken in by the property tax, which could be considered an emergency, the Town removed \$400,000 from the long-term investment fund. That is in place as an emergency fund, but it is not called an emergency fund. In addition, as far back as he can tell until the crisis, there has been an excess in the general fund that should an emergency come up, with Council's approval, could be moved from the general fund to the existing budget to revenue and expended.

Mr. Brewer asked for a point of order. The topic is whether to give a property tax rebate to the citizens and not emergency funds.

Mayor Foreman clarified the question was valid since the question on the floor is to use money from the mid-year budget.

Ms. Forrester understood and appreciated the concern; however, when the tax rate was raised the citizens were promised it would be for only two budget cycles.

Mayor Foreman read the following comments.

"There are 5,000 citizens in Dumfries, your 5% or \$50,000 return to the 1,700 property owners is equal to an on average check of \$30.00 per property owner. While I would like to return an on average \$30.00 check to each property owner. I would much rather continue to repeal the Equalization Initiatives the 2009 Town Council voted to adopt in FY10 and lower the burden on average \$100.00 for each property owner.

In FY14, I would like to see the following:

- **Property tax rate of approximately \$0.27 per \$100 assessed value (currently \$.31)**
- **Business/Professional/Occupational License rates eliminated in categories that brought in \$5,000 or less (=/> PWC & Stafford)**
- **Vehicle tag fees reduced by \$2.00 per vehicle (from \$27.00 to \$25.00)**
- **Cigarette taxes decreased by \$.05 per pack (from \$.60 to \$.55 per pack)**
- **Storm Water Management fees decreased by \$2.00 per resident**

These savings are well over \$100.00 average annually to most property owners. The continued repeal of the Equalization Initiatives affects all citizens; under your proposed rebate program a finite portion of the population is provided the rebate. Under the Equalization Initiatives repeal, all citizens benefit and realize a savings. These are items that need to be addressed at the FY14 Annual Budget discussion.

Any excess funds in the current FY13 Annual Budget should be used to return depleted security funds. To date we have only returned a fraction of what was raided in FY10. I would much rather tell citizens and business owners that their Town Government is securing their future, not raiding their mid-year budget for rebates, accelerating park amenities and that lastly we as a Council can plan a budget and stick to what we all agreed to.”

Ms. Forrester moved, seconded by Ms. Reynolds, to implement a five percent rebate on property taxes pending the review of the mid-year budget. The motion carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman, no; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, no.

E. PARKS AND RECREATION COMMISSION – DERRICK WOOD

Mr. Wood explained that currently there is no formal commission for Parks and Recreation. He is recommending the commission be composed of seven qualified voters of the Town, appointed by Council. Five members should be from the Town at large and one member from the Council and one member from staff. The duties would include, but not limited to, planning Town areas set aside for parks and recreation, conducting workable programs of Town-wide recreation, and submitting annually a list of recommended capital improvements for parks and recreation purposes. He felt this would probably supersede any of the other committees the Town has.

Mr. Wood moved, seconded by Ms. Washington, to direct staff to move forward with advertising to create a Parks and Recreation Commission.

Ms. Reynolds asked if the Commission would be working with PWC.

Mr. Wood noted the Commission would be to govern the parks in the Town.

Mr. Brewer pointed out citizens pay \$1.21 to the County in taxes and pays additional taxes to the Town. He noted this was redundant. He felt this was something that staff could do based on direction from Council. Council does not need to create another commission to direct staff to do something. In a Town of 5,000 people, a one square mile Town, the Town is too small for all this. PWC is already in place; use PWC for what taxes are being paid for. He noted that according to the agenda there is going to be another staff person on the committee who is going to have to be paid through either comp time or overtime. He asked Council to consider that before voting.

Ms. Washington knew Council wanted to have PWC provide services to the Town that taxes are being paid for; however, she did not think this was one of those places. She indicated Council wanted the parks to service the youth of the Town. What is going to happen if the Town lets PWC take over the park is that there will be teams from PWC using the park and there will be very little participation from the Town. She indicated that Council wanted the citizens of the Town, whether it is 1,000 or 5,000, to become active with the government of the Town, and this would get five people active. She explained that kids are not going to use equipment and place it back neatly, where it is supposed to go. There has to be a plan. How the equipment is going to get out? How the teams are going to be organized? How is the equipment going to be returned and put up? She thinks it is a great way to start.

Mr. Brewer pointed out that the individuals who were using Garrison Park or played sports with the Boys and Girls Club were not from the Town. He noted that was a good concept; however, there is not going to be a park that just services the kids of Dumfries. He is not a committee person and felt staff, who is paid to do these things, can handle this.

Ms. Sanders mentioned Section 3-10 of the Town's Charter gives Council the authority to create committees, boards, and commissions to be composed of citizens and Council as may be deemed expedient and authorized by law. Council shall appoint the members, prescribe compensation if any, and the powers and duties of such committees, boards, and commissions consistent with general law. Council passed on August 5, 2008 a policy that requires the creation of Town Council committees to be made up of no more than two Council Members. Each committee is to hold open meetings, take minutes, study issues assigned by the Council, and make recommendations back to Council in an open session.

Ms. Forrester asked for an outline and clarification on how long the committee would operate.

Mr. Wood suggested looking at the commission on a trial period and possibly down the road establishing a department. He added a staff member at the recommendation of the Town Manager. He felt the key was getting some workable programs where the youth can get involved. He mentioned kids who played Pop Warner last year with his son are unable to play anymore due to a lack of transportation. He also wanted them to be affordable programs.

Ms. Forrester suggested amending the motion to include that the commission members would not be compensated. Perform a review at the end of the fiscal year to determine what some of the accomplishments were, what some of the challenges were, and then Council can decide if it is a worthwhile endeavor to continue and whether to compensate the commission members.

Mayor Foreman, along with the Town Manager, met with Judy Moore and Glenn Vickers with the Boys and Girls Club last Friday. The Boys and Girls Club formed a partnership with the recreation

portion of the Manassas Parks and Recreation. The Boys and Girls Club did all the coordinating for senior events, sport activities, and programs for the kids. There was discussion about a pilot program addressing the shuttle service from the neighborhoods, including Ginn Memorial Park, to the Heiser Boys and Girls Club. Mr. Vickers is going to talk to the Town Manager about a program that may benefit the Ginn Memorial Park pavilion being built a little earlier. The Boys and Girls Club has a partnership program that looks at getting community structures built. He explained staff is working on these types of things and he did not know that a commission was warranted.

Mr. Wood amended his motion to include having the Parks and Recreation Commission be put in place for a year. This will allow Council the opportunity to review and determine how to proceed.

Ms. Sanders asked for clarification on the motion. She asked for as much direction as can be provided in order for staff to proceed with implementing the Parks and Recreation Commission.

Mr. Wood stated it would be for fiscal year 2014.

Ms. Sanders asked if the Commission would be giving a report. She explained staff needs as much information as possible, so that when staff moves forward to advertise the vacancies, the citizens will have an idea of what kind of commitment they would be making.

Mr. Wood asked who ran Merchants Park.

Mr. Taber noted the Town performs maintenance on the buildings and yard work at Merchants Park. Historic Dumfries Virginia, Inc. handles renting of the gazebo, etc.

Mr. Wood asked if that meant the Town was limited to two parks.

Mr. Brewer clarified there was one and a half of a park.

Mr. Taber mentioned Garrison Park, behind Town Hall, has a resource-protected area, which limits the use.

Mr. Wood asked Ms. Sanders if she could repeat back what he had given her so far.

Ms. Sanders could not; however, she assumed the Town Clerk could, which will be captured in the minutes.

Ms. Hobgood asked for clarification on whether Ms. Forrester's suggested amendment of no compensation was accepted.

Mr. Wood accepted the suggestion.

The motion on the floor is to direct staff to move forward with advertising to create a Parks and Recreation Commission that will be reviewed by Council at the end of a year with the members not being compensated through fiscal year 2014. The Commission will be tasked with planning and conducting workable programs and submitting annually a list of recommended capital improvements.

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

Clarification was made that the Parks and Recreation Commission will be placed on the Council's agenda for the first meeting of the month to provide a report.

F. TOWN TRASH COLLECTION AND RECYCLING – DERRICK WOOD

Mr. Wood explained this item was for discussion purposes only because the current contract is for five years with three one-year renewable options that went into effect July 1, 2010. He noted that Council cannot do anything with it at the current time until there are some documented issues. He wanted to see if there was any feasibility or benefit to the Town citizens with separating the two contracts: recycling and trash. He sees recycling as something that is good for the economy. It reduces waste, water and air pollution, and conserves landfill space. The intent of this is to look for ways to implement a recycling program with ways to incentivize the citizens to recycle. He looked at ways it could be advertised to make it easy for the citizens and ways to bring in the recycling bins around the Town. He noticed in his neighborhood that about one percent of the citizens are recycling. After talking with citizens it became clear that there is not a policy or one place to call to clarify issues with broken cans, the lack of having recycling bins, etc. and wanted to get the word out to keep from being confused.

Mr. Brewer mentioned that years ago the Town was in the trash business, recycling. It was not lucrative and lost money. He asked who was going to pay for the landfill fees. He agreed bins could be put out; however, who is going to pick them up. There is more to this than meets the eye. All of these items are addressed in the solid waste collection services contract. He noted the issue with the recycling bins is addressed in the contract and is in the newsletter every quarter. He did not think the Town should be looking into getting into the trash business and is the reason a company is paid to provide the service.

Mayor Foreman noted the Town cannot make citizens participate in a recycling program. The Town currently picks up large items discarded at the side of the road. He felt the question of how many companies could provide the service to pick up recyclables and return money to the Town was valid. The current contract provides residents with two bins, one for trash, and one for recycling. Two trucks run through every neighborhood, one for trash, and one for recycling. The current contract reads that the contractor shall provide curbside collection of recyclables. The contractor shall transport the collected recyclable materials, shall be responsible for the sale of such recyclables, and shall retain ownership of same from curbside collection to drop off points. In addition to the disposal company picking up large items, the Town runs a separate pickup because the citizens dispose of large items. The Town has maintained this program for years at a relatively minimum cost. The current contract period was for 60

months. It started July 1, 2010 and goes to June 30, 2015, which means the Town is in the second option period, July 1, 2012 to June 30, 2013.

Ms. Sanders indicated she would read the contract as a five-year contract with three one-year renewable options. The Town is still within the five years.

Mayor Foreman agreed that was what he was saying.

Ms. Sanders clarified the additional three years are in addition to the 60-month contract. The Town is in the second year of the five-year contract.

Mayor Foreman noted that all modifications to the contract shall be in writing. He mentioned the Town could modify the contract through negotiations. He indicated that American Disposal puts out a monthly project summary report. It states in the contract that American Disposal shall provide monthly project reports and yearly contract term summary reports. He explained the question that was being asked could be found out by looking at those reports. He noted the reports include the following details.

- Summaries of the tonnages or volumes of materials collected, by type.
- Summaries of the tonnages and buyers of all materials sold, by type.
- Route participation rates in terms of weekly set out counts by collection area and estimated program participation.
- A discussion of program progress, problems, and measures taken to resolve problems, increase efficiency, and household participation.
- A discussion of public education activities, their impact on participation, and recovered volumes.
- Recommendations for program revisions.

He noted citizens pay taxes for this service and there are business owners that pay taxes too. One of the business owners came to him and told him that the business pays the same company twice for trash service. Once with his taxes and then again to have his dumpster dumped. He has asked in the past for the Town to renegotiate or provide a credit to property owners who own a business. He explained there is a way to do this for the high-density areas. He recommended meeting with American Disposal, requesting that the small recycling containers be removed from the high population densities, such as townhomes, at no cost to the citizens, and that a large recycling dumpster be placed at the location after the education activities. He mentioned the Town can construct a fence around the dumpster and the citizens can participate in the program willingly as they do now. The homeowners' association would then be responsible for the care and maintenance of the recycling center. Now, that is a last ditch cause after talking with American Disposal. What he thinks is happening in the high-density areas and some of the rentals in Town is the homeowner is the one paying the property tax. The renter moves in and does not have a recycling bin. They are not participating in the program because the recycling bins are not there. The homeowner does not say anything to them they do not care. The trash company clearly says

that when they are dumping they are taking it to two locations. He explained that when the truck comes through if it is not in a recycling bin it is dumped at the landfill with all of the other trash. He felt part of this was education from the homeowner to the renter and some from American Disposal. He thanked Mr. Wood for asking for the contract and noted that he has been complaining for two years, not necessarily about recycling. It clearly states in the contract that if you have a damaged trashcan, which American Disposal has damaged, you can call them, and they will replace it at no cost. He felt that some of the attachments should be posted on the Town's website for citizens' edification.

Mr. Brewer asked if Council was looking at renegotiating the contract.

Mayor Foreman noted his comments were only discussion items.

Mr. Brewer understood that; however, there is always a non-performance clause in a contract. He asked Mr. Tkac if reports have been provided on the tonnage that is collected.

Mr. Tkac indicated that reports are not provided unless he asks for them.

Mayor Foreman requested that Council receive those reports.

Mr. Taber noted that staff has met with American Disposal twice since the subject was brought up and will continue to meet with them. A plan is being developed now to use the Town's website to use locations to distribute materials about recycling. Also, as the contract implies and requires complaints have to be formally addressed with American Disposal, allow them the opportunity to address those complaints before any kind of non-performance can be done. He felt the Town was positioned well with the length of the existing contract to make requests and to publicize on the website.

IN RE: COUNCIL MEMBER COMMENTS

Ms. Washington offered her condolences to the Stallknecht family.

Mr. Brewer offered the following background information regarding the equalization rate and taxes that were mentioned earlier in the meeting. He recalled the Council had a Town Manager that decided to go to Essex County. At that time, the Town had \$2.4 million in the bank. Shortly after that, the Council had an interim Town Manager named Tom Huggard. Mr. Huggard advised Council to increase the tax rate, which was 12 cents, which went to 18 cents when trash service was combined into the tax rate, up to 26 cents. Council voted against it. What Mr. Huggard was doing was looking at the housing market trends. Shortly after that, he left and the Town had a short period of down time before Kim Alexander became the Town Manager. There was a twofold problem at this point. Ms. Alexander came to Council, stated the Town was broke, and needed to borrow money. The other was that in order for the Town to keep from going totally broke it would have to increase the tax rate. When he heard this, he asked where the \$2.4 million went, which he never received an answer. The tax rate was increased to 35 cents. He spoke with Susan Roltsch and found out that PWC was also doing an equalization rate. He

noted Ms. Forrester was correct that the increase was to go on for two budget cycles. The economy tanked at that time. The Council has been fortunate in subsequent years to lower the rate. This is something that Council is definitely talking about and looking at currently. He would love to lower the rate back to 18 cents; however, the economy just is not where it was at then. He was not in agreement with spending money for a School Resource Officer and he is not in favor of giving back tax dollars yet. What everyone needs to understand is he pays taxes just like everyone else in the Town. It affects him as well. He did not want to see this Town suffer. He wanted to see the Town thrive without putting a burden on its citizens. He indicated the Town has faired the storm; however, there are a few squalls to go through before being in the clear. He noted Council needed to be prudent in spending money. Council needs to look at putting the money back it had because it cannot afford to go through another period like the one it had. Council needs to account for every dollar that is spent in the Town. He still wanted to know what happened to the \$2.4 million. He sent condolences out to the family of Sarah May.

Mr. Wood explained that February is a special month for him. He gets to celebrate his anniversary with his wife. He encouraged all the citizens to attend the Black History program the Town puts on although he has a prior engagement and will not be able to attend. His goal still is to make Dumfries a destination place where people from all over come to. He felt all meetings should be televised to keep from going over redundant matters. He appreciates all the feedback he gets from citizens when he is out in Town. He loves the work he is doing and everyday he falls more and more in love with the Town and its citizens. He wished everyone a Happy Valentine's Day.

Mr. Toney commented that this has been an interesting meeting. He thanked the people who took the time to be a part of planning what has become one of the most significant happenings in the Town in the last five years, Ginn Memorial Park. He went over all the wonderful things that have been done at the park, mentioned all the things that are going on at the park, and thanked all the individuals who assisted in the planning and implementation thus far. He noted that in June he would be stepping down and handing the seat over to Mr. Wood.

Ms. Reynolds also sends her condolences to the families that were mentioned earlier. February is American Health Month. That means there is a greater national focus on the treatment and the prevention of heart disease, which is no doubt a good thing. Unfortunately, after the month ends the focus of the country shifts somewhere else, but heart disease will still remain the number one killer in America. The truth is that we do all we can do to protect our hearts and do not just remember this in February, remember this all year long. She thanked the citizens for giving her the opportunity to attend the Local Government Day in Richmond.

IN RE: CLOSED SESSION

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

WHEREAS, the Dumfries Town Council desires to discuss particular subjects in Closed Session during the course of its meeting of February 5, 2013; and,

WHEREAS, the nature of the subject is the discussion of personnel matters. The discussion of same in Closed Session is expressly permitted by Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended; and

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

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town 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 by the Town Council of the Town of Dumfries does hereby reconvene in Open Session at its meeting of February 5, 2013 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

Mr. Wood moved, seconded by Ms. Washington, to move forward with litigation procedures in regards to the Tripoli Heights Drainage Project and the Potomac Landfill. The motion carried and was approved by the following roll call vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: ADJOURNMENT

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

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Gerald M. Foreman
Mayor