

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON MARCH 20, 2012, AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:

THERE WERE PRESENT: Mayor Nancy West
Vice-Mayor Willie Toney
Dorothea Barr
Gerald Foreman
Michele Jurgensen
Daniel Taber, Town Manager
Christine Sanders, Town Attorney

THERE WERE ABSENT: Kristin Forrester
Gwen Washington

IN RE: CALL TO ORDER

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

IN RE: MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

There was a moment of silence and then all in attendance recited the Pledge of Allegiance to the Flag of the United States.

IN RE: APPROVAL OF THE MINUTES

Mr. Toney moved, seconded by Ms. Barr, to approve the minutes from the January 31, 2012 minutes as amended to reflect the correct spelling of Ms. Jurgensen's first name. The motion carried and was approved by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, absent; Ms. West, yes.

IN RE: ADOPTION OF THE AGENDA

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

IN RE: APPROVAL OF THE CONSENT AGENDA

Ms. Barr moved, seconded by Ms. Jurgensen, that the Consent Agenda be adopted as presented. The motion carried and the following ordinance was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, absent; Ms. West, yes.

AN ORDINANCE TO AMEND THE TOWN OF DUMFRIES ZONING MAP TO RECLASSIFY 3.055 ACRES OWNED BY HAMIDULLAH & PARWIN H HASHIMI, DESIGNATED AS GPIN 8189-82-6152, LOCATED AT 17651 WASHINGTON STREET FROM R-2, GENERAL RESIDENTIAL TO B-2, NEIGHBORHOOD BUSINESS TO IMPLEMENT THE GOALS OF THE COMPREHENSIVE PLAN

WHEREAS, a rezoning application (REZ11-63) has been submitted by owner HAMIDULLAH & PARWIN H HASHIMI (the "Applicants") to rezone property known as GPIN 8189-82-6152 (the "Property") from R-2, General Residential to B-2, Neighborhood Business, to amend the Town of Dumfries Zoning Map; and

WHEREAS, the Applicants have voluntarily submitted 14 proffers, attached to this Ordinance and incorporated herein by reference, (the "Proffers") to be accepted by the Town as a part of the its request for a conditional rezoning of the Property; and

WHEREAS, the Property requested to be rezoned is located at 17651 Washington Street, located directly on Fairfax Street, a paper street, approximately 350 feet northeast of the edge of Washington Street, having no access from any improved public right of way; and

WHEREAS, the Town of Dumfries Planning Commission, after holding a duly advertised public hearing at their February 13, 2012 meeting, voted to recommend approval of REZ11-63, accept the Proffers, and forwarded its recommendation to the Town Council; and

WHEREAS, the Dumfries Town Council held a duly advertised public hearing on REZ11-63 on March 7, 2012; and

WHEREAS, the Dumfries Town Council finds that the Applicants' requested B-2 zoning, REZ11-63, together with the voluntary Proffers serve a valid public purpose and further the goals of the Town of Dumfries Comprehensive Plan.

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries on this the 20th day of March, 2012, that rezoning application REZ11-63 be, and it hereby is, approved to amend the Town of Dumfries Zoning Map to rezone the property known as GPIN 8189-82-6152 from R-2, General Residential to B-2, Neighborhood Business.

1. Storm water management and best management practices (BMP) facilities will be provided on site in accordance with Town of Dumfries ordinances, as approved by the Town of Dumfries, Department of Public Works.
2. If any hazardous or toxic substances are found, the methods for disposal shall adhere to county, state or federal law.
3. Offsite grading, right-of-way, parking, access, and utility crossing shall be addressed at the time of final site plan submission.

4. All adjacent residential uses surrounding any parking lot shall be screened by a fence or landscaping to reduce the impact of car lights. This shall not apply the existing residential use on the Subject Property, which shall become nonconforming upon enactment of this conditional rezoning. Any new residential uses on the Subject Property shall be allowed only subject to a conditional use permit.
5. Any parking lot and exterior lighting shall be shielded such that lighting is projected downward and to parking area to prevent spillage onto adjacent properties.
6. A Traffic Impact Analysis will be provided prior to the submission of a final site plan for 17706 Main Street.
7. If the Traffic Impact Analysis requires a second entrance for development of 17706 Main Street, the Applicant will construct Fairfax Street at a minimum to Prince William County Design and Construction Manual Standards (DCSM) from Washington Street to the northernmost entrance or exit for 17706 Main Street or the Subject Property.

If the Traffic Impact Analysis does not require a second entrance for development of 17706 Main Street, the applicant will construct Fairfax Street at a minimum to Prince William County DCSM for alleyways (see attached) from the southernmost entrance or exit on Fairfax Street for 17706 Main Street or the Subject Property to the northernmost entrance or exit on Fairfax Street for 17706 Main Street or the Subject Property.
8. A perennial stream buffer to the maximum degree practical will be provided at the final site plan submission. The applicant reserves the right to submit a request for waiver for the buffer if necessary. However it is understood that while requested, a waiver is not guaranteed.
9. No portion of the neighboring property at 17645 Washington Street, Dumfries, VA, GPIN 8189-82-1885 will be used for the ingress or egress of commercial traffic to the Subject Property.
10. The applicant will meet the landscape DCSM requirements adopted by the Town of Dumfries; if the Town of Dumfries does not adopt the landscape DCSM standards, the applicant will follow the Prince William County DCSM standards for Buffer Areas Landscaping and Tree Cover Requirements subject to the right to submit waivers approved by the Town of Dumfries Director of Public Works.
11. The primary use of Subject Property shall be as accessory parking for Tax Map Parcel 8189-82-5716, 8189-82-5905 and/or 8189-82-7721. The Subject Property may also be used as a botanical garden or to hold festivals, farmers markets, and other similar or related activities, as determined by the Zoning Administrator for the Town of Dumfries. Moreover, botanical garden, festivals, farmers markets and other such related uses will be permitted only subject to a temporary use permit issued by the Zoning Administrator pursuant to the Town of Dumfries Zoning Ordinance.
12. No vehicles in excess of 10,100 Lbs gross vehicle weight will be allowed to park on the Subject Property overnight, unless part of an approved temporary use permit.

- 13. Development of Subject Property will occur in simultaneously with the development of either Tax Map Parcel 8189-82-5716, 8189-82-5905 or 8189-82-7721, or some combination of such parcels. No use of the Subject Property is allowed except in conjunction with the simultaneous use of Tax Map Parcel 8189-82-5716, 8189-82-5905 or 8189-82-7721, or some combination of such parcels.
- 14. Before developing the Subject Property, the applicant will obtain and record an ingress/egress easement providing access for the Subject Property to Main Street across either Tax Map Parcel 8189-82-5716, 8189-82-5905 or 8189-82-7721, or some combination of such parcels. Such ingress/egress easement shall be sufficient to handle the expected volume of traffic according the use of the Subject Property and the uses of Tax Map Parcel 8189-82-5716, 8189-82-5905 or 8189-82-7721, or if all parcels are consolidated for a unified use, some combination of such parcels.

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Excerpt from the Prince William County Design and Construction Standards Manual

SECTION 600

TRANSPORTATION SYSTEMS

600.01 Definitions:

- A. AASHTO: The American Association of State Highways and Transportation Officials.
- B. Alleyway: a privately maintained travelway primarily designed to provide a secondary access to the side or rear of properties whose primary frontage is on another street. Alleys may be allowed on single family residential, multi family, townhouse/single family attached, and commercial uses of town center developments.
- C. Bridge: A structure erected over a watercourse, depression, or obstacle (Webster's Collegiate Dictionary). As distinguished from a culvert, it is a large structure spanning a watercourse, the bed of which is left comparatively undisturbed. The opening width is generally large compared to the length (in the direction of flow). The structure generally consists of a deck or superstructure supported on two or more abutments or piers.
- D. Care Facilities: Hospitals, adult and/or child day care centers, nursing convalescent homes and their buildings and associated parking.
- E. Channelization: The design of a street intersection which separates conflicting traffic movements into definite paths of travel by the application of pavement markings, raised median or other appropriate means to facilitate the safe and orderly movement of both vehicles and pedestrians.
- F. Commercial/Retail: Buildings with uses that are primarily retail, or retail-related, including shopping centers, motor vehicle fuel sales, etc.
- G. Institutional uses: Churches, cemeteries, rescue squads, fire departments, police departments, libraries, school (public and private) and their related building and parking lots.
- H. MUTCD: The Manual of Uniform Traffic Control Devices.
- I. Office: Buildings with primarily administrative activities, including financial institutions.
- J. Pipestem driveway: Driveway or shared driveway servicing up to five (5) pipestem lots.
- K. Pipestem lot: A lot in a cluster development for which the minimum frontage for the zoning district in which it is located is not required to be met.
- L. Street, Public: A thoroughfare (street, drive, avenue, boulevard, etc.) which has been or is intended to be dedicated for public use, and which has been accepted or is intended to be accepted into the State system.

M. Street, Private: Where permitted, a privately maintained thoroughfare designed to provide access to private property.

N. Traffic study: A study conducted to assess the impact of traffic generated by a new use or change in use on existing or future road network, and to obtain the required information in evaluating any potential road network improvements.

O. Travelways: A directional path primarily used for vehicular movement, that are designed to provide access to parking bays and/or adjacent parking spaces and to and from privately maintained properties, commercial, industrial, single family attached and multi-family developments, whether or not in an easement or built to design standards. They are considered as private streets or roadways and are not intended for acceptance into State or County maintained roadway systems.

P. Use group: The classification of a building or structure based on the purpose for which it is used, as listed in the Virginia Uniform Statewide Building Code.

Q. VDOT: The Virginia Department of Transportation.

R. vpd: Vehicles per day

601.01 Street Design in General:

A. The provisions of this section shall apply to all street design and construction in the County. Where no specific roadway construction, design standard, or specification is set forth in this manual, the provisions of the Virginia Department of Transportation (VDOT) Road and Bridge Standards, Secondary Street Acceptance Requirements, Minimum Standards for Entrances to State Highways, Road Design Manual - Appendix A, A Policy on Geometric Design of Highway and Streets Manual Current Edition of American Association of State Highway and Transportation Officials (AASHTO) and the Virginia supplement to the Manual of Uniform Traffic Control Devices (MUTCD) shall be used.

B. Northern Virginia has been designated as an urban area by VDOT subdivision standards. All streets shall be designed as set forth in this manual or by VDOT standards, whichever is more stringent.

C. The arrangement of major streets in a development shall provide for their proper continuation with developed adjoining properties, and for their proper extension into undeveloped adjoining properties. The proper interparcel connecting arrangement shall be accomplished by the use of stub streets and temporary cul-de-sacs, etc., which is intended to provide and maintain access for basic public services, to allow movement of vehicular, bicycle, and pedestrian traffic, and to provide a corridor for public utilities. If a waiver is requested, it is the developer's responsibility to provide a detailed narrative why an interparcel connection between developments could not be achieved or provided or why such connection would not be beneficial to the County as required by this section.

R. The pavement design for pipestem driveways shall be the same as of the adjacent street where they are connected. Five (5) inches of plain Portland cement concrete is acceptable as an alternative subject to the following:

1. Class of concrete shall be Class A-3 in accordance with VDOT standards.
2. The methods of construction such as forming, crack controls, jointing, finishing, curing, and protection of concrete pavement from the initial traffic should be in accordance with VDOT road and bridge specifications.
3. Spacing of transverse control joints shall be a maximum of fifteen (15) feet. Longitudinal control joints shall be provided in all pavement sections wider than twelve (12) feet.
4. Drainage or storm water runoff shall not be allowed to flow longitudinally within the paved portion of the pipestem driveway. Positive drainage shall be maintained. Storm runoff shall be channeled away from the pavement, through the side ditches or gutter pan, if any.

S. A centerline profile for the pipestems serving two (2) or more lots shall be provided to ensure appropriate landings; grade ties and appropriate drainage design are achieved.

T. Grading plans for all pipestem driveways serving two (2) or more lots shall be provided and included on construction plans, together with the appropriate turnarounds and necessary easements.

U. Design configuration of pipestem layouts shall be in accordance with Detail 650.27A of this manual.

V. The methods and materials used in the construction of pipestem driveways shall conform to the current VDOT road and bridge specifications unless herein specified.

W. Entrance/intersection and vertical sight distance shall be verified and maintenance easement required when necessary on all pipestem driveway entrances.

602.16.2 Alleyways In Planned Districts: Alleyways shall be discouraged in proposed residential developments where street networks are planned and designed to be publicly maintained. However, they may be allowed in town centers subject to Special Use Permit (SUP) Conditions and in any PMD or PMR Zoning Districts.

A. Alleyways shall be a minimum of twelve feet (12') wide if one-way and twenty two feet (22') wide if two-way, measured from face of curb to face of curb. Parking along alleyways shall not be allowed and traffic control signs ("No Parking," "Stop" signs etc.) shall be required.

B. Ingress/egress and maintenance easements shall be required for all alleyways. The easement width for a one-way alley shall be eighteen feet (18') and for a two-way alley shall be twenty

eight feet (28'). Additional easement width will be required at the intersections to accommodate signage and ensure clear intersection sight distance

C. Standard maintenance note for alleyways will require the notification of owners of lots being served by the street of their obligation for the maintenance of the road.

D. Unless deemed not necessary by the director of Transportation, geometric, vertical and horizontal design of alleyways shall be in conformance with the requirements of Section 602.15 of the DCSM.

E. The length of the driveway accessing an alleyway shall be eighteen feet (18') measured from the edge of pavement (EP) or face of curb (FC) of the alleyway to the edge of the garage.

F. Dead-end alleyways are generally discouraged, but if allowed due to special circumstances, a standard turnaround that will accommodate a forty foot (40') long fire truck or emergency vehicle shall be provided if required by the Fire Marshall.

G. If parking is not available in the main roadway fronting single family detached lots served by rear alleyways, three (3) on-site parking spaces, exclusive of the garage, shall be provided for each lot.

H. Adequate intersection sight distance shall be required and verified on alleyway intersections. On-street parking shall not be allowed on street intersection approaches where lines of sights are verified to achieve clear adequate sight distance.

I. Entrances to and exits from alleyways should be designed with turning radii adequate to accommodate the size and type of vehicle expected to access the alleyways. Alleyways will require the review and approval of the Fire Marshall if it is designated as a fire access road.

602.17 Common Driveways for Two Lots:

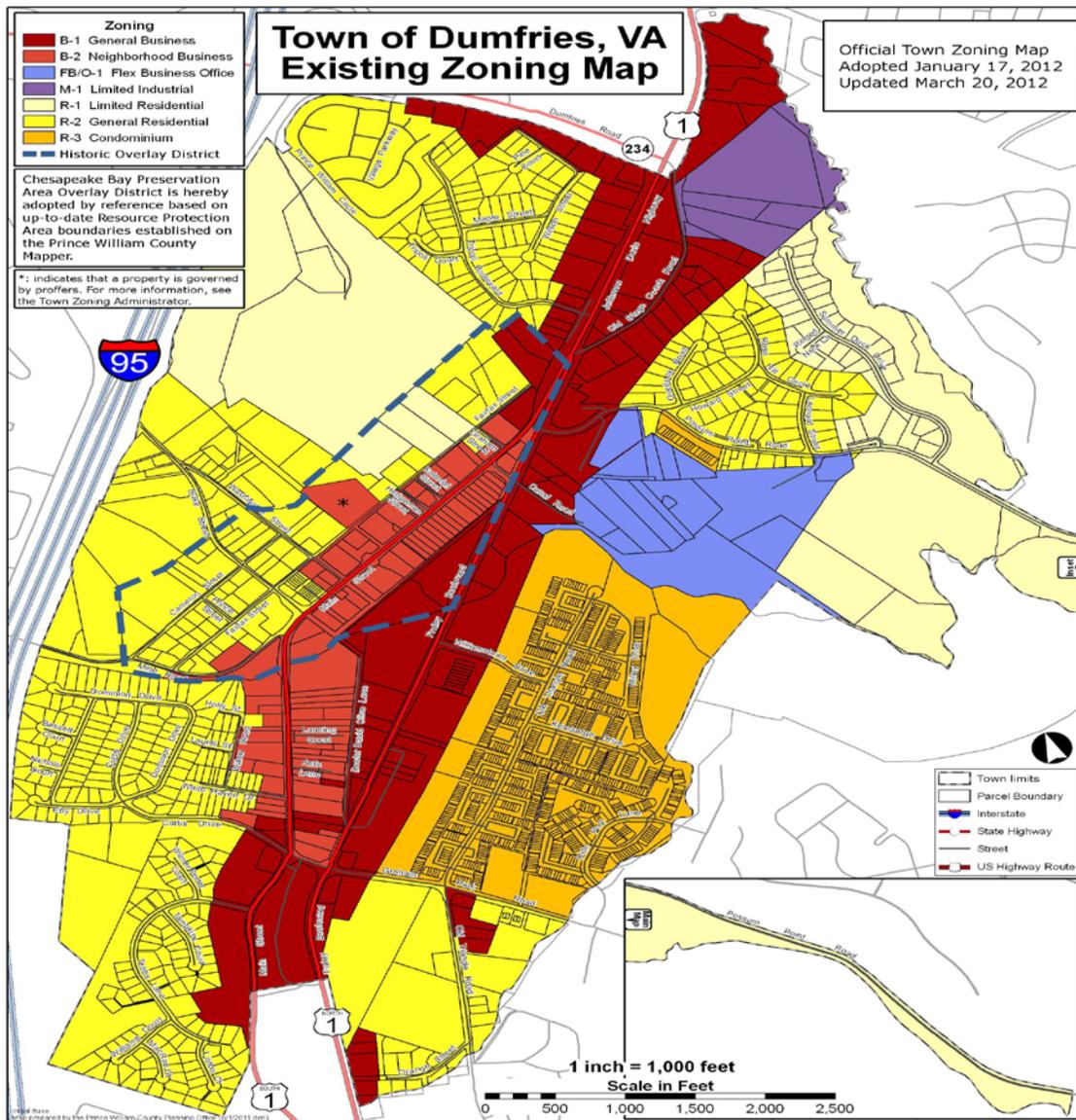
A. Where permitted by the director of Planning and by the Zoning Ordinance in large lot subdivisions, two (2) lots may be served by a common driveway. An adequate access easement at least forty (40) feet wide shall be provided.

B. The width of the common driveway shall be eighteen (18) feet.

602.18 Sidewalks/Trails in General:

A. Sidewalks or trails shall be required along all proposed streets and where improvements to such streets are necessitated by development.

B. In general, and to the extent set forth in subsection A above, sidewalks or trails shall be required within the street right-of-way of any development or subdivision with curb and gutter (urban section) streets. Sidewalks shall be provided as shown on the standard typical street



IN RE: CITIZEN COMMENTS

Gary West provided the following information about Historic Dumfries.

- May 12 is Charter Day – an invitation was extended to all the businesses; however, their theme has to be of a colonial nature. The Dumfries Elementary School Chorus of 50 children will be performing.
- A children’s day was held on February 18 with 49 children attending. The children’s day will be held monthly.
- On February 27, a virtual classroom was held for five 5th grade classes with Dale City Elementary School that met the standard of learning objectives.

- Bus tours came in from Chesapeake and Arlington.
- Friday the 13 falls in April and July so there are plans being made to have family friendly Ghost Walks. Weems-Botts was designated the second most haunted site in Virginia according to the Free Lance Star.
- The Potomac Place in Woodbridge wants him to do some seminars.
- Paranormal 101 will be held on April 14.

Derrick Wood noted that at the last meeting, there was discussion about the Town Center. He wanted to know how a citizen could participate in something like that after the discussion is had. He mentioned many people are excited about the new park coming but they have no idea when that will happen and others do not believe that it is since the sign in Triangle has been up for three or four years that states it would be in a year. He thanked Council for having on the agenda this evening a discussion about temporary uses and activities for things like barbequing and occasional activities that require an individual to get a special use permit every time they want to do something.

IN RE: MAYOR'S COMMENTS

Mayor West attended the Friends of Quantico Bay meeting on March 13. Eileen and Tony Thrall started this group in 2009 who live down on Possum Point Road, have lived there for over 30 years, and own waterfront property. The Thrall's started writing to the Council of Governments (COG) in 1999 because of their concern over the hydrilla that is infesting and clogging Quantico Bay. The Town and its citizens need to be concerned because of the inadequate water flow this could cause serious flooding in the Town if the Town were to experience another tropical storm like the one experienced last Fall or something like Hurricane Agnes that almost demolished the Town of Occoquan and took out the bridge. Mr. Bob Price is the Vice-Chair and Patty DeGraw, who works for Public Works, represents the Town. She encouraged citizens to keep an eye out for announcements of the meetings and to come take part because there may be more joint effort between the Town and the Friends of Quantico Bay in applying for grants. Last Thursday she attended a meeting at the Ferlazzo Building with Delegate Luke Torian, Senator Toddy Puller, and Delegate Mark Dudenhefer about legislation that was presented and passed. At the meeting, Senator Puller talked about the Dumfries Town Manager coming down and making a presentation on legislation the Town had moved forward, that Ms. Barr had suggested, that would allow a citizen to get a discount when property taxes are paid in

full at the beginning of the year. It was mentioned that this was the first time that legislation was presented by someone other than a Senator that passed. She noted that tomorrow she would be taping a segment of Community Focus, which will start airing April 6 on the Prince William County Public Channel 23. Supervisor Maureen Caddigan will interview her. Get well wishes were sent out to Sarah May.

IN RE: PRESENTATIONS – NONE SCHEDULED

IN RE: STAFF COMMENTS
A. TREASURER

Mayor West asked Mr. Taber to explain the reconfiguration of the dais.

Mr. Taber explained that staff over the last couple of months has taken steps to streamline the process of Council meetings and make the best possible use of resources. For the next couple of meetings Council will only see staff at the meetings who are giving reports or representing committees or boards and can leave after giving their report. In the past staff has stayed until the conclusion of the meetings and this will free them up for several hours that they can spend on their normal duties throughout the week. Eventually the upgrades will continue with the Council Chambers for not only safety issues but renewal of the room itself. He mentioned that an electronic board, which would be placed on the dais where the three seats were being used by staff, for ease of seeing who wants to speak, the order of request, and how Council Members vote on matters.

Ms. Ladd was ready to answer any questions that Council may have regarding the monthly financials for February 2012.

Mr. Toney asked why the payroll balance was zero.

Ms. Ladd explained that the payroll is always at a zero balance. With the direct deposit what happens is the funds go from the general fund to the payroll account and then the direct deposits are made that zero it back out.

Ms. Barr thanked Ms. Ladd for keeping the legislation that was written and introduced moving forward that went before the General Assembly and is awaiting the Governor's signature.

B. TOWN ATTORNEY

Ms. Sanders continues to spend at least three days a month in court on the traffic docket, criminal misdemeanors, and the juvenile court docket. She has been assisting with and

researching issues to advise staff on business license classifications. She continues to work on the First Town Center project. A significant amount of time has been spent on the Tripoli Heights drainage project working with the consultant reviewing the acquisition reports, the right-of-way surveys, and the offers that will be going out to landowners. Thirteen of these reports have been generated out of a total of 37.

IN RE: ACTION ITEMS

**A. RESOLUTION ADOPTING THE POLICE DEPARTMENT'S
GENERAL ORDERS CHAPTERS 6 THROUGH 10 – CHIEF ROBERT
FORKER**

Chief Forker was before Council to answer any questions they may have on the General Orders, Chapter 6 through 10. The request for Council is to adopt the resolution approving the General Orders for Chapters 6 through 10.

Ms. Barr made the motion, seconded by Mr. Foreman, to adopt the resolution approving and adopting the General Orders for Chapters 6 through 10. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, absent; Ms. West, yes.

**RESOLUTION TO ADOPT TOWN OF DUMFRIES POLICE DEPARTMENT
GENERAL ORDERS, CHAPTERS 6-10**

WHEREAS, in 2010 Acting Town of Dumfries Police Chief Colgan (“Chief Colgan”) was appointed and upon his appointment became aware that the Town of Dumfries Police Department (“the Department”) had a set of general orders (“General Orders”) that were not appropriate for use by the Department; and

WHEREAS, Chief Colgan contracted to have the General Orders updated for appropriateness and relevance for the Department; and

WHEREAS, Section 34-21 of the Code of the Town of Dumfries Virginia, (“the Town Code”) provides, *inter alia*, that the Chief shall prepare general orders for the police force of the town not inconsistent with state law, the Town Charter, this Code or other ordinances of the town and shall submit them to the Town Council for approval. When any such general orders, so prepared, have been approved by the Council, such general order(s) shall be in full force and effect; and

WHEREAS, Police Chief Forker has completed Chapters 6-10 of the General Orders, and submitted them to the Town Manager, the Town Attorney, and Town Council for review and comment; and

WHEREAS, in accordance with the foregoing, Chief Forker requests that the Town Council approve and adopt Chapters 6-10 of the General Orders.

NOW, THEREFORE BE IT RESOLVED by the Dumfries Town Council on this 20th day of March, 2012 that Chapters 6-10 of the General Orders are approved and adopted.

IN RE: INFORMATION ITEMS – NONE

IN RE: DISCUSSION ITEMS

A. CONSIDER AMENDING THE TOWN ZONING ORDINANCE AS IT RELATES TO TEMPORARY USES OR ACTIVITIES

Ms. Barr explained that when she started to collect signatures to get on the ballot she started in Williamstown. One thing she discovered was that Williamstown is a hotbed of activities, meaning there were many micro-businesses. These have spawned out of not just hobbies, but also the need to make extra money. After reviewing the Town's business license process these types of businesses have been forced to run underground. These businesses do not have separate corporate structures, do not file separate tax returns, or in some cases do not make over \$3,000 a year. The Town needs to find a way to bring these businesses into the fold by changing the policies, ordinances, and business license application procedures to acknowledge that there is a need out there for these types of businesses due to the economy. If the Town is going to be pro small business, pro citizens, the Town has to adapt and address this. She spoke with the members of the Dumfries Business Association (DBA) about these types of businesses but they were interested more in the types of businesses that have a storefront and file a separate tax return. She asked that the Town look at the Prince William County (PWC) policies for micro businesses, home employment businesses, and home office businesses. She understood that an individual would fill out an application. There is no fee, a description of the business is provided, and proof that they live in the home. In some cases, an occupancy permit is needed. It essentially places the business on record of operating in the Town. She also wanted to have all the businesses in the Town recognized under the economic development division of the website. She did not want to give addresses. Just the names to recognize the businesses in the Town and legitimize them. The Town is quite diverse. She asked staff to consider bringing back an adaptation to the ordinances that would allow embracing these micro businesses.

Mr. Taber noted that staff discussed trying to place everything into one process and it simply does not work when talking about temporary use permits. He noted that David Moss, Zoning Administrator/Town Planner provided a template of the wide breath of activities that

occur in the Town. Some of these activities are very intense in nature and should go through the full scope of scrutiny that is currently being used.

Mr. Moss explained that PWC has two types of home businesses. One is a home occupation that is simply a desktop computer ran out of your home. The Town has something similar and anyone can come and apply. There are certain restrictions. The Town makes sure they are a resident or if a renter that the homeowner knows they are running a business out of the home. The zoning ordinance restricts the use of the property to no more than 25 percent of the square feet of the residence. The business is not allowed to have a vehicle that is more than 6,000 pounds parked on the property, which is very specific to the Town. The other is home businesses, which the Town does not currently allow. This allows up to five customers to come to the home, by appointment only, during regular business hours, which takes a bit more scrutiny. Some amendments can be made to allow for a larger type of business that would include customers coming to the site. Those are businesses that happen at your home or in your home. There is another set of businesses that operate out in the community which blurs between the line of zoning and general code enforcement, especially in regard to mobile vendors or mobile food trucks. The current zoning ordinance in the Town does not allow for mobile food trucks or vendors. PWC has very specific rules about food trucks. They cannot be parked for more than 30 minutes in any one location and this is enforced by the Police Department. The zoning ordinance is somewhat archaic and is very limited in how it views temporary types of events. There are two types of activities, a circus or carnival that is a huge event or some kind of Church picnic or special temporary sale. Carnivals and circuses can only occur four times a year on a property and must be separated by at least 30 days. The other types of uses can only occur six times a year on a property and must be separated by at least 30 days. The zoning ordinance is not very flexible. He suggested having a greater set of tiered activities to separate them out and have more flexibility in the zoning ordinance that would allow for mobile food vendors, etc. The following outline of activities and what components may be part of the activity was provided for discussion purposes.

more preparation and sign-offs required →

← less frequent but greater intensity

	Accessory activity to existing business	Table & chairs (setup for small temporary sale)	Tent under 900 square feet or 50 occupants	Additional restrooms required	Outdoor movie screen	Food preparation onsite	Inflatable amusement device (Moon bounce, etc.)	Modified shipping container	Stage	Sound equipment	Generator	Amusement device (Carnival rides, etc.)	Tent over 900 square feet or 50 occupants
Yard sale	✓	✓											
Special sale for existing business	✓		✓			✓							
Church picnic	✓		✓	✓									
Birthday party	✓						✓						
Roadside food sales		✓	✓										
Business picnic			✓	✓									
Block party			✓	✓			✓						
Flea market		✓	✓			✓							
Fireworks sales		✓	✓					✓					
Friday night movie on the lawn					✓	✓				✓	✓		
Car show		✓	✓	✓					✓	✓	✓		
Music festival or outdoor concert		✓	✓	✓	✓	✓			✓	✓	✓		✓
Carnival				✓		✓					✓	✓	✓
Circus				✓		✓			✓		✓		✓

check marks indicate components often found in certain temporary activities

Ms. Barr explained that her issue was the 30-day separation. She noted that there are really only four or five months of nice weather which would only allow the use of two months.

She thought that the frequency needed to be looked at since there are many outdoor functions that occur in the Town.

Mr. Toney noted that the zoning ordinance was somewhat archaic and has not been revised for 30 years. He noted that he was on the Planning Commission for six years and the Town is what is called an inclusion kind of town.

Mr. Moss explained that if the zoning ordinance does not permit it then it is not allowed.

Mr. Toney explained that if it is not stated then it is not allowed. If it is an activity that is not listed then it is not allowed. He felt that the process needed to be looked at and brought into the 20th century.

Mr. Foreman pointed out that the attachment (outline of activities) should have been noted that staff and not Ms. Barr prepared it on the agenda item form. He cautioned that an ordinance was amended not too long ago. He noted that it was better than what it was before; however, there are people who are now getting upset with the interpretation. He stated then that it was not written the way it should have been; however, he voted yes on it understanding that it would be addressed again. He is still waiting for it to be addressed. Everything he just heard is that there is another ordinance that needs to be amended. He felt if changes were going to be made, which need to be done, then the other ordinance needed to be worked on at the same time. If a committee needs to be formed then form one. He wanted to make sure that these ordinances were done the right way.

Mr. Taber noted that one of the mistakes made with the last process was that a lot of the citizen input was not done until the end and timing is everything. He was willing to say that 80 to 85 percent of the previous effort was good work and that there is 15 to 20 percent that could use some tweaking. He had intended in going back and engaging the citizens and business community to deal with those issues. He agreed that this could all be brought in together. He noted that this is not going to be done in 15, 30, or 45 days since the Planning Commission has to be involved.

Ms. Barr pointed out that it was said that it would be revisited and she did not think that it would hurt for it to take 6 weeks; however, she felt the other issue needed to be fast tracked because of the weather and summer coming. She disagreed with handling both issues at the same time and asked Council to reconsider the impact this will have if the permitting process is not separated from the ordinance.

Ms. West pointed out that there is the difference between events and businesses.

Mr. Toney reminded staff that he made comments that there was a prepared determination already given to Council with the last ordinance. He explained that there was a public hearing, citizens expressed their concerns, and Council had to vote on something that was already prepared. He thought the process needed to be looked at. When a public hearing is had, staff should not have an already prepared conclusion in front of Council.

Mr. Taber agreed that the input was gotten from the citizens at the end of the process.

Mr. Toney suggested having the public hearing and then having it as an action item at the next meeting opposed to the same night.

Ms. Sanders reminded Council that even if there is an item on the agenda for action Council has the ability to defer the matter to the next meeting.

Mr. Toney noted there needs to be four votes for that.

Ms. Sanders agreed.

Mr. Moss pointed out that was the reason only a matrix was provided to start the discussion. He could sit in his office over a couple of days and write an ordinance. He noted Council could request the Planning Commission take the matter up at their next meeting and the Town announce it to the citizens.

Mr. Toney noted that should occur with the Council too when it holds its meeting. He has noticed that there are some recommendations that have come forward to Council that were not reflected in the Planning Commission's recommendation. He did not want to have a public hearing with matters of concern and make a decision the same night.

Mr. Foreman felt the process failed last time. He had recommendations that he sat down and went over with staff. At the end of the meeting, the Planning Commission and the public discussed it and moved it on and the vote was made without some of those recommendations of which some were valid and some were not. He had suggested changing the fee for signs to \$75.00 and banners to \$35.00. He was told that the matrix was being worked on. He had asked about businesses being able to display their wares. He has not gotten an interpretation to date. Both suggestions made are the same as what is being done tonight. He asked staff to go do something and make a recommendation and then Council could do something. If it takes making a motion, he will make one at the next Council meeting for banners, signs, and wares.

Ms. Barr noted that the things she was asking staff to look at would not have been addressed with the last rewrite. It is a living document.

Ms. Barr moved, seconded by Ms. Jurgensen, to direct staff to move forward to the Planning Commission to initiate zoning text amendments dealing with home based businesses and home occupations.

Mr. Taber mentioned that at the next meeting Council will get the final recommendation on fees that will include the changes for the signs and banners.

The motion carried to move forward to the Planning Commission to initiate zoning text amendments dealing with home based businesses and home occupations by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, absent; Ms. West, yes.

Ms. Barr moved, seconded by Ms. Jurgensen, to direct staff to move forward to the Planning Commission to initiate a zoning text amendment for temporary uses and activities permits. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, absent; Ms. West, yes.

Mr. Foreman moved, seconded by Ms. Barr, to direct staff to move forward to the Planning Commission to initiate a zoning text amendment with the definition of signs and the sections of the sign ordinance dealing with the display of wares. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, absent; Ms. West, yes.

Mr. Toney wanted to make sure that things were set such that a vote is not taken the same night.

Mr. Foreman moved, seconded by Mr. Toney, to direct staff to move forward to the Planning Commission to initiate zoning text amendments for revisions to the intent and use sections of the B-1, B-2, and FB/O-1 Zoning Districts. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, absent; Ms. West, yes.

IN RE: COUNCIL COMMENTS

Ms. Barr noted she had not overlooked Lent, but had not decided what to give up. She wanted to let everyone know she was giving up money by shopping to stock local food pantries.

Ms. Jurgensen mentioned that FEMA could be contacted at www.fema.gov or 800-621-3362 for any flood damage that may have occurred with the last storm, Tropical Lee or the earthquake.

Mr. Toney mentioned that Ginn Memorial Park was moving forward with a projected opening date in mid-July.

Mr. Foreman mentioned he attended the Black History Month Celebration and the NAACP event.

IN RE: CLOSED SESSION

Ms. Jurgensen made the motion, seconded by Ms. Barr, to convene into closed session. The motion carried and the following resolution was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, absent; Ms. West, yes.

WHEREAS, the Dumfries Town Council desires to discuss particular subjects in Closed Session during the course of its meeting of March 20, 2012; 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; and

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

Ms. Jurgensen made the motion, seconded by Ms. Barr, to reconvene into open session. The motion carried and the following resolution was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, absent; Ms. West, 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 of Dumfries does hereby reconvene in Open Session at its meeting of March 20, 2012 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. Barr, to adjourn the meeting. The motion carried by the following voice vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, absent; Ms. West, yes.

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Nancy H. West
Mayor