

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

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

THERE WERE ABSENT: None

IN RE: CALL TO ORDER AND ROLL CALL

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

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

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

IN RE: ADOPTION OF THE AGENDA

Mr. Wood moved, seconded by Mr. Toney, to add an item regarding a Scholarship Program. The motion passed by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, yes; Ms. Reynolds, yes; Ms. Washington, yes; Mr. Wood, yes.

Mr. Wood moved, seconded by Ms. Washington, to add a closed session item to discuss personnel. The motion passed by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, yes; Ms. Reynolds, yes; Ms. Washington, yes; Mr. Wood, yes.

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

IN RE: CITIZEN COMMENT PERIOD

Greg Estes wanted to speak with Council regarding the epidemic level of crime that is taking place in Port-O-Dumfries and Williamstown. He and his brother were robbed twice during the week of Christmas. The first time they were out of Town to visit relatives. The second time he caught the burglar in the act and chased him. The burglar was wearing his brother's college ring from the first robbery, which after demanding he give it back, he did. He asked the burglar several times where he got the ring from, which he changed his story every time he was asked, so he started to dial 911 and the burglar started to

run. The gentleman was pretty heavy set so the chase was slow, while on the phone with the dispatcher he asked several times where the local police were. The dispatcher could not reach them because the line was busy. Once the chase was in an area that was secluded the burglar pulled a knife on him. He then ran back to his house and five Prince William County (PWC) Police Officers arrived before one Dumfries car. He understands that Dumfries is a small Town. There are times when all of the Officers are busy and the reason why he thinks the Town needs more Police Officers. After talking to his neighbor, he found out the neighbor across the street was robbed twice and another neighbor down the road was robbed. That is five robberies in a year. He believes that there are correlations to these robberies. On March 24, 2013, there was an attempted abduction of an eight-year-old boy in front of his residence. The boy was able to get away. There are many registered sex offenders in their neighborhood. He understands that they have the right to live wherever they please; however, there are many unsupervised children that play in the neighborhood. The parents are unaware of the sex offenders living in the neighborhood. Twice since he moved into the Port-O-Dumfries in 2011 car windows were smashed on Olde Port Lane. There was a car break in recently that was caught on camera and no one has been arrested. After speaking with neighbors about what they can do to help prevent crimes his neighbors told him, they want to move too, but cannot afford to do so.

Chris Caldwell, President, Dumfries Business Association (DBA), stated the DBA is no longer free. Currently there is a membership drive to recruit new local businesses into the DBA and to promote Dumfries and the businesses in the area. Dumfries has a lot to offer being close to Quantico and having easy access to Interstate 95. The format of their newsletter is going to be changed, become quarterly, and have advertising. A local business will be featured in the newsletter. The DBA wants to host a job expo in the Town. DBA members are going to work on offering discounts for other businesses. They are looking at hosting socials to allow networking of the local businesses. The DBA wants to work with Council and its staff to promote businesses and make it a pro-business environment. Businesses are moving out, not moving in. He has heard it is hard to come to Dumfries because there is a lot of red tape to go through and the taxes are high. The Town does not look that nice and the DBA wants to encourage businesses to fix up and clean their properties. The DBA wants to assist in helping staff in enforcing the zoning regulations. The plan is to interview each Council member and candidates to get his or her vision of the future. There are currently 375 businesses in the Town. The DBA hopes that they all have paid for their business license.

Pete Singh welcomed the Town Manager back.

Peggy Lusk noted Lee Lancing approached her a long time ago, about 20 years ago, about teaching an art class here. At that time, she was told she would have to pay the Town \$2.00 of the \$10.00 class fee to use the facilities. The former Mayor, Fred, spoke to her about the center for children and asked her if

she wanted to teach, be paid for it, which she did not follow up on. Recently she received a letter telling her that the Town would be charging her \$50.00 to use the building. She explained having two students now who pay what they want to her and the community center is only used once a week for two hours intermittently. She stopped teaching the kids many years ago, but has used the facility for over 13 years. She does not make any money offering these classes. It is up to the Town whether or not she is going to continue teaching.

IN RE: PRESENTATIONS**A. FIRST TOWN CENTER PUBLIC IMPROVEMENTS – PETE SINGH**

Mr. Singh requested to be on the agenda to provide an update to the Council of all the work that has been put into the First Town Center Project over the last five months. He wanted to go over the Garrison Park Improvements, the stormwater management pond, and the improvements to Market Street. When googling the Town of Dumfries the only thing that came up were issues related to the landfill. His marketing team came up with Promenade. He believed a promenade could be created with this project. He stated that businesses need a place to come. He has a proven record of his own with 150,000 square feet of office space with businesses in them. The question is how to bring businesses that are storefront oriented. This project will attract storefront type businesses. This would be an asset to the local community changing the demographics of the Town. He has been working with the Zoning Administrator, Ms. O'Dell, navigating through the ordinances. The project proposes over 100,000 square feet of commercial retail space in building A and B. In addition, on top of building B there will be 232 residential flats. They will range from one to three bedrooms and from 800 to 1300 square feet. He feels this will be a good venture for the Town because it will be priced right. The site plan was submitted to the Public Works Director and it will take about 60 days to get comments back. He is working with Ms. O'Dell to schedule a meeting with the Architectural Review Board (ARB), which is set for April 7. He expects to have the site plan and conditional use permit before Council in June. Staff has selected the Institute for Building Tech and Safety to review the site plan. He would like to break ground by mid to late summer. Staff has been very accommodating. Garrison Park at one time was nothing more than a marshland. Somebody took the initiative and cleaned it up. A baseball field was put in for a while. What better use can be made of the space that will allow people to come? He would like to construct an amphitheater in Garrison Park with a stage that would be 20' x 30'. It will be designed with the same design as the First Town Center Project. The amphitheater could be used for public events like movies in the park and concerts. The Town would manage it and could handle reservations for using the facility. There would be walking trails throughout the site, which would not disturb any events being held, and include spaces along the trail that could be used for tents. No trees would be located next to the trail to provide room for vendors. There would be a

couple of grills for barbequing, a gazebo, and horseshoe pits. He suggested having a sign in sheet allowing the use for two hours. He does not want churches using the space for services, etc. He would work with the Town Attorney to develop a memorandum of understanding. The property would be owned by the Town and be responsible for the permit and insurance during construction. Then the Town would have to commit to being in charge of and managing the property. The project emphasizes two things; green space and atmosphere. The Planning Commission (PC) has some concerns with the resource protection area (RPA). He stated that the RPA provides guidance on how to protect the Chesapeake Bay. The objective is not to make the Chesapeake Bay any worse. A good portion of the Town is located in the RPA. They will work toward improving the waterways. The City of Richmond has a river going through it and they have appropriately developed around the river. A part of the project does fall in the RPA and he is working with the Director of Public Works, the Department of Environmental Quality (DEQ) and the Army Corp of Engineers to ensure that the development is in the RPA and how to mitigate any impacts. The three-acre parcel behind the project he hopes a good portion of the land will be taken over by the Virginia Department of Transportation (VDOT) for the widening of Route 1. The property he proposes being used as a parking lot for public parking when events are being held, which is currently owned by the Town and he is willing to purchase to integrate into the development. Market Street, which is currently a paper street, is proposed to be paved, used for the stormwater management facility, streetlights, and landscaping. It will be up to the Town to decide who will maintain it. He asked Council if they were willing to maintain the street or if they wanted him to maintain it. All developments in the Town should bring a direct economic benefit to the Town. His project will bring in over a million dollars to PWC on an annual basis. This project will be a catalyst to other properties on Main Street.

Mr. Taber stated all questions would be directed to him and staff will reach out to him.

IN RE: INFORMATION ITEMS
A. TREASURER'S REPORT – RETTA LADD

There were no questions or comments.

B. UPDATE ON INFORMATION TECHNOLOGY EQUIPMENT – TERESA YOUNG

Ms. Young provided the following update.

- Cameras were purchased for Council Chambers for clearer broadcasting.
- A switcher was installed to allow broadcasting the meeting automatically seven days a week.
- An audio mixer and amplifier were installed for better sound.

- When Council goes into a Closed Session, a slide will appear on the broadcast that states Council is in Closed Session.
- A television and DVD player were purchased for the Community Center. Presentations can now be projected through the television.
- Granicus is now available on the website that gives citizens the ability to view the agenda, watch the meeting live, and the video will be archived online for 24-hour access.
- Hard drives were purchased for additional back up space.
- An internet connection was installed upstairs and downstairs in the Community Center for the Dumfries Cares Program.

IN RE:

DISCUSSION ITEMS

A. REQUEST FOR A FIVE-YEAR EXTENSION OF THE UNION STREET VACATION AND INFORMATION/PROGRESS ON CURRENT DEVELOPMENT PLANS – ALI HASHIMI, BUSINESS OWNER

Mr. Hashimi wanted to speak on two items. The Town vacated Union Street a few years ago contingent on the property being developed. Since the property was never developed, the Union Street vacation reverted to the Town. He was before Council to request an extension of another five years for the Union Street vacation. Union Street is a paper street that has been on record since 1749. The street goes directly through where they would potentially place a building. The extension would allow them to move forward. The second item is the progression of the project. The back property has been rezoned from residential to B-2, commercial. In addition, they had an undertaking with the stream that runs through the property. They have, working with the Town and the permitting process, realigned approximately two hundred feet of the stream. They have abandoned a well and demolished a second home. They continue to move forward with the project. A lot has changed since the original project was brought forward. For example, Mr. Singh's project. He would like to see some congruency between the Singh project and his. They are considering a mixed-use building for the property.

Mayor Foreman stated a lot of work has been done on the property. There is a dependency. The hill that the Hashimi's wants to shave down, Mr. Singh wants the dirt.

Ms. Forrester moved, seconded by Mr. Foreman, to grant the request for a five-year extension.

Mr. Taber interjected that the request would require an ordinance. If Council chooses to approve Mr. Hashimi's request staff will prepare the necessary ordinance.

Ms. Forrester amended her motion to direct the Town Attorney to draft the ordinance and schedule a public hearing. Mr. Foreman agreed to the amended motion.

Mr. Toney stated that when Mr. Hashimi's father initially got this vacation approved he walked the property with each of the Council Members in order to see all of the elements of the site. He had a

magnificent plan in place. The proposal was to build a meeting center and a restaurant. The issue he has is that the land did revert back to the Town because ground was not broken in the three years. He is for development. He spoke with Mr. Hashimi's brother and the vision has changed. His concern was that they were given three years to initiate the project and he does not want this project to drag on. He is hesitant about a five-year extension and feels better with two years. He asked for an invitation to see the land and what has been completed.

Mr. Hashimi indicated Council could come anytime.

Mr. Wood asked if the project was contingent on Mr. Singh's project.

Mr. Hashimi stated it was not contingent on Mr. Singh's project, but on breaking ground. They do have a relationship with Mr. Singh and will be working closely since the projects will be interrelated.

Mr. Wood asked if there was a five-year plan in place.

Mr. Hashimi stated the five years is a safety net and the intention is to start the project much sooner than that.

Mr. Wood asked when the vision of the project changed.

Mr. Hashimi explained it was during the rezoning process. They found that the market was changing and a mixed-use project would be more suitable.

Ms. Washington thanked the Hashimi family for beautifying the area. She asked if the nursery would stay intact.

Mr. Hashimi stated the nursery would stay.

Mr. Brewer asked what they planned to build.

Mr. Hashimi stated the plan is to build a mixed-use building with residential over commercial.

Mr. Brewer asked if they have a plan.

Mr. Hashimi stated they did not.

Mr. Wood asked if there were any sketches that Council could see before a decision is made.

Mr. Hashimi has been talking to an engineer; however, they have nothing formal to present.

Ms. Forrester stated if the vacation was approved, anything that is done on the property has to come before Council for approval before construction can start.

The motion on the floor to direct the Town Attorney draft an ordinance and schedule a public hearing carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

B. HEALTHY EATING ACTIVE LIVING – MARISA JONES, ASSISTANT PROGRAM MANAGER, INSTITUTE FOR PUBLIC HEALTH INNOVATION

Ms. Jones explained the Healthy Eating Active Living Cities and Towns Campaign is an initiative of the Institute for Public Health Innovation and the Virginia Municipal League (VML) to support municipal leaders to create healthy prosperous communities. The point of the initiative is to create a walkable and bike-able community that people can easily get around without only relying on automobiles. It is making sure that if people who want to walk have the ability to do so. This is not about telling people what to eat or being physically active, but about using your powers as a local government to create an environment that will allow people to make those choices. All of the services provided are free through the partnership with VML. They provide free technical assistance, training, and webinars. They are willing to work with the Town and provide assistance. They also help being recognized on the State and National level.

Mayor Foreman stated the resolution is for an action to promote a healthy lifestyle from our children all the way to our adults. It falls in with the 2020 Vision Statement for a walkable community and ties the Town to a commitment for a healthy life style.

Ms. Jones added they also work with cities and towns to write grants and bring in funding to do programmatic work that needs to be done.

Mr. Wood thanked Ms. Jones for bringing the information. He asked if they provide education on the recreational activity side too for wellness.

Ms. Jones responded they do. They have 54 different policies that they provide support for and take a very broad approach on what health is. Technically this is an obesity prevention initiative, but they also recognize that in order to be healthy and make healthy choices about physical activity and food people have to have good jobs, transportation needs to be reliable, and other factors that go into people's ability to make healthy choices.

Mr. Foreman moved, seconded by Ms. Forrester, to place the resolution supporting healthy eating active living under the consent agenda to be adopted at the April 1 meeting. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, yes; Ms. Reynolds, yes; Ms. Washington, yes; Mr. Wood, yes.

C. PURCHASE OF NEW COMPUTERS AND LAPTOPS – DAN TABER

Mr. Taber stated the Town is in a unique situation with the current FY14 budget as it relates to computer hardware. The information technology (IT) section has a five-year replacement cycle for the central processing unit hardware, which will come up July 1. In addition, the Department of Criminal Justice have increased the requirement for security in police cars used to communicate with the State system. A budgeting error occurred with the maintenance funds, which was calculated into the budgeted two times. Due to this problem, there are funds available to take care of these items. Instead of having to

purchase four cameras, there was only the need for three. This means the money would not have to be spent in FY15. He asked Council to move the resolution forward to the consent agenda to approve the expenditure in FY14 instead of FY15.

Mr. Mr. Brewer asked when the notification came in that the Police Department needed to upgrade the computers in order to communicate with the State system.

Mr. Taber indicated the notification came in a year ago.

Mr. Brewer asked if this was another mandate the State puts on the localities that localities are not prepared for.

Mr. Taber indicated it was an unfunded mandate.

Mr. Wood moved, seconded by Ms. Washington, to place the resolution authorizing the expenditures as requested under the consent agenda to be adopted at the April 1 meeting.

Ms. Reynolds pointed out that she has requested, which she has not seen, sidewalks over the past year. She does not understand why the sidewalks are not being addressed when she keeps asking for them. She expressed frustration that there was money to upgrade computers, but not for sidewalks.

Mr. Taber explained there is a sidewalk replacement program that was voted on by Council and the particular sidewalks she was referencing were not in that program. Those sidewalks can be added to the program. The money he has requested would be a drop in the bucket compared to the cost of installing sidewalks. They are entering the next budget cycle and the sidewalks can be added to the budget. By approving this purchase, money would be made available in the next budget for other purchases, like sidewalks.

Mr. Brewer indicated this was why he posed the question regarding unfunded mandates. The State frequently, during budget cycles, places mandates on localities to do certain things with stormwater and police departments and does not provide any money to support these mandates. The unfunded mandates need to stop or at least provide enough time to plan for the mandate. Every year taxes go to the State, yet less and less money comes back to the localities.

Mr. Taber stated Council, as well as VML and the International City/County Management Association (ICMA) have put in the legislative packets that unfunded mandates need to be addressed, but it appears that this has fallen on deaf ears.

Ms. Reynolds stated that during the budget she brought up whether there was an emergency fund. To her emergency funds would take care of unfunded mandates.

Mr. Taber stated the emergency fund is the general fund. Currently there is about \$2,000,000 in the general fund, which allows for emergencies. There is also money invested in a long-term investment

fund that can be used for a catastrophic emergency, like a tree falling on Town hall. It would require Council to vote on the transfer of any funds. Some jurisdictions have actual emergency funds.

The motion on the floor to move the resolution authorizing the expenditures as requested under the consent agenda to be adopted at the April 1 meeting carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, yes; Ms. Reynolds, no; Ms. Washington, yes; Mr. Wood, yes.

D. RECOGNIZING MUNICIPAL CLERKS WEEK – DAN TABER

Mr. Taber stated that although this is something that is sponsored by a higher-level organization certainly, if there is someone who optimizes everything in a municipal clerk it is the Town's Town Clerk, Dawn Hobgood. She relentlessly works on so many different things and is constantly doing things outside of her job description. Even though this is just recognizing municipal clerks' week, to him Council's approval of this resolution is endorsement and recognition of the fine job Ms. Hobgood continues to do for the Town.

Ms. Forrester moved, seconded by Ms. Washington, to place the resolution recognizing municipal clerks' week under the consent agenda to be adopted at the April 1 meeting. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, yes; Ms. Reynolds, yes; Ms. Washington, yes; Mr. Wood, yes.

E. FOUNTAIN GATE CHAPEL CONDITIONAL USE PERMIT – LAURA O'DELL

Ms. O'Dell received a conditional use permit application from Fountain Gate Chapel to operate from 18037 Dumfries Shopping Plaza. The unit is in between Padrino's Pizza and Rite Aid. They propose to operate from 10:00 AM to 1:00 PM and 7:30 PM through 9:30 PM on Sundays and Fridays. There are approximately 35 members who attend services.

Mayor Foreman spoke with Ms. Ferlazzo and she speaks highly of the Church and what they are trying to accomplish in the Town.

Mr. Brewer will not be voting in favor of this permit.

Ms. O'Dell would like the Council to move the resolution to the consent agenda authorizing the Town Manager to schedule a public hearing.

Mr. Foreman moved, seconded by Ms. Forrester to move the resolution authorizing the Town Manager schedule a public hearing under the consent agenda to be adopted April 1. The motion carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, yes; Ms. Reynolds, yes; Ms. Washington, yes; Mr. Wood, yes.

F. SCHEDULE A PUBLIC HEARING ON AN AMENDMENT TO THE TEMPORARY USE SECTION 70-22, BY ADDING SUBSECTION 3, YARD SALES – LAURA O'DELL

Ms. O'Dell stated Council reviewed this issue last summer and sent it back to the PC for a public hearing. The PC voted to move it forward to Council for review. The last time this item was before the Council a request was made to add a definition for yard sales and that yard sales be strictly prohibited on Route One, Main Street, Fraley Boulevard, Graham Park Road, and Route 234. She asked Council to move the resolution authorizing the Town Manager schedule a public hearing under the consent agenda to be adopted April 1.

Mr. Foreman moved, seconded by Mr. Brewer, to move the resolution authorizing the Town Manager schedule a public hearing under the consent agenda to be adopted April 1. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, no; Ms. Reynolds, yes; Ms. Washington, yes; Mr. Wood, yes.

G. PARKS AND RECREATION COMMISSION BYLAWS – COUNCILMAN WOOD

Mr. Wood stated that at the last Council meeting Mayor Foreman had several questions and recommendations about the bylaws. The Parks and Recreation Commission reviewed and made some changes to the bylaws.

Mayor Foreman asked if the meetings are televised.

Mr. Wood stated the Parks and Recreation Commission had not made a decision on whether they wanted the meetings televised and wanted to know what the policy was the Town had on the other boards and commissions being televised. He did not think that there was staff available at this time.

Mayor Foreman asked if all the other boards and commissions were televised.

Mr. Taber responded the PC and Board of Zoning Appeals (BZA) meetings are televised, which was done by a motion Council made and at that time the Parks and Recreation Commission was not in existence.

Mayor Foreman read the following from the bylaws under election of officials, "The Commission at its first regular meeting in June of each year shall elect a Chairperson, whose terms shall be for one year, ..." He asked if the Chairperson was changed to Council Member.

Mr. Wood stated the Chairperson was deleted.

Mayor Foreman asked who selects the Chairperson.

Mr. Wood responded that it would be the Council.

Mayor Foreman stated this is the only commission that is chaired by an elected official and not a citizen.

Mr. Wood stated this change was based on the conversation Council had.

Ms. Forrester needed some clarification. She asked about an email sent out by the Town Manager that staff would not be able to help the Parks and Recreation Commission.

Mr. Taber stated that staff is helping a little, but are currently short staffed.

Ms. Forester saw something about events being handled by staff, not the Parks and Recreation Commission. Staff would continue to handle those and Council should not be heavily involved in them. She was confused since the Events Committee was made up of Council Members who assisted in co-planning with staff. She remembered a conversation about the Events Committee being similar to the Parks and Recreation Commission and that the Events Committee would disband and roll up into the Parks and Recreation Commission and would assume the function. If her memory serves her correct, something is not jiving between the discussions and the email.

Mr. Taber explained the issue that prompted the discussion is the very aggressive Parks and Recreation events being planned, but especially now, until a new Community Services Director is hired, staff cannot support all of those events. Even when a person is hired staff may not be able to support all of them. The traditional events that the Town does such as the Easter Egg Hunt, Black History Month Celebration, the Fall Festival, and the Multicultural Festival, certainly staff wants Council involved. He did not believe that a decision was made to do away with the Events Committee. He recalls the discussion was what role the Events Committee would play because the Parks and Recreation Commission was up and running. There was no intent to move Council out of the events. It is trying to delineate the role of the staff and the Parks and Recreation Commission.

Ms. Forrester indicated it was unclear to her. Obviously, staff cannot support but so much now, but ideally that person would be on the Parks and Recreation Commission. Rhe Events Committee and the Parks and Recreation Commission would be the same thing.

Mr. Taber explained that once a person is hired they would be the liaison for the Parks and Recreation Commission. An individual has been hired for 10-15 hours a week to help with events until a Community Services Director is hired. Advertisements have gone out for the position and this is a 4-6 week process. There will be a little re-definition of the duties based on the duties the last person had who held the position and there will be a clearer understanding of what the responsibilities are.

Ms. Forrester pointed out that there have been Council Members involved in the event planning. The Town is small and Council has a lot to offer. Staff does not want Council involved, she understands the conflicts there, yet staff has asked Council to be involved in the upcoming events because there is not

enough staff to do it. She recommended putting a temporary amount of time on it. You cannot ask Council to assist because there is nobody else to assist and then Council mind your own business that is not your role.

Mr. Taber did not have an issue with the Events Committee. Staff met and talked about the upcoming events and one of the comments was that an Events Committee meeting needed to be set to discuss what staff discussed, followed by an email to all of Council about what is going on.

Ms. Forrester understood that was a side thing, but she felt it relates to the bylaws since Council needs to fully understand what the function is since the two are being combined together.

Mayor Foreman agreed; however, this is the only commission that the Chair is an elected official. It is time to turn the position over to a citizen, go back to one meeting a month, be paid, and provide a brief to Council like the other boards and commissions. Council has done an excellent job at taking this from the Ginn Memorial Park Committee to the Parks and Recreation Commission. Citizens know exactly what the Commission is doing and want to be involved. For someone to sit on the Commission, Chair it, do an effective job, vote what they want, then bring it to Council and vote again. Maybe they should abstain when they are voting at the Council level. The point he is making is that it has moved from an idea to a functioning Commission with a budget and the bylaws say what they are supposed to do. He cannot support this.

Ms. Washington thinks that since the Town is looking for a new Community Services Director the Council needs to look at the job description. She believes there should be a better relationship between the Community Services Director and the Parks and Recreation Commission. She thinks there are samples out there that can be looked at of other communities that are doing this. The Community Services Director is an integral part of the Parks and Recreation in other small towns. She thinks this a great opportunity.

Mr. Toney having been the Chair of the original Ginn Memorial Park Committee was able to initiate the process, clear the land, design the Park, and build it, which occurred over three years. It was turned over to the newly formed Commission to start programs and develop policy. The Commission has not been together a year yet and he feels that Mr. Wood should stay on the Commission until it is up and running, which it is not. It takes at least a year to learn any job. He was amenable to adding to the bylaws that after a certain period of time it is turned over to the citizens. This will allow for a full cycle. He noted that Mr. Wood came up with the idea and the vision. A significant amount of the budget is still in place because of the lack of programming.

Mr. Brewer agreed with the Mayor about a Council Member being on the Commission. The Council Member will be delegating funds, voting on those funds, and it is not a good perception. He is not in favor of committees for a Town this size. Staff has always been in control of these things throughout

the year and they have done a fine job. The Council should get all the necessary information from the various commissions, then vote, and decide impartially on the matters brought to them.

Mr. Toney appreciated Mr. Brewer's comments. He, along with Ms. Barr, did a lot of research and came up with a committee structure that they thought would function in this Town. In most towns, committees do exist with a Council Member as the Chair who provide oversight. He knows that some Council Members do not want to work more than coming to Council meetings. He stated that Mr. Wood is doing a great job. There are three commissions mandated by State Law. The PC, the BZA, and the ARB. There are people who are willing to work. He stated there is no perception of impropriety.

Mayor Foreman stated the Parks and Recreation Commission has not met for a year, which would turn over in July. He pointed out that William O'Kelly Russell served on the Ginn Memorial Park Committee from its inception, through design, right over to the Parks and Recreation Commission. He noted that Mr. Wood, being a prior Marine, knows that you train people, and he has done an admirable job. The Commission has met twice a month, every month, since the inception. There comes a time as a Marine, if trained appropriately, you let them run. He pointed out that Mr. O'Kelly Russell has all of the necessary talent to take over the Commission. He thinks it should be handed over to a citizen.

Ms. Washington stated the other commissions have a staff member with expertise. The Parks and Recreation Commission does not have a staff member. The Community Services Director should have a Parks and Recreation background. The Commission would then have someone on staff to help them. She feels that right now they should leave it with Mr. Wood until they have a member on staff.

Mr. Wood noted that at the last meeting it was set for a citizen to take over the Commission. He was not opposed to passing the baton. He is bringing the document back as the Commission discussed for review and recommended changes.

Mr. Toney stated this is not the time for Mr. Wood to give up his post. They have not been through a full cycle. He had the foresight to place Mr. O'Kelly Russell on the Commission. The Commission should be functioning before Mr. Wood turns it over.

Mr. Wood stated the structure being recommended came from other towns that he researched in the State of Virginia and they include a member of council on the commission. When he brought the proposal to the Council, it was to create either a commission or a department. The Council favored a commission.

Ms. Forrester did not see how there would be a conflict with a Council Member serving on the Commission and voting. A conflict occurs when you have a personal gain from something. The terms are set as two-year terms and that should stay the same. She thinks it should be left open to have a citizen or

Council member serve as the Chair. The only thing being done now is moving forward the bylaws for adoption. She pointed out that Mr. Wood is the acting Chair until July.

Ms. Forrester moved, seconded by Mr. Toney, to move the bylaws to the consent agenda for adoption at the April 1 meeting.

Mr. Taber stated there were a few items from his email that have not been addressed. The general rate of compensation is \$50 per meeting. This could be incorporated into the bylaws. In addition, if a Council Member serves on the Commission are they being reimbursed \$50 as well?

Ms. Forrester stated the payment should be a separate issue. However, if the Commission chooses to meet more than once per month they should not be compensated more than \$50 per month. She would like to limit it to one meeting per month or one payment a month.

Mr. Toney asked if other boards and commissions were compensated by month or meeting.

Ms. O'Dell stated the PC is compensated per meeting, not per month. They occasionally meet more than once a month.

Mr. Toney stated that payment should be consistent among all the boards and commissions.

Mr. Taber stated that during the planning for the concerts there were several meetings.

Ms. Forrester stated the PC, BZA, and ARB meet only when there is a pending application. Whereas, the Parks and Recreation Commission meets to plan events. She did not feel comfortable paying for every meeting.

Mayor Foreman pointed out that during the first year they met twice a month. The Parks and Recreation Commission is different from other boards and commissions. He asked if the intent was to meet twice a month to do Town business or would this be reduced to one meeting.

Mr. Wood stated that this first year contained a lot of work and planning. The consensus was to not meet more than 18 times a year. They are planning on producing income and being inclusive by using all three parks.

Ms. Reynolds asked if they could just limit it to \$50 per month. They could meet as much as they want but would only be paid \$50 a month.

Ms. Forrester amended her motion to include that Commissioners would be paid for one meeting a month regardless of the number of times they met. They would have to meet at least once a month to be paid the \$50.

Mr. Toney agreed to the amendment.

Ms. Washington stated the Commission provides an important function for the Town. The Community Service Director was paid to do the work on a daily basis. Council should take into

consideration that the Commission would have to meet several times in some months to make up for the work staff used to do. She is in favor of the motion.

Mr. Brewer explained the Town pays for a staff person for this particular position. He asked why they are doing everything twice. As a tax paying citizen, why is the Town paying for meetings for people that meet when the Town has a staff member being paid to do the same thing? The commission or committee structure serves no purpose. He does not like his tax money going toward redundancy.

The motion on the floor to move the bylaws to the consent agenda for adoption adding that the Parks and Recreation Commission shall be paid \$50 a month for meeting regardless of how many times they meet, but must meet at least once to be paid.

Ms. Forrester added to the motion that the bylaws would not specify that a Council Member serve as Chair. She noted the Commission would elect the Chair in July.

Mr. Toney agreed to the amendment.

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

H. AMENDMENT TO TOWN CODE, SECTION 2-83, TOWN MANAGER, BY ADDING TO SECTION (b) SUBSECTION 19 – OLAUN SIMMONS

Mr. Simmons submitted an ordinance revision that empowers the Town Manager in the event that he is absent due to illness or disability to designate a qualified person to act in his stead and perform all necessary duties on a temporary basis.

Mr. Brewer moved, seconded by Ms. Forrester, to forward the proposed text amendment to a public hearing. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, yes; Ms. Reynolds, yes; Ms. Washington, yes; Mr. Wood, yes.

I. FY15 BUDGET SCHEDULE – DAN TABER

Mr. Taber explained it is customary and required that a budget schedule be established. A proposal of the dates have been presented and Council may remove or add items as they see fit. Based on comments from some Council Members it was indicated that a meeting was desired with the Homeowners' Associations (HOA's), the DBA, and perhaps Historic Dumfries prior to the budget being voted on. These meetings have been incorporated into the schedule. He requested that the schedule be moved forward to the April 1 meeting under the consent agenda for adoption.

Ms. Forrester stated the schedule calls for many more meetings than are necessary.

Mr. Taber stated that Council cut out meetings during the last budget schedule.

Ms. Forrester stated the Town does not provide any funding to the HOA's and it was not necessary to meet with them; however, the Town does provide financial support to Historic Dumfries and should

meet with them. If they choose not to meet with the HOA's that would eliminate a meeting. Only one special meeting is necessary because the budget can be discussed during work sessions. She mentioned the budget should be provided to Council before the initial meeting in order to prepare for the discussion.

Ms. Forrester moved, seconded by Mr. Foreman, to remove the meeting scheduled for March 25, April 22, and mark the April 29 meeting "if needed" and make the meeting scheduled for April 15 the introduction and discussion of the budget

Mr. Taber asked for clarification on whether the meeting with Historic Dumfries would take place at the April 1.

Ms. Forrester stated that Historic Dumfries should come to the meeting and provide a presentation.

Mayor Foreman requested an amendment to the motion be made to allow the DBA to attend the April 1 meeting to explain to Council what the businesses want. The DBA is trying to get back on its feet and the worst thing Council could do is not allow the DBA to have a voice in the Town. Council should allow the DBA 10 to 15 minutes.

Ms. Forrester agreed as long as the DBA sticks to the part of the budget that affects them like the Business Professional/Occupational License (BPOL) taxes.

Mr. Brewer was not in favor of not including the HOA's because they pay real estate taxes and have an impact on the Town. Council needs to talk to the HOA's.

Ms. Forrester stated Council does not represent the HOA's Council represents the citizens.

Mr. Toney stated Council meets with the HOA's twice a year.

Mayor Foreman stated that Council cannot get the HOA's to come more than once a year.

Mr. Toney got on Council to bring the government to the people. Council used to meet with the HOA's and the various boards and commissions twice a year. It provides them a voice.

Mayor Foreman has met with the HOA's and Council should meet with them as much as they would like.

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

J. COUNCIL REQUESTS FOR FY15 BUDGET – DAN TABER

Mr. Taber noted that due to being absent for the last seven weeks he was unable to get a head start on this; however, the discussion about what Council would like the FY15 to look like needs to occur now. He is aware the following items are important to Council.

- Lowering the real estate tax rate.
- Lowering BPOL.
- Sidewalks and transportation.

Mayor Foreman asked if there had been a determination on how much the real estate assessments went up in 2014.

Mr. Taber stated that usually, once the budget is presented, PWC gets the property value increase to him. He then runs the numbers based on the average property increase and provides Council an estimate of how much more they could possibly be taking in. This will occur in about a month.

Mayor Foreman asked when Council will receive FY13 actuals and whether there will be any fee increases on services.

Mr. Taber noted the FY13 actuals would be provided in about a month and at this point, no fee increases are anticipated.

Mayor Foreman stated the Treasurer provided a list of businesses in the Town. There are currently 375 businesses, of which 35 percent have not paid for a license since 2012. He asked if this meant anything. He asked what was being done about the lost revenue.

Mr. Taber explained that the Treasurer indicated that some of the construction companies that do a project in Town are only conducting business for the one project and move to another locality once completed. The most delinquent business is a cleaner. The Treasurer paid them a visit today and found out the business changed hands three times. The current owner has owned it since 2010 and never got a business license. The Treasurer provided the necessary forms for a business license and advised the owner that the back taxes needed to be paid. The Treasurer is sending letters out to all of the delinquent accounts. It is a class one misdemeanor to operate a business in the Town without a business license. This can be used to assist in getting compliance.

Mayor Foreman pointed out that this is taxpayer money. In his opinion, the Town does not need the business if they have not paid taxes for several years. In 2009, the then Council did an equalization initiative and raised the taxes from 18 cents to 35 cents and it was supposed to be for two budget cycles. As well as, 10 percent across the board on BPOL, vehicle decals went from \$24.00 to \$27.00 and the cigarette tax went from 30 cents to 60 cents. The stormwater management fee increased by \$12.00 per residence. He is asking for the following changes.

- Real estate taxes go from 27 cents to 24 cents.
- Eliminate BPOL for \$300,000, which is all it is in the budget.
- Vehicle decal down to \$24.00.
- Cigarette tax decreased by 5 cents.
- Stormwater management fees decreased by \$2.00 per residence.

Mr. Toney stated the Town cannot operate on the 2009 budget. He believes it is misleading the people to propose that. He noted that Fraley Boulevard, heading north, needs sidewalks or lighting. He

would like to see additional signage on Old Triangle Road in the South Cove area to identify it as a snow emergency route. BPOL should be reduced or eliminated if that funding resource could be replaced. It was unfortunate that some Council did not support last year's budget and voted against it. He wants a recommendation from the Town Manager.

Mr. Taber was going to try to accommodate all requests in the budget.

Ms. Reynolds noted that in order to reduce taxes they need to replace the revenue somehow. Safety is a priority and she wants sidewalks installed. Last year she asked for an emergency fund. When businesses come to the Town, there is a cost for doing business. She voted last year to reduce the BPOL and real estate tax. She wants sidewalks and an emergency fund so that general funds are not used. Council cannot eliminate all taxes.

Ms. Forrester would like to see BPOL and real estate taxes lowered to the 2009 levels. The tax rates of 2009 does not mean that the budget is the same as 2009 because property values have raised. She would like the Town Manager to work with the Police Chief to provide a recommendation regarding adding an officer.

Mr. Wood stated that two people came today with some great development ideas. Dumfries is still the most economically depressed town in PWC. He wanted financing for an Economic Development Director who should be able to apply for grants. The Town qualifies for grants that PWC does not. He mentioned a consultant could staff the position.

Ms. Washington stated that her priority is infrastructure, more sidewalks and lighting. Areas need to be identified where there are safety hazards first, and then move to other areas. She is in favor of doing away with BPOL and lowering the real estate tax rate back to the 2009 rate. The Town needs to spend more money on training. As they move forward and attract new businesses there are people out there that can come in and train staff on things that need to be looked at and how things may need to be looked at differently. They need to start asking new businesses for things like crosswalks and other improvements.

Mr. Brewer agreed. He pointed out there are lot of businesses in the Town that bring nothing to the Town, and one is churches. He would like to see a 6 cent reduction in the real estate tax, BPOL cut in half, and a 5 cent decrease on the cigarette tax.

Mayor Foreman asked what the current real estate tax rate is.

Mr. Taber responded that it is 27 cents.

K. SCHOLARSHIP PROGRAM – COUNCILMAN WOOD

Mr. Wood stated that Council recently talked about raising funds for a scholarship program, because there was no written policy in the donation and fundraising policy to govern this the previous Town Attorney stated that no money could be raised for a program that did not exist. He is requesting this

be added to the donation and fundraising policy. There would be no impact to the budget because it would be funded through fundraising and donations.

Ms. Forrester would be okay with the policy if no taxpayer money was going to it and it was funded by businesses or fundraising events. She wants to know who would develop this policy.

Mr. Wood stated there is a donation and fundraising policy in place. All that would be needed is an addition to the policy for scholarships.

Ms. Forrester moved, seconded by Mr. Wood, to direct the Town Attorney to insert the appropriate language in the donation and fundraising policy for Council to approve.

Ms. Reynolds was confused by Mr. Wood's comment that there would be no resources used because a staff member would have to manage the fund. She asked how it would be determined who the recipient would be for the scholarship.

Mayor Foreman stated other towns who do this try to separate this from the locality and set up a citizen committee who would determine who would receive the scholarship.

Ms. Forrester stated her motion does not address setting up a program and only deals with the policy.

Mr. Wood asked the Town Attorney if he would like to discuss the scholarship program and the policy or have them as two separate conversations.

Mr. Simmons responded that it would be helpful to have the direction on both now.

Ms. Forrester withdrew her motion.

Mayor Foreman read the following from the vision statement; "Through public and private partnerships with County government, faith based organizations and the business community, a summer youth employment program and a targeted internship program offer work experience and vocational training for our youth. These entities also collaborate to offer college scholarships to high achieving graduating high school seniors." He could support this. He thinks the committee should be citizens. The Town can collect the money and have a line item for it. He believed the program should be full time students, with a grade point average of an A or B, and not include vocational, or trade schools.

Ms. Washington stated \$250 a year is not enough and the Town should just provide a full \$1,000 in the first year.

Mayor Foreman stated a dollar amount does not have to be identified and the scholarship could be based on the amount raised.

Mr. Wood agreed that it does not have to be a specific amount and whatever funding is available can be split among the qualifying applicants.

Mr. Taber stated a matrix would need to be developed to determine who qualifies. The committee needs to do the selection process. The policy can be developed but the program should be discussed later.

Ms. Forrester explained the program might not be able to be established this year; however, with the policy in place funds can be collected now.

Mayor Foreman asked what direction is needed to get the language drafted.

Mr. Simmons stated he had what he needs. He recommended the following motion: "A motion to amend the donation policy to allow for the collection of donations for a scholarship fund."

Ms. Forrester moved, seconded by Mr. Wood, to amend the donation policy to allow for the collection of donations for a scholarship fund. The motion carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, yes; Ms. Reynolds, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: CLOSED SESSION

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

WHEREAS, the Dumfries Town Council desires to discuss a particular subject in Closed Session during the course of its meeting of March 18, 2014; and

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

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

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

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

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

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

IN RE: ADJOURNMENT

Mr. Toney moved, seconded by Ms. Reynolds, to adjourn the meeting. The motion carried by the following roll call vote: Mr. Brewer, absent; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes and Mr. Wood, yes.

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Gerald M. Mr. Foreman
Mayor