

**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON MARCH 4, 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 (arrived during Citizen Comments)  
Derrick R. Wood  
Olaun Simmons, Town Attorney

**THERE WERE ABSENT:** None

**IN RE: CALL TO ORDER AND ROLL CALL**

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

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

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

Mayor Foreman noted that Richard West, Public Works Director, would be sitting in for the Town Manager, Dan Taber, and he has been speaking daily with Mr. Taber.

**IN RE: APPROVAL OF THE MINUTES**

Mr. Wood moved, seconded by Mr. Toney, to approve the March 4, 2013 meeting minutes as presented. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, absent; Mr. Wood, yes.

**IN RE: ADOPTION OF THE AGENDA**

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

**IN RE: APPROVAL OF THE CONSENT AGENDA**

Mr. West indicated a correction needed to be made to Item V-A, Resolution to Reallocate Funds from the Project to Reconstruct a Portion of Main Street to Possum Point Road Drainage Improvements and Route 1 Improvements to Main Street and Cancel the Project to Reconstruct a Portion of Main Street.

Item V-A was moved to the Director of Public Works, Staff Presentation.

Ms. Forrester moved, seconded by Mr. Toney, to adopt the Consent Agenda as amended. The motion carried and the following resolutions were adopted by the following roll call vote: Mr. Brewer,

yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, absent; Mr. Wood, yes.

**RESOLUTION TO DESIGNATE POSSUM POINT ROAD DRAINAGE IMPROVEMENTS (VDOT UPC 104056) AND ROUTE 1 - IMPROVEMENTS TO MAIN STREET (VDOT UPC 81517) AS REVENUE SHARING PROJECTS**

WHEREAS, the Town received federal and state urban funds for Possum Point Road Drainage Improvements (VDOT UPC 104056); and

WHEREAS, the Town received federal and state funds for Route 1- Improvements to Main Street (VDOT UPC 81517) to improve the Graham Park Road/Curtis Drive/Main Street/Fraley Boulevard intersections; and

WHEREAS, the Town desires to designate the above projects as Revenue Sharing projects in order to consolidate funding on these and other transportation projects.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Virginia Department of Transportation consider and designate Possum Point Road Drainage Improvements (VDOT UPC 104056) and Route 1 - Improvements to Main Street (VDOT UPC 81517) as Revenue Sharing projects.

**RESOLUTION TO TRANSFER FEDERAL FUNDS FROM POSSUM POINT ROAD DRAINAGE IMPROVEMENTS (VDOT UPC 104056) TO ROUTE 1 - IMPROVEMENTS TO MAIN STREET (VDOT UPC 81517)**

WHEREAS, Possum Point Road Drainage Improvements (VDOT UPC 104056) has been designated a Revenue Sharing project; and

WHEREAS, Route 1 - Main Street Improvements is funded through Revenue Sharing and other federal and state sources; and

WHEREAS, VDOT UPC 104056 has \$619,000 in federal and state funds currently allocated; and

WHEREAS, the Town desires to consolidate federal funding on one project.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Virginia Department of Transportation reallocate \$619,000 in federal and state funds from VDOT UPC 104056 to VDOT UPC 81517.

**RESOLUTION TO APPOINT POLICE DEPARTMENT OFFICERS TO THE TOWING ADVISORY COMMITTEE**

WHEREAS, the Dumfries Town Council has created the Towing Advisory Committee at their regular meeting on March 2, 2010, to make recommendations to the Council with regard to the appropriate provisions of the Town Code towing ordinances or terms of contracts; and

WHEREAS, the Dumfries Town Council is the appointing authority for said committee; and

WHEREAS, the Dumfries Town Council has learned that there are currently two Towing Service Companies that are on the Town's Tow List; and

WHEREAS, the Dumfries Town Council has learned of the need to remove a police officer appointed to the Towing Advisory Committee on December 10, 2013, per the Towing Advisory Committee By-Laws approved June 22, 2010.

NOW, THEREFORE BE IT RESOLVED by the Dumfries Town Council on this 4th day of March, 2014, that Sergeant Michael T. Fink be hereby removed and the appointments of Chief of Police Rebecca S. Edwards and Captain Mark D. Robinson be hereby confirmed to the Towing Advisory Committee.

**RESOLUTION MAKING AN APPOINTMENT TO THE  
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY'S (NVTA) PLANNING  
COORDINATION ADVISORY COMMITTEE (PCAC)**

WHEREAS, the Northern Virginia Transportation Authority (NVTA) executed in the spring of 2007 the Planning Coordination Advisory Committee (PCAC) as called for in the General Assembly legislation that created the NVTA; and

WHEREAS, the NVTA was working to implement HB3202 which has since been ruled unconstitutional; and

WHEREAS, the General Assembly has approved HB2313 that the NVTA is working on implementing; and

WHEREAS, legislation mandated that the PCAC shall include, but not be limited to, at least one elected official from each town that is located in any county embraced by the NVTA and receives street maintenance payments; and

WHEREAS, Council is prepared to make an appointment to the PCAC.

NOW, THEREFORE BE IT RESOLVED by the Town of Dumfries Town Council that Gerald M. Foreman hereby be appointed as the Town of Dumfries representative on the NVTA's PCAC.

**RESOLUTION APPROVING THE RECOMMENDED EVENTS SCHEDULE BY THE  
PARKS AND RECREATION COMMISSION**

WHEREAS, the Parks and Recreation Commission is charged with obtaining input from citizens and making recommendations to Town Council about the future use of the Town's parks and programming; and

WHEREAS, at their February 11, 2014, meeting, the Parks and Recreation Commission discussed various events it would like to hold between March 2014 and the end of June 2014; and

WHEREAS, the Parks and Recreation Commission approved by unanimous vote to bring forward the recommendation to Council to hold the following events:

- March 22 - Community Gardening from 10 am to 4 pm at Ginn Memorial Park
- April 5 - Commonwealth Day from 2 pm to 6 pm at Ginn Memorial Park
- April 19 - Easter Egg Hunt and Inspirational Festival from 10 am to 5 pm at Ginn Memorial Park
- May 17 - 3 on 3 Basketball Tournaments from 12 pm to 4 pm at Ginn Memorial Park
- June 21 – 5K Family Walk Run from 8 am to 11 am at Merchants Park; and

WHEREAS, on February 18, 2014, the Council discussed the proposed Parks and Recreation Commission Events and moved the matter to the March 4, 2014, meeting for approval.

NOW, THEREFORE BE IT RESOLVED by the Town Council that the Town hereby approves the scheduling of the events proposed above by the Parks and Recreation Commission.

**RESOLUTION MAKING AN APPOINTMENT TO THE  
ARCHITECTURAL REVIEW BOARD (ARB)**

WHEREAS, Town Council is the governing body responsible for appointing members to the Architectural Review Board (ARB); and

WHEREAS, Council has learned that there is an appointment needed to the ARB; and

WHEREAS, Council is prepared to appoint William Larson to serve a term that shall expire on June 30, 2016.

NOW, THEREFORE BE IT RESOLVED by the Town Council for the Town of Dumfries that William Larson be hereby be appointed to serve on the Architectural Review Board.

**A RESOLUTION TO APPOINT THE MAINTENANCE CODE OFFICIAL  
FOR THE TOWN OF DUMFRIES**

WHEREAS, *Virginia Maintenance Code § 104.4* states that the local governing body shall appoint a Maintenance Code Official for the administration and enforcement of the Virginia Maintenance Code; and

WHEREAS, the Virginia Maintenance Code was adopted by the Town Council on November 12, 2013; and

WHEREAS, the Council of the Town of Dumfries now needs to appoint a Maintenance Code Official for the Town; and

WHEREAS, the Zoning Administrator, Laura O'Dell, has met all the necessary requirements in § 104.4.1 and 104.4.2; and

WHEREAS, the Council of the Town of Dumfries is prepared to make this appointment.

NOW, THEREFORE BE IT RESOLVED by the Town Council this 4th day of March, 2014, that Laura O'Dell hereby be appointed as the Maintenance Code Official for the Town of Dumfries, and that she has all necessary authority on behalf of the Council of the Town of Dumfries to administer and enforce the Virginia Maintenance Code for the Town.

**A RESOLUTION TO APPROVE SITE PLAN #SP14-001, AL AND ARCHIE'S ICE CREAM @ DUMFRIES SHOPPING PLAZA**

WHEREAS, a site plan (#SP14-001, Al and Archie's Ice Cream @ Dumfries Shopping Plaza) has been submitted for a portion of the property known as GPIN 8189-80-2217 located at 17945 Dumfries Shopping Plaza for an ice cream stand; and

WHEREAS, the site plan was reviewed by Town staff and external agencies for conformance with all applicable federal, state, and local codes; and

WHEREAS, the Town of Dumfries Planning Commission reviewed the site plan at their December 16, 2013, meeting and recommended that Town Council approve the site plan; and

WHEREAS, the Dumfries Town Council finds that the site plan is in conformance with the Town of Dumfries Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Dumfries on this the 4th day of March, 2014, that the site plan dated Jan. 8, 2014, Al and Archie's Ice Cream @ Dumfries Shopping Plaza (#SP14-001) hereby be approved.

**RESOLUTION TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT BETWEEN THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY ("NVTA"), COUNTY OF PRINCE WILLIAM AND THE TOWN OF DUMFRIES REGARDING DISTRIBUTION AND USE OF 30% FUNDS UNDER CHAPTER 766 OF THE 2013 VIRGINIA ACTS OF ASSEMBLY**

WHEREAS, NVTA was established by the Northern Virginia Transportation Authority Act, Va. Code Ann. §§ 15.2-4829 *et seq.*, the local jurisdiction members of which include the counties of Arlington, Fairfax, Loudoun, and Prince William, and the cities of Alexandria, Falls Church, Fairfax, Manassas, and Manassas Park (collectively and individually "City/County"); and

WHEREAS, in accordance with Va. Code Ann. § 15.2-4838.01, a special non-reverting fund for Planning District 8, known as the Northern Virginia Transportation Authority Fund was created in the Virginia state treasury, comprised of taxes and fees levied in accordance with the aforesaid Code section and any other funds that may be received for the credit of the aforesaid fund (the "Fund"), the proceeds of which fund are distributed to NVTA for use in accordance with Va. Code Ann. § 15.2-4838.1; and

WHEREAS, in accordance with, and subject to the requirements of, § 15.2-4838.1, thirty percent (30%) of the revenues received by NVTA shall be distributed on a pro rata basis to each City/County with each City/County's share being the total of the revenues received by NVTA that are generated by or attributable to such City/County divided by the total of such revenue received by NVTA (the "30% Funds"); and

WHEREAS, among the other requirements of Va. Code Ann. § 15.2-4838.1, each City/County shall deposit all Fund revenues received from NVTa in a separate, special fund (“The Local Fund”) to be used for additional urban or secondary road construction, for other capital improvements that reduce congestion, for other transportation capital improvements in NVTa’s most recent long range transportation plan, or for public transportation purposes; and

WHEREAS, § 15.2-4838.1 further requires each City/County to provide annually to NVTa sufficient documentation as required by NVTa showing that the 30% Funds received by the City/County were used as required by § 15.2-4838.1B.1; and

WHEREAS, § 15.2-4835 provides that the administrative expenses of NVTa, as set forth in NVTa’s annual budget, shall be allocated among the component counties and cities based on relative population which administrative expenses may be paid from the 30% Funds in accordance with § 15.2-4838.1; and

WHEREAS, pursuant to Chapter 766, the legislation establishing the Fund, imposes, among other requirements, the following requirements on each City/County: (1) that each City/County deposit into its, Local Fund all revenues from the commercial and industrial tax collected under § 58.1-3221.3 pursuant to the maximum tax rate allowed under that section or, in lieu of that amount, an amount from sources other than moneys received from NVTa equivalent to the amount that would have been received had the maximum tax rate been imposed; and (2) that each City/County expend or disburse for transportation purposes each year an amount that is at least equal to the average amount expended or disbursed for transportation purposes by the City/County between July 1, 2010 and June 30, 2013, excluding bond proceeds or debt service payments and federal or state grants; and

WHEREAS, § 15.2-4838.1B.2 provides that if any City/County fails to deposit into its Local Fund the amount equivalent to the revenue that would be generated by imposition of the maximum tax rate allowed under § 58.1-3221.3, then NVTa shall reduce the amount of the 30% Funds disbursed to the City/County by the difference between the amount that was deposited in the City/County’s Local Fund and the amount that should have been deposited; and

WHEREAS, Enactment Clause 8 of Chapter 766 provides that NVTa and each City/County embraced by it shall work cooperatively with towns with a population greater than 3,500 located within NVTa’s member Counties (“Qualifying Towns”) for purposes of implementing Chapter 766 and so as to ensure that all such “Qualifying Towns” receive their respective share(s) of the revenues pursuant to subdivision B 1 of § 15.2-4838.1; and

WHEREAS, Chapter 766 further provides that in the event any County appropriates or allocates any of the 30% Funds to a non-transportation purpose, that County and its Qualifying Towns shall not be the direct beneficiary or beneficiaries of any of the revenues from the NVTa Fund in the year immediately succeeding the year in which the 30% Funds were appropriated or allocated to a non-transportation purpose; and

WHEREAS, Chapter 766 further provides that, in the event that any Qualifying Town appropriates or allocates any of the 30% Funds to a non-transportation purpose, not only will such Qualifying Town not be a direct beneficiary of any of the revenues in the fiscal year immediately succeeding the fiscal year in which the 30% revenues were appropriated or allocated to a non-transportation purpose, but its constituent County and all other Qualifying Towns

within said County could also be judicially declared not to be direct beneficiaries of such revenues from NVTA in the next succeeding fiscal year; and

WHEREAS, NVTA has a continuing responsibility to ensure that the 30% Funds are properly spent, and that each NVTA member City/County and each Qualifying Town adhere to the statutory and other legal obligations that it has with regard to the Fund; and

WHEREAS, NVTA has requested that each member City/County enter into a separate Memorandum of Agreement in order to implement the provisions of Chapter 766 with regard to *inter alia* the distribution and use of funds in the manner prescribed by Va. Code Ann. §15.2-4838.1 and each member City/County has agreed; and

WHEREAS NVTA and each member City/County has agreed to be bound by all terms and conditions in a separate Memorandum of Agreement (“NVTA/City-County MOA”), for purposes of ensuring that NVTA, each member City/County, and each Qualifying Town are in full compliance with Chapter 766 and all applicable requirements of the NVTA Act with regard to the receipt, maintenance, management, oversight, distribution, and use of all funds from the NVTA Fund.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Town Manager be authorized to enter into a Memorandum of Agreement between the Northern Virginia Transportation Authority, the County of Prince William and the Town of Dumfries.

#### **RESOLUTION TO ADOPT THE QUANTICO CREEK STREAM RESTORATION ASSESSMENT SUMMARY**

WHEREAS, the Town of Dumfries (“Town”) has set aside funding in the current Capital Improvement Plan for the Fiscal Years 2014 through 2018 for Quantico Creek Drainage Improvements; and

WHEREAS, in February 2013 the Berkley Group was authorized to review and update the Stream Restoration and Stormwater Management Study for Quantico Creek prepared by the US Army Corps of Engineers dated September 2004; and

WHEREAS, in August 2013 the draft Quantico Creek Stream Restoration Assessment Summary was presented to Council; and

WHEREAS, the US Corps of Engineers has reviewed the Quantico Creek Stream Restoration Assessment Summary and offered no objection to the proposed stream restoration approach; and

WHEREAS, the Quantico Creek Stream Restoration Assessment Summary has been revised per staff comments and is now in final draft form; and

WHEREAS, the next step in restoring Quantico Creek is to prepare cost estimates to implement the proposed plan for the uppermost two reaches of Quantico Creek within the Town.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries this 4th day of March, 2014, does hereby adopt the Quantico Creek Stream Restoration Assessment Summary, dated January 2014 and prepared by McCormick Taylor under contract to The Berkley Group, as the working document for moving forward with the restoration of Quantico Creek.

**RESOLUTION TO AUTHORIZE THE TOWN MANAGER TO ADVERTISE A PUBLIC HEARING TO AMEND TOWN CODE BY AMENDING CHAPTER 26, ENVIRONMENT, ARTICLE V, STORMWATER MANAGEMENT**

WHEREAS, the Town of Dumfries operates a regulated Municipal Separate Storm Sewer System (MS4); and

WHEREAS, in Va. Code Ann. § [62.1-44.15:27](#), Establishment of Virginia Stormwater Management Programs requires that towns that operate a regulated MS4 shall be required to adopt a Virginia Stormwater Management Program (VSMP) for land-disturbing activities; and

WHEREAS, each locality that administers an approved VSMP shall, by ordinance, establish a VSMP that shall be administered in conjunction with a local MS4 program; and

WHEREAS, the ordinance shall be consistent with regulations adopted in § [62.1-44.15:27](#); and

WHEREAS, the ordinance shall provide for long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff; and

WHEREAS, the existing ordinance does not meet the requirements of the recently revised Virginia Stormwater Maintenance Program requirements; and

WHEREAS, the Virginia Department of Environmental Quality has published a Model Stormwater Management Ordinance which meets State regulations; and

WHEREAS, the Model Stormwater Management Ordinance has been edited to complement the Town's MS4 program.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Town Manager be authorized to advertise for a public hearing to be held on April 1, 2014, for the consideration of amending Article V, Stormwater Management, Chapter 26, Environment by adding Division 3, Sections 170-185.

**RESOLUTION TO APPROVE THE FISCAL YEAR 2014-2016 NORTHERN VIRGINIA TRANSPORTATION AUTHORITY REGIONAL PROJECT APPLICATION**

WHEREAS, in April 2013, the General Assembly and Governor approved a new transportation funding bill (HB2313) with all taxes and fees imposed by the General Assembly; and

WHEREAS, the Northern Virginia regional component imposes an increase of 0.7% sales tax, to a total of 6% for Northern Virginia; imposes a 2% Transient Occupancy Tax and imposes a regional congestion fee (grantors tax) of \$0.15 per \$100 valuation; and

WHEREAS, seventy percent (70%) of the total Northern Virginia Transportation Authority (NVTA) funding will be provided to the NVTA for regional projects included in TransAction 2040 or future updates that have also been evaluated by the Virginia Department of Transportation (VDOT) for reducing congestion, or mass transit capital projects that increase capacity; and

WHEREAS, thirty percent (30%) of the total NVTA funding will be distributed to localities to spend on urban or secondary road construction, capital improvements that reduce congestion, projects included in TransAction 2040 or its future updates, or for public transportation purposes; and

WHEREAS, roadway and transit projects have been approved by the NVTA for FY2014, but approximately \$90 million in unallocated FY 2014 funds are still available for disbursement; and

WHEREAS, the regional (70%) funds are allocated to the NVTA for distribution among member jurisdictions through a competitive application process for regional transportation projects; and

WHEREAS, the local (30%) funds are allocated to the NVTA to be distributed on a pro rata basis directly to each locality; and

WHEREAS, the NVTA approved the "Call for Projects" at its December 12, 2013, meeting asking jurisdictions to apply for FY 2014-2016 regional (70%) funded transportation projects; and

WHEREAS, the NVTA will allocate approximately \$90 million of unallocated FY 2014 funds and approximately \$210 million each year for FY 2015-2016 as part of this application process; and

WHEREAS, the NVTA will allocate approximately \$510 million in regional (70%) funding from FY2014 – 2016; and

WHEREAS, the NVTA will directly allocate approximately \$10 million in local (30%) funding to Prince William County in FY 2014; and

WHEREAS, the deadline for applications for the regional (70%) funding was January 31, 2014.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Fiscal Year 2014-2016 Northern Virginia Transportation Authority regional project applications hereby be approved.

BE IT FURTHER RESOLVED that the Town Council does hereby adopt the following regional transportation project to receive future FY 2014-2016 NVTA regional (70%) funding:

- Route 1 Widening (southern corporate limits to northern corporate limits).

**IN RE: CITIZEN COMMENT PERIOD**

Bill Noaker expressed concern over the people who were towed on Old Triangle Road that was designated as an evacuation route. There are only six emergency snow route signs designating the road as an evacuation route from Graham Park Road to the turnaround. There are only two signs in South Cove that cover about six streets and are located down by the playground. Before those signs, you have Morgan Court, Stewart Lane, McDowell Court, and Brockenbrough Drive. If anyone were from out of Town, they would not have known it was an emergency snow route. He felt it was mismarked and could lead to possible lawsuits for the Town and is unfortunate for those who were towed. There needs to be more signs posted along the road.

Judy Moore, Branch Director of the Heiser Boys & Girls Club, announced the Club had been closed for several years and has been reopened now for about three years. This is the first year athletic events have been offered. This Saturday the STEM (Science, Technology, Engineering, and Math) program, which is LEGO: Simple Machines and Mechanisms. She went over the various things that are available to the kids to use with the general membership of \$30.00 that include healthy habits, fitness programs, and the computer lab. There are an average of 80 kids at the Club in the afternoon now. She had information available for anyone who was interested in basketball, cheerleading, or volleyball, as well as the monthly calendar of events. She invited everyone to stop by and visit the Boys & Girls Club.

**IN RE:           MAYOR'S COMMENTS**

Mayor Foreman stated that Town staff is offering a new service on the website by implementing Granicus, a program that uploads the Council meetings on the Town's website. This allows the meeting agenda to be hyperlinked to the broadcast. Viewers are able to go to different parts of the meeting by clicking on the item on the agenda. These files will be maintained online indefinitely as public record and are available 24 hours a day, 7 days a week. He passed his and the Council's condolences to the Town of Vienna and the family of Mayor Jane Seeman. Mayor Seeman passed away Sunday, February 23. She was surrounded by her family when she succumbed to her long battle with lung cancer. Mayor Seeman has been a resident of Vienna since 1968, was first appointed to serve on Council in 1996, and has served as Mayor since 2000. He believed that Councilman Brewer said it best when he wrote, "She was an extraordinary person, as well as a fantastic public servant. Her legacy reached much further than the Town of Vienna. She helped us and guided us in a number of problems we have had in the Town of Dumfries. We loved her and will miss her terribly." From his professional level, Mayor Seeman always made herself available for discussions and offered advice on how to handle many situations. She always had kind words and always supported him.

**IN RE:           COUNCIL MEMBER COMMENTS**

Mr. Toney noted that Mr. Noaker is the President of the South Cove Homeowners' Association (HOA), so he was not just speaking for himself. He also resides in South Cove and was somewhat taken aback when he came home from work on Sunday night to see mass towing. He has lived in South Cove for 17 years and to his knowledge, the area has never been declared a Snow Emergency Route. He thought it would have been a good idea if someone started letting folks know on Friday what was going to happen. He heard there were 25 people who had their vehicles towed. That is just too many. Particularly in a community such as his. He was stopped twice today from people complaining about this. It was a good idea, started late, and it just was not done right. Sometimes people have to admit when they are wrong. Because coming up with an idea at 8 or 9 o'clock on a Sunday expecting to move all these people and let everyone know by the close of that day is just poor planning and poor judgement as far as he is concerned. He noted there are two signs at the top of the hill, there are two signs at the bottom by the bus stop, which is 300 to 400 yards, or maybe a quarter of a mile, between them. He thinks the signage is definitely a problem. Then down in South Cove there are two signs back near the turnaround. You have to go down into South Cove to even see the signs. He is hoping to make the motion to waive the tickets that were written. He apologized and felt the Town could have done a little bit better as far as planning and foresight. During the Black History Month, there were five African American unsung heroes honored. They were unable to contact one individual's family and was not there to receive his award. He wanted the family of Larry Williams to know that at an upcoming Council meeting, a member of his family will be contacted, Mr. Williams will be presented with the award.

Mr. Wood noted things were happening in the Town despite the weather. He was excited about the programs being offered that will increase tourism.

Ms. Reynolds thanked the Boys & Girls Club for allowing her to serve on the Board and thanked Council for choosing her to serve. She was excited about a fundraiser being held on March 26 at the VFW building, right off Minnieville Road, called Taste Local. It is local restaurants displaying their cuisine that people can sample. She and Supervisor Caddigan went around to local restaurants and got commitments, so it is going to be a fantastic fundraiser. She thanked Supervisor Caddigan for taking her to lunch.

Ms. Washington thanked the Town of Dumfries, because the unsung heroes that were honored during the Black History Month program two of them were from her family. One was her Dad who served on the Council for 19 years and was the first Black elected official in Virginia since reconstruction. She is very proud of Dumfries for moving forward in that direction and very proud he was that person. Also, her husband, who served on the Council for 28 years, received an award. She expressed her gratitude for

remembering her family during Black History Month. She thanked staff for their efforts in getting the sign removed that was damaged along Main Street.

Ms. Forrester endorsed the Boys & Girls Club. Her daughter, Emily Love, has been attending for two years now and enjoys it.

Mr. Brewer stated there are six signs located along the Snow Emergency Route, three going north and three going south. Two are located in South Cove. He knows that during a snow emergency, when this is implemented, no cars are supposed to be parked on that particular road, because it needs to be plowed. At the last meeting, a resident of Williamstown complained about the bad job the Town did plowing the roads. He drove Williamstown and saw the way it was plowed. All he was doing was dodging cars. Another point he wanted to make was that when he drove down that road citizens were walking in the middle of the road. Williamstown had not cleared the sidewalks, nobody did. So, where did they have to walk? In the road where it was plowed, which can be dangerous. The reason people are parking on the main road is that they have not paid their HOA dues and cannot park in the courts. The Town has to deal with cars on the side of the road. In the past, the Town's snowplow hit a couple of cars. The Emergency Snow Route was requested to be put in place from the previous President of the Williamstown HOA, Stephanie Bradley. Now that it has been implemented, everyone wants to get into a big tizzy. The Virginia Department of Transportation (VDOT) has signs out on Route 1 and Route 234. VDOT does not call people up and ask them to move their car. The Police Department went out and identified cars that were parked along the Snow Emergency Route and the ones that the Officer could get in touch with were given the opportunity to move their cars. Is it the Town's fault they parked in the Snow Emergency Route? No. However, the Town did try to accommodate the people that were there. For safety sake, this had to be done. A citizen complained about this, the Town rectified the problem, now everyone wants to get into a big huff about it.

**IN RE:           BOARDS AND COMMISSION REPORTS**  
**A. ARCHITECTURAL REVIEW BOARD**

There was no report.

**B. BOARD OF ZONING APPEALS**

There was no report.

**C. HISTORIC DUMFRIES**

There was no report.

**D. PLANNING COMMISSION (PC)**

Mr. Webb gave the following report.

- ✓ Participated in the Joint Public Hearing, February 4, with Council on a conditional use permit (CUP) for Grass Roots Christian Fellowship. Recommended Council approve the CUP.
- ✓ At the work session:
  - The Department of Environmental Quality (DEQ) gave a presentation on the Chesapeake Bay Preservation Act.
  - Reviewed and discussed a CUP request for Fountain Gate Church (CUP 2014-003) to be located in the Dumfries Shopping Center between the Rite Aid and Padrino's Pizza.
- ✓ At the regular meeting:
  - January 13, 2014 minutes were adopted.
  - Voted to schedule a public hearing for CUP 2014-003 for Fountain Gate Church.

Mayor Foreman asked if the PCs request to have a special meeting with Council needed to happen prior to Council's meeting on the budget.

Mr. Webb did not think so. He mentioned that years ago Council would meet with all the Boards and Commissions once or twice a year. The meetings were to have dialogue between the Council and the PC. The PC would like to start that practice again.

Mayor Foreman wanted to make sure this did not impact the budget.

Mr. Webb agreed it did not.

Mayor Foreman wants to schedule a meeting with Historic Dumfries, Virginia (HDV), the HOAs, and the Dumfries Business Association (DBA) before the budget. Mayor Foreman asked Mr. West talk to the Town Manager about scheduling the meetings.

**IN RE: COUNCIL REPORTS**  
**A. BOYS AND GIRLS CLUB**

Ms. Reynolds emphasized again the fundraiser on March 26 at the VFW. Tickets are available for \$30.00.

Mr. Wood asked if the money raised by Ms. Reynolds, for the fundraiser, went toward the annual commitment to the Board.

Ms. Reynolds thought her portion was already paid for and anything she raises provides additional funds to the organization.

Mr. Brewer asked if Ms. Reynolds could find out from the Board what the percentage was of the funds raised goes to the General Heiser Boys & Girls Club. Council, in the past, before the closing and

reopening, tried to get information from them on the funding for the General Heiser Club versus the other Clubs and they were not willing to provide the information.

Mr. Toney asked what time the fundraiser starts.

Ms. Reynolds responded it starts at 6:00 p.m.

Mr. Toney asked when the steak dinner was held.

Ms. Reynolds noted that would be in in May. She did not want people to be confused. This is a different occasion.

**B. PARKS AND RECREATION COMMISSION**

Mr. Wood gave the following report.

- ✓ Discussed the Community Use Policy.
- ✓ Looked at a forecast for the events through June 2014.
- ✓ Completed the bylaws and forwarded them to Council for approval.
- ✓ Looked at preparing letters of interest for the upcoming activities.
- ✓ A meeting is scheduled for next Tuesday that will include a presentation from the Kiwanis Club.
- ✓ Upcoming event March 22 from 10:00 a.m. to 4:00 p.m. to highlight the community garden project at Ginn Memorial Park.

Mayor Foreman asked if any invitations needed to be sent out for the Commonwealth Day.

Mr. Wood responded yes.

Mayor Foreman asked him to coordinate with the Town Clerk to start typing the letters and sending them out. The next Council meeting starts the budget discussions. He noted the fiscal year 2015 requirements discussion is not listed on the Parks and Recreation Commission agenda.

Mr. Wood indicated an additional meeting would probably be needed in March in order to get that discussion in.

Mayor Foreman stated the meeting on the 18<sup>th</sup> would be when direction will be given to the Town Manager. He asked if expenditures for the parks and the phasing of Ginn Memorial Park should come from the Parks and Recreation Commission or Public Works Department.

Mr. Wood stated the Commission is discussing that now. Discussions have been about the last phase and Terry Myers, Assistant Public Works Director, has been invited to the next meeting to discuss the next phase. The Commission wants to see what the Kiwanis Club is proposing before closing out the current phase and moving on to the next phase.

Mayor Foreman indicated a discussion about phasing needs to be had with Council before going into the FY15 budget. He knew Council was trying to get HDV to have an annual meeting, which is typically, when HDV provides the requirements for Merchant Park maintenance. The Public Works Department typically reports on Garrison Park; however, the Commission will have to report on Ginn Memorial Park. The Commission should be doing all three parks.

Mr. Wood invited HDV to attend the next Commission meeting, which HDV has confirmed will attend, to discuss programs and the budget.

Mr. Brewer read the following from the February 11 meeting minutes, "Commission discussed and took note that some neighborhood complaints may come in but know that it will be a good program for Ginn Memorial Park." He did not think that any complaint should be ignored. He went on to read, "Commission would like to invite personnel involved with Events Committee to do joint planning. Letter to be developed and sent out to churches by Critchley." He mentioned the Town Attorney created a memo explaining the need to be very careful and watch where Council treads with churches. The Town had a former attorney who would really come down on Council if there was even mention of churches when it came to community events. He further read, "Wood said he would get with Mrs. D. Thomas to get a list of churches who participate in programs on base and at Little Union." Churches are great, go attend church on Sunday, it is a good thing, but when it concerns the government, this body, Council needs to tread lightly on that. Be very careful with what you are doing with the churches because the number one thing the churches try to do is increase their attendance. You cannot have them trying to recruit. You cannot have them preaching the gospel. He thought the Town Attorney would talk about the matter during his report. He is not a big fan of this. The Easter Egg hunt is for little kids to go out and find Easter eggs, throw them in a basket, go home happy and eat candy.

Mr. West clarified that the Public Works Department in regards to the parks budget concentrates on the operational and maintenance; mowing, seeding, fertilizing, things of that nature. If the Parks and Recreation Commission provide further guidance it will be included in the operational; however, his department was looking for the Parks and Recreation Commission to look at the broader picture, the phasing and things that are more of a capital nature.

Mr. Wood asked if the Town Attorney could address the concerns brought up about churches.

Mr. Simmons indicated he would talk about it during his report.

Ms. Washington asked if the item could be deferred until after Council heard the report from the Town Attorney.

It was decided that the matter would be covered now.

Mr. Simmons explained the memo talks about certain legal principles that govern local governments when they are dealing with faith based organizations, so Council does need to be careful moving forward. There are nine principles that are important for the Council to consider when scheduling events with faith-based organizations.

1. They have to reflect a clearly secular purpose. They cannot have a purpose that involves discussing religion or encouraging religious activity.
2. They have to have a primary effect that neither advances nor inhibits religion.
3. Avoid excessive government entanglement with religion or religious activities.
4. Avoid coercing anyone to support or participate in a religion or religious exercise.
5. Avoid endorsing religion or religious activities.
6. Avoid conveying or attempting to convey a message that religion or a particular religious belief is favored or preferred.
7. Avoid promoting one religion or religious theory against another.
8. Avoid the appearance of taking a position on questions of religion.
9. Avoid activities that are being done for the sole purpose of advancing or endorsing a religious activity.

When scheduling these events you have to ask, is what we are doing going to violate any of these principles, if so, you will need to take a step back and look at it. In addition, when collaborating with these faith based organizations the Town needs to sit down with them and discuss what needs to be happening during the course of these events to make sure that they are lining up with what the law says in terms of faith-based organizations being involved with government. The second part of the memo discusses the 2020 Vision statement. There is one particular statement in the 2020 Vision statement he suggested making a change to in order to avoid possible legal challenges. In the section that is titled "Come Play in Dumfries, Come Stay in Dumfries" talks about partnering with faith based organizations and he reiterated what he said before, which is you have to remember the purpose of the activity is not being done for the purpose of advancing religion and is being done for a clearly secular purpose. If those provisions of the law are being followed, he believed the Town should be okay. He understands that prior Council's did not think that any of these things should be done; however, he does not hold that opinion.

Mr. Toney appreciated the comprehensive thorough analysis and good opinion. He asked if the Town Attorney should be at the table when discussions are being had with the various churches to ensure that none of those provisions are being violated.

Mr. Simmons was willing to serve in that capacity. The reason the recommendation was made to be very careful was to avoid lawsuits. Lawsuits can be very costly and time consuming and the Town does not want to deal with those type of challenges.

Mayor Foreman asked that staff review the 2020 Vision Statement. Staff should come back and let Council know what cannot be implemented or recommended changes. He has sat through numerous discussions about the 2020 Vision Statement and being unable to implement things in it. For instance, the 2020 Vision Statement speaks about a Green Commission, which will never be implemented.

**C. NORTHERN VIRGINIA REGIONAL COMMISSION**

Mayor Foreman gave the following report.

- ✓ Recapped the Syrian Refugee Relief Project in Turkey.
- ✓ Discussed the Journey Through Hollow Ground Partnership, which is a nonprofit, four state partnership. Cate Wyatt, President and Founder, gave a presentation about the partnership. Dedicated to raising awareness of the unparalleled American heritage in the region running from Gettysburg, Pennsylvania through Maryland and Harper's Ferry, West Virginia to Thomas Jefferson's Monticello in Charlottesville, Virginia. Journey Through Hollow Ground was recognized by Congress as a National Heritage Area and offers authentic heritage tourism programs and award-winning educational programs for students of all ages. Weems-Botts Museum participates in the program.

Mr. Wood commented that the Department of Tourism could send materials to the Town and make the Town an official tourism stop. He asked that it be looked into to see if the Town can become an official tourism stop, which would be set up in the lobby.

**D. PLANNING COORDINATION ADVISORY COMMITTEE**

There was no meeting held to report on.

**E. NORTHERN VIRGINIA CIGARETTE TAX BOARD**

There was no meeting held to report on.

**IN RE: STAFF PRESENTATIONS**

**A. DIRECTOR OF COMMUNITY SERVICES**

Mayor Foreman noted there had not been a Director of Community Services at a meeting for several months now and he had some questions. He mentioned the Director of Community Services, the Parks and Recreation Commission, HDV, Public Works, and the Police Department have events. Members should be sitting on the other committees or line them up so they are coordinating. He explained, on April 5, the Quantico Creek Cleanup is being held by Public Works, a Civil War Reenactment with HDV, and the Commonwealth Day with the Parks and Recreation Commission. On April 12, HDV is hosting the

Children's Day at the Museum and the Inspirational Festival with the Parks and Recreation Commission. One week later is the annual Easter Egg Hunt with Community Services. One week later is the Spring Festival. One week later, May 1, is Charter Day/Maypole Festival. On May 3, the Multicultural Festival. On the 17th, there is a 3-on-3 basketball tournament. On June 7, Prince William Resolves Colonial Reenactment with HDV. On June 21, a 5k with the Parks and Recreation Commission. September 13, the Fall Festival. He pointed out that from April through June there is an event every weekend and some are happening on top of each other. He recommended that somehow staff, take it upon themselves, to make sure that the flyers are presented to the various committees. The events need to be coordinated. He asked how many ethnic groups are participating in the Multicultural Festival.

Mr. West stated there are different ethnic and cultural groups represented.

Mayor Foreman mentioned getting a brief on the specifics of the event. He asked what the status was on the Farmers' Market, whether there was going to be one this year, and if there were going to be Movies on the Lawn.

Mr. Toney suggested if this year there was not enough participation from the various ethnic groups to change the name to Spring Festival. He understood the Community Services Director was no longer with the Town and asked where the Town was in the process of filling that position. He asked how staff was compensating for the absence of the Community Services Director.

Mr. West noted the front office is handling the scheduling of the Community Center. He has not had an opportunity to discuss exactly what was going on with that with the Town Manager; however, he expressed he needed to move forward with that.

Mr. Toney mentioned the Town is coming up on a very active period and there needs to be some kind of movement to make sure that all of the programs that have been planned do not fall through the cracks. For the past two to three years, he helped with planning the events. His schedule is free during the day and with consent of Council, he will meet with the staff person to make sure it does not fall apart.

Mayor Foreman reminded everyone there is an advisory group, that group does not report, and was started for all those reasons. The Town was in the same situation then and the group is still there.

Ms. Forrester recalled suggesting last year combining the Multicultural Festival with the Charter Day to support HDV. She agreed with coordinating events with HDV; however, she wanted to make it clear that does not mean making HDV change the dates they have planned.

Ms. Washington remembered when the Parks and Recreation Commission was formed the Community Service Director was a part of that group. She did not believe that ever came about. When

talking about recreation, as far as she is concerned, that includes all the recreational activities being held in the Town. Anybody who is planning activities in the Town should be a part of that Commission.

Mayor Foreman asked that a discussion item be added to the next meeting regarding this matter. He noted HDV and the Parks and Recreation Commission could be asked to attend.

Mr. Wood clarified one of the first things the Commission asked for was a calendar of all events in order to incorporate all of the events together and enhance them. He asked for some of the reports from the previous events in order to assist with planning.

Mayor Foreman indicated that HDV gives a calendar of events when they provide their report to Council. He also mentioned inviting the Boys & Girls Club – General Heiser to attend the meeting.

**B. PLANNER/ZONING ADMINISTRATOR – LAURA O'DELL**

Ms. O'Dell explained she was not comfortable with moving forward with the 2020 Vision Statement with the Berkley Group. She wants to have this discussed at the next work session in order to get Council's feedback. To her, a vision statement includes things that you plan to accomplish in the future, not necessarily what we are doing and this is what we are budgeting for. She is currently looking for citizens to apply to be on the Maintenance Code Board of Appeals. The maintenance code has been adopted and prior to issuing any notices regarding the Code, the Town needs members on the Board. The Comprehensive Plan open house is scheduled for March 6 between 5 and 7 p.m. in the Community Center.

Mayor Foreman thanked her for putting together the joint Town Council, PC, and BZA brief with Daniel Moore from DEQ concerning the Chesapeake Bay Act. The meeting was on February 10 and was outstanding. Discussions included what can and what cannot be done in the resource protection area (RPA). He still wanted to see a brief from the Army Corp of Engineers on what services they provide later on down the road. He thanked her and the Town Attorney for the work they did getting the fallen sign removed. He asked if the sign was gone forever or whether the company has the option to put another sign up.

Ms. O'Dell explained they have the option to apply for another billboard. VDOT received an application, which was denied since it does not meet Town Code. She pointed out that VDOT does not have to follow Town Code; however, she did not believe the sign would be reinstalled.

Mayor Foreman asked if any comments were received on the CP from Council.

Ms. O'Dell received input from the Mayor.

Mayor Foreman noted this area of the Town used to be part of the bay and the Town Center project will be partially located within that area. He asked if anybody from the State, or the County, is going to assist Mr. Singh with conducting an archeological study.

Ms. O'Dell stated one of the conditions being recommended is a Phase One Archeological Study be done in accordance with the Virginia Department of Historic Resources, who has published a 30 to 40-page document outlining the criteria for surveys and studies.

Mayor Foreman noted Mr. Singh's Town Center Project has apartments in it. The Town receives revenue off business licenses and property taxes. He asked if the Town would receive any revenue from the apartments.

Ms. O'Dell stated that was a question for the Town Treasurer.

Mayor Foreman asked Mr. West to relay the question to the Town Treasurer. He asked if Council approved the zoning map every two years.

Ms. O'Dell was not sure, would look into it, and get back to Council.

Mr. Wood asked what advertising was being done for the Maintenance Code Board of Appeals.

Ms. O'Dell noted the ad is on the website, the Town's TV station and is announced at meetings.

Mr. Toney asked what purpose the Maintenance Code Board of Appeals served.

Ms. Odell explained this allows someone who receives a notice of violation of the Maintenance Code to appeal. The Maintenance Code sets a minimum standard for health and safety of the structures in Town.

Mr. Toney asked how many members are on the Board.

Ms. O'Dell stated five.

Mr. Toney asked what the composition was of the members. He asked if, as a staff member, she would be considered a member.

Ms. O'Dell indicated she would not. The members typically consist of individuals who are property managers, have a background in engineering, building code or construction. She noted that as long as the individual has experience in the field, it is acceptable.

Mr. Toney asked when the Board would be initiated.

Ms. O'Dell responded that complaints typically start coming in during the spring when people start getting out and noticing more of what is around them. It would be nice to have it started in the next couple of months in order to actively enforce the Code.

Mr. Toney noted there were some notices of violation issued.

Ms. O'Dell explained those are only information letters, not violations, because they cannot issue those.

Mr. Brewer understood that Mr. Singh was proposing condominiums not apartments. If they are condominiums, they will be part of the tax base. He commented on the good job getting the sign removed. He asked if his comments were received on the CP.

Ms. O'Dell did not believe she saw any since the last CP was sent out.

Ms. Washington asked if there was a job description or criteria for the Maintenance Code Board of Appeals.

Ms. O'Dell explained it is just to hear appeals.

Ms. Washington clarified she was asking whether it was noted in the advertisement.

Ms. O'Dell indicated it was.

**C. DIRECTOR OF PUBLIC WORKS – RICHARD WEST**

Mr. West stated the item pulled from the consent agenda, V-A, Resolution to Reallocate Funds from the Project to Reconstruct a Portion of Main Street to Possum Point Road Drainage Improvements and Route 1 Improvements to Main Street and Cancel the Project to Reconstruct a Portion of Main Street involves revenue sharing funds, which VDOT puts up half the money. In the first whereas the amount needs to be changed from the \$2,784,000 in local funds to \$1,805,000. This is saving \$979,000.

Mr. Wood moved, seconded by Mr. Foreman, to adopt the resolution reallocating funds from the project to reconstruct a portion of Main Street to Possum Point Road Drainage Improvements and Route 1 Improvements to Main Street and cancel the project to reconstruct a portion of Main Street.

Ms. Forrester asked what the \$979,000 was going to pay for that it is not going to pay for now.

Mr. West was having trouble tracking down what that would have done and where it would have come from.

Mr. Toney asked if the funding completed the Graham Park Road Intersection and Possum Point Road projects.

Mr. West explained there is enough money to complete the Possum Point Road Project and the balance of the funds would be shifted to the Intersection Project. He does not have the final estimates on the Intersection Project. The consultant is finalizing the drainage design in order to get the final right-of-way easements and then they have to go through final design. The Town is in an intermediate stage with VDOT on design approval.

Mr. Toney asked if the Town initially committed to \$2.7 million whether VDOT committed that same amount.

Mr. West stated not to his knowledge. From all of the records he has seen it has always been \$1,805,000 million.

Mr. Toney asked how long it would take to complete the Graham Park Road Intersection Project.

Mr. West advised it was slated to be completed in October 2016.

Ms. Reynolds asked when the commitment came into existence.

Mr. West needed to research that to be able to provide an answer.

The motion on the floor carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**RESOLUTION TO REALLOCATE FUNDS FROM THE PROJECT TO RECONSTRUCT A PORTION OF MAIN STREET (VDOT UPC 101295) TO POSSUM POINT ROAD DRAINAGE IMPROVEMENTS (VDOT UPC 104056) AND ROUTE 1 - IMPROVEMENTS TO MAIN STREET (VDOT UPC 81517), AND CANCEL THE PROJECT TO RECONSTRUCT A PORTION OF MAIN STREET (VDOT UPC 101295)**

WHEREAS, the Town has received state Revenue Sharing funds for the project to Reconstruct a Portion of Main Street (VDOT UPC 101295) in the amount of \$1,805,000 and \$1,805,000 in local funds and match; and

WHEREAS, the Town has designated Possum Point Road Drainage Improvements (VDOT UPC 104056) and Route 1 - Improvements to Main Street (VDOT UPC 81517) as Revenue Sharing projects; and

WHEREAS, the Town desires to consolidate federal funding on one project (VDOT UPC 81517); and

WHEREAS, the Town desires to reallocate funds from VDOT UPC 101295 to VDOT UPC 104056 and VDOT UPC 81517; and

WHEREAS, the Town VDOT UPC 101295 encompasses the same transportation goal of providing safe turning movements, lane configurations and pedestrian safety as VDOT UPC 81517.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Town wishes to reallocate \$3,712,000 from VDOT UPC 101295 to VDOT UPC 104056; and

BE IT FURTHER RESOLVED by Town Council that the Town wishes to reallocate \$877,000 from VDOT UPC 101295 to VDOT UPC 81517; and

BE IT FURTHER RESOLVED by Town Council that the Town wishes to cancel VDOT UPC 101295.

Mr. West asked Council if they had any questions.

Mayor Foreman noted the drainage on Orange Street needed to be fixed and asked if there were any plans to correct the problem.

Mr. West mentioned the Orange Street drainage improvements are listed in the Capital Improvement Plan (CIP) and is slated to occur in 2016 or 2017.

Mayor Foreman explained there are homes being constructed on Orange Street now. He suggested inspecting the existing drain to make sure it is working properly.

Mr. West was going to look at the drain and report back to Council.

Mayor Foreman asked about the plans for a streetlight at the end of the cul-de-sac on Orange Street.

Mr. West would look into the streetlight.

Mr. Toney wanted more information on the development that is going in along Graham Park Road.

Mr. West stated there is a development going in just outside of Town limits that was approved by Prince William County (PWC). He would check with PWC to get more details.

Mr. Toney pointed out that it looked like some of it was within Town limits.

Mr. Brewer asked if liquidated damages were being included on the bids for the Tripoli Boulevard Drainage Improvement Project.

Mr. West confirmed they were included.

Mr. Brewer recommended that any pending project the Town has should include liquidated damages.

Mr. Wood asked if the Town was still waiting on Comcast.

Mr. West was unable to follow up with the consultant before the meeting; however, Comcast is ready to move their equipment and once Comcast moves the equipment, VDOT will be ready to start work.

**D. CHIEF OF POLICE – CHIEF EDWARDS**

Chief Edwards noted the new uniform shirts have been ordered and once those come in the Police Department will change over.

Mr. Toney asked if the Police Department has implemented the snow emergency route in the past.

Chief Edwards stated they have not since she has been with the Town.

Mr. Toney felt that at least a 24-hour notice should be given to allow people the opportunity to move their vehicles. The timeframe was not adequate. More signs need to be installed along Old Triangle Road to inform citizens that it is a snow emergency route. He asked how much it cost to tow a vehicle.

Chief Edwards stated the charge was \$200 for the tow. After 24 hours, an additional charge of \$50 a day is applied. That does fluctuate depending on how much the vehicle weighs. Some of that is established by ordinance.

Mr. Toney indicated in his community people do not have \$200 as readily as some other communities in the Town. He suggested the Town Attorney research what other communities are doing in regards to implementing a snow emergency route.

Mr. Toney moved, seconded by Ms. Forrester, that the \$25 fine, ticket, be waived that were issued to people who parked along the snow emergency route.

Mr. Toney remembered that a bunch of tickets were issued along Williamstown Drive that were waived due to inadequate signage over there.

Chief Edwards clarified the reason was incorrect signage that caused confusion and because it was not clear those parking tickets were waived.

Mr. Toney asked when the Chief was notified that the snow emergency route would be implemented.

Chief Edwards stated that around noon an email was received to activate the snow emergency route; she was off duty, so she contacted the Sergeant on duty to activate the snow emergency route.

Mayor Foreman asked if the Town's ordinance outlines the procedures for the snow emergency route activation.

Chief Edwards explained that once the Town Manager declares that there is a snow emergency, it is announced that the snow emergency route is being activated to the public, which prohibits parking, the Police Department has to implement it four hours after that. She noted the towing did not start until 7:30 p.m. since the blackboard message went out at 3:00 p.m. There were three vehicles and five officers on Old Triangle Road running license plates attempting to contact individuals who lived in the area to allow them an opportunity to move their vehicles prior to towing. Individuals were stopped who were coming into the neighborhood to let them know too. As long as a vehicle was not already hooked to a wrecker, the towing company worked with the residents and allowed them to move their vehicles.

Ms. Forrester was sympathetic to people's financial situations; however, she is torn because the ordinance is clear and the Town did everything possible to notify the residents to move their vehicles. She understands that people may not have the money and could vote to waive the fine. She was concerned about the \$200 tow charge and believed it was too high.

Mr. Brewer stated \$200 is a lot of money, but it is supposed to be a deterrent. He pointed out that no government organization waives fines or fees. The Town should not waive the fine because it is election time. He is not in favor of this motion.

Ms. Reynolds asked when the notice went out.

Mr. West indicated a message went out on blackboard at 3:00 p.m. on Sunday and was placed on the Town's website. The Homeowners' Association's (HOA) were notified. He was unsuccessful getting the announcement on the radio, but he will continue working with the radio station to get the access to do so.

Ms. Reynolds asked if citizens do not have internet, how they are notified.

Mr. West stated notifications could go out on the Town's TV station, website, blackboard, and the radio. During this event, they did not use the television or radio modes. The Town is in the process of working on having a more efficient notification process.

Ms. Reynolds is concerned that citizens who are not current in the electronic age would not be notified.

Ms. Washington felt the problem comes from not enforcing this ordinance in 17 years. Due to people getting tickets, they will be willing to move their vehicles during the next snow emergency. She would like to discuss the ordinance to consider whether there should be more time provided for people to move their vehicles.

Mr. Wood asked if there were any other snow emergency routes in the Town.

Mr. West stated the ordinance designates other routes in the Town; however, they do not have signage and are not enforceable.

Mr. Wood noted the president of the HOA of South Cove came to the meeting earlier and registered the complaint even though it was mentioned that the HOA's were notified. He did not feel this was an issue because it was an election year.

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

Chief Edwards announced that she does not know if anyone has paid for any parking tickets that were issued during the snow emergency. She would speak with the Acting Town Manager to get guidance on how to handle any tickets that have been paid.

Mayor Foreman asked if the Police Department is patrolling the bathroom and kitchen area at Merchant Park because it has been reported that people are sleeping there.

Chief Edwards would patrol the area.

Mayor Foreman stated that a homeowner approached him and indicated that people are climbing over the fence at Williamstown adjacent to the park and the police and not enforcing the no trespassing sign.

Chief Edwards indicated that she was not aware of the issue and would look into it.

Mayor Foreman noted in Port-of-Dumfries, on Crow's Nest Point, there is a fence that separates Port-of-Dumfries from Williamstown. A homeowner approached him and stated the fence panels have been replaced several times, additionally, there is a warning sign that climbing over the fence is trespassing. There was an occasion when someone went over the fence and there was a Police Officer in his vehicle who witnessed it. The individual stopped as if he were caught and the Police Officer did nothing. The individual ran away. He indicated some enforcement needs to take place even if it is just a warning. Word will get out and the behavior will stop.

Chief Edwards was not aware of the incident; however, she would look into it.

Mayor Foreman complimented the Public Works Departments and the Police Department for working with the citizens along Old Triangle Road. Vehicle owners were identified and Officers went door to door to inform the public. The Town passes ordinances and then have problems enforcing them.

Mayor Foreman moved, seconded by Mr. Brewer, to have staff review the ordinance dealing with the activation of the snow emergency route and report back to Council. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, abstain; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

Mayor Foreman explained there are two HOA's this affects. He sent an email to staff asking that the HOA's be contacted to get input. There needs to be something, so that when this happens, the switch is flipped to activate the snow emergency route and notifications go out. The two tow companies need to be involved as well. There is a difference between towing because someone is illegally parked and someone is called out late at night due to the activation of the snow emergency route. He felt that instead of a \$200 fee that it should be a \$100 fee. This is being done to protect the citizens, not punish them.

Mr. Toney felt the Town Manager was quite capable of managing the Town and did not think people needed to be micromanaging him. That was a big mistake that was made and he did not think it should be minimized. He did not understand why that was a snow emergency route since it ends in a cul-de-sac. Snow emergency routes are typically designated on main thoroughfares.

Mr. West agreed; however, they are also in areas where there is a heavier density of buildings, population, to allow accessibility of emergency equipment.

**E. TOWN ATTORNEY – OLAUN SIMMONS**

Mr. Simmons reported the following items.

- With regard to the Tripoli Boulevard Drainage Improvement Project, specifically the property located on 17552 Main Street, he prepared and mailed a counter-offer letter in response to opposing counsel’s offer in effort to resolve the matter.
- Researched issues regarding religious activities as it pertains to Town sponsored events and provided a memo to Council.
- Researched issues regarding the request for a five-year extension pertaining to the Union Street property and will provide a memorandum of law to Council prior to the March 18 Council meeting.
- Performed criminal and traffic prosecution on February 12, 13 and 20 in the PWC General District Court and Juvenile and Domestic Relations Court.
- Completing a review and amendment of the Comcast Franchise Agreement working with Marie Shuler, Comcast’s’ Director of Governmental and Regulatory Affairs, to reach an agreement that addresses Council’s concerns.

**F. TOWN MANAGER – MR. WEST ACTING TOWN MANAGER**

Mayor Foreman asked if Council would have the FY13 actuals prior to the mid-year budget review.

Mr. West would check on it.

Mayor Foreman mentioned the need to schedule the annual meetings with Historic Dumfries Virginia, the HOA’s and the Dumfries Business Association prior to the budget meeting. The budget meeting is two Thursday’s from now and Council needs to get their requirements.

Mr. Wood asked for a report or update on the upgrades that have been done regarding information technology.

**IN RE: COUNCIL REPORT ON MEETINGS WITH ELECTED OFFICIALS**

Mr. Toney met with the outgoing Mayor of Occoquan, Earnie Porta. Mr. Porta shared some of the activities he initiated in Occoquan and how he was able to work with the businesses, homeowners, and landowners to get those events going.

Ms. Reynolds informed Council that she has been involved in activities with PWC Supervisor Caddigan in regards to fundraising events for the Boys and Girls Club.

**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, yes; Mr. Foreman yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**WHEREAS, the Dumfries Town Council desires to discuss a particular subject in Closed Session during the course of its meeting of March 4, 2014; and**

WHEREAS, the nature of the subject is the discussion, consideration, or interviews of prospective candidates for appointment to a board, committee, or commission; and

WHEREAS, the nature of the subject is the discussion and consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel which are discussions exempt from the open meeting requirements of Virginia Code §2.2-3707 under Virginia Code §2.2-3711 A-1 and 7.

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Dumfries does hereby reconvene in Open Session at its meeting of March 4, 2014 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

Mr. Wood directed staff to proceed with the selection process for the appointment to the Parks and Recreation Commission.

**IN RE: ADJOURNMENT**

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

Minutes submitted by

Approved by

\_\_\_\_\_  
Dawn Hobgood  
Town Clerk

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Gerald M. Foreman  
Mayor