

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON MARCH 5, 2013, 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 roll call)
Derrick R. Wood (arrived during roll call)
Daniel Taber, Town Manager
Christine Sanders, Town Attorney

THERE WERE ABSENT: None

IN RE: CALL TO ORDER AND ROLL CALL

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

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

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

IN RE: APPROVAL OF THE MINUTES

Ms. Forrester moved, seconded by Mr. Toney, to approve the minutes from the July 24, 2012 and August 7, 2012 meetings as presented. The motion carried and was approved by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: ADOPTION OF THE AGENDA

Mr. Taber requested that Item V-B, Resolution Adopting the Fundraising and Donations Policy be removed from the Consent Agenda and Item XIII-G, Purchase of Police Vehicle for the School Resource Officer Position, be added.

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

IN RE: APPROVAL OF THE CONSENT AGENDA

Mr. Brewer moved, seconded by Ms. Washington, to adopt the Consent Agenda as previously amended. The motion carried and the following ordinance and resolution 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, yes; Mr. Wood, yes.

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AN ORDINANCE TO AUTHORIZE THE TOWN MANAGER TO REAPPROPRIATE UNENCUMBERED FUNDS BETWEEN DIFFERENT TOWN DEPARTMENTS

WHEREAS, on June 5 2012, the Dumfries Town Council adopted the FY-2013 Budget, effective beginning July 1, 2012 and ending June 30, 2013; and

WHEREAS, the Town Manager has completed a mid-year review of the FY-2013 Budget and has determined that adjustments must be made to re-appropriate unencumbered funds between different Town departments; and

WHEREAS, Section 6.06 of the Dumfries Town Charter sets forth provisions for amendments to the Town budget after adoption, and specifically subsection (d) of Section 6.06 of the Dumfries Town Charter, states, *inter alia* “upon written request by the manager, the council may by ordinance or resolution transfer part of all of any unencumbered appropriation balance[s] from one department, office or agency to another”; and

WHEREAS, the Town Manager is hereby requesting that Council approve re-appropriation of unencumbered funds between different Town departments in accordance with Section 6.06 (d) of the Dumfries Town Charter and the FY-2013 Mid-Year Review Spreadsheet, attached thereto.

THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries on this the 5th of March, 2013, that the Town Manager is authorized to re-appropriate unencumbered funds from the FY-2013 budget in accordance with the foregoing.

Mid-Year Recommended Transfers
FY 13 Budget
Projected Revenue Increases

| Line Item | Description | Amount | Explanation |
|-------------|---|-----------|---|
| 10-312-0102 | Rental Tax | \$20,000 | Year to Date Analysis of Funds Collected |
| 10-312-0303 | BPOL and Projected New Business Revenues | \$243,368 | Significant One-Time Collection of Back Taxes |
| 10-312-1001 | Transient Tax | \$33,000 | Year to Date Analysis of Funds Collected |
| 10-312-1101 | Meals Tax | \$35,000 | Year to Date Analysis of Funds Collected |
| 10-314-0101 | Court Fines | \$20,000 | Year to Date Analysis of Funds Collected |
| 10-324-0407 | Litter Control | \$1,036 | Actual Revenues Collected |
| 10-324-0419 | Cigarette Tax | \$20,000 | Year to Date Analysis of Funds Collected |
| 10-324-0422 | Wal Mart Grant | \$500 | Actual Revenues Collected |
| 10-324-0901 | Gen Fund Transfer | \$57,647 | Reimbursement for Payments on Bond Project |

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Total Budget Additions \$430,551

**Mid-Year Recommended Transfers
FY 13 Budget
Recommended Expenditure Increases - \$430,551**

| Line Item | Description | Amount | |
|-------------|--|----------|---|
| 10-412-0101 | Salary - Admin Assistant Town Manager Available | \$30,000 | No Administrative Support Currently to |
| 10-412-0300 | Payroll Taxes | \$2,295 | Admin Assistant to Town Manager |
| 10-412-0400 | Pension Costs | \$7,320 | Admin Assistant to Town Manager |
| 10-412-0401 | Benefits | \$5,078 | Admin Assistant to Town Manager |
| 10-412-1001 | Legal Services | \$10,000 | Outside Legal Services |
| 10-412-3000 | Office Supplies | \$2,000 | Admin Assistant to Town Manager |
| 10-412-5800 | Capital Outlay | \$20,000 | Fleet Vehicle Replacement |
| 10-412-6200 | Professional Contracts | \$5,000 | Grant Management Software |
| 10-414-5800 | IT Capital Outlay | \$2,500 | Upgrade/Replace Computer Monitors |
| 10-414-6200 | Professional Contracts Due to actual projected costs | \$20,000 | Council Chambers Voting Board, etc. - |
| 10-415-4002 | Lockett House | \$2,000 | Install Railings on Exterior Steps |
| 10-415-4006 | Town Hall Improvements | \$8,000 | Higher than Expected Costs for |
| 10-415-4007 | Ginn Park for the \$60,000 Singh Parking Franchise monies deposited into the General Fund and expenditures that should have been taken out of the FY12 budget. This transfer is needed to comply with accounting rules and regulations. | \$86,188 | This is a transfer necessary to account |
| 10-431-5800 | Capital Outlay - Police Older, High Maintenance Fleet Vehicle | \$40,000 | Purchase New Police Car to Replace |
| 10-442-0101 | Property Maint. Official | \$20,000 | Part-time Ordinance Enforcement |
| 10-442-0102 | Zoning Administrator Adjustment | \$5,000 | Expanded Job Responsibilities Salary |
| 10-442-0300 | Payroll Taxes | \$382 | Zoning Administrator |

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| | | |
|--|-----------|---|
| 10-442-0300 Payroll Taxes | \$1,530 | Part-time Ordinance Enforcement |
| 10-442-0400 Pensions | \$1,220 | Zoning Administrator |
| 10-442-6200 Professional Contracts | \$15,000 | Phase 1 Comprehensive Plan Review |
| 10-443-0103 Public Works Upgraded Position Salary Change | \$7,500 | Upgraded Position in Public Works |
| 10-443-0300 Payroll Taxes | \$574 | Upgraded Position in Public Works |
| 10-443-0400 Pensions | \$1,830 | Upgraded Position in Public Works |
| 10-443-0500 Training | \$1,000 | Obtain Virginia Certifications |
| 10-443-1000 Professional Services | \$57,647 | Transfer from General Fund to this Line |
| Item Reference to Reimbursement from Bond | | for expenditures already made |
| 10-433-1000 Professional Services | \$35,000 | Contract Inspections |
| 10-472-0500 Travel and Education | \$800 | Grant Administration Course |
| 10-472-7002 Wal Mart Grant | \$5,500 | Community Services |
| 10-481-5600 Unbudgeted | \$37,187 | Investment Fund Non-Departmental |
| | \$430,551 | |

RESOLUTION TO RELEASE AN EROSION AND SEDIMENT CONTROL BOND FOR MCDONALD'S USA, LLC

WHEREAS, on February 6, 2012, McDonald's USA, LLC posted an erosion and sediment control (E&SC) Bond with the Town of Dumfries in the amount of \$6,000.00 for the construction of erosion and sediment controls necessitated by construction of the McDonald's restaurant located at 18050 Triangle Shopping Plaza; and

WHEREAS, the Department of Public Works has reviewed the project and recommends releasing the E&SC Bond to McDonald's USA, LLC.

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Dumfries on this 5th day of March, 2013, that the E&SC Bond be returned to McDonald's USA, LLC.

IN RE: CITIZEN COMMENT PERIOD

There were no citizen comments.

IN RE: MAYOR'S COMMENTS

Mayor Foreman had no comments.

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IN RE: PRESENTATIONS (NONE SCHEDULED)

IN RE: BOARDS & COMMISSIONS

A. ARCHITECTURAL REVIEW BOARD

Jennifer Stringfellow, Chair, reported the following items.

- A certificate of appropriateness was approved for an addition to Dumfries Elementary School.
- A discussion was had on recommending a color for the trim and shutters for the Community Center Building. The ARB had no recommendation; however, as long as the color is chosen from the approved color chart and a certificate of appropriateness is submitted to the ARB there should not be a problem with painting the trim and shutters.
- A discussion was had about becoming designated as a certified local government. This program is set up through the National Trust for Historic Preservation and is operated through the Virginia Department of Historic Resources. This vehicle can provide grants to assist historic districts to do things such as improve the guidelines, do historic resource surveys, and training. The ARB thought this was appealing and asked that staff look into the application process.

B. BOARD OF ZONING APPEALS

There was no report.

C. HISTORIC DUMFRIES

Joann Barron reported the following items.

- The Weems-Botts museum was re-opened on March 1st.
- Operating hours are Wednesday through Saturday from 10:00 am to 5:00 pm and Sunday from 12:00 pm to 5:00 pm.
- On Saturday the Children's Day at the Museum will be a talk about the Native American's in Dumfries during the Colonial Days – crafts will include making a cornhusk doll, clay marbles, and a medicine pouch.
- Volunteers painted the picnic tables in the pavilion. She thanked the Town for providing the paint.
- Charter Day is being held May 11, which is the day in 1749 the Town was chartered.
- Council was invited to take a tour on Thursday, March 7th, followed by some light refreshments prior to the joint meeting scheduled at Town Hall.

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D. PLANNING COMMISSION (PC)

There was no report.

IN RE: COUNCIL REPORTS

A. GINN PARK COMMITTEE

Mr. Toney reported the following items.

- Mayor Foreman attended the meeting and congratulated the Committee on the work done on establishing Ginn Park. The Mayor mentioned that all questions asked by citizens and Council Members should be answered in a timely fashion. The Mayor also suggested that policy and programs be submitted to the Council, and that the newly formed committee, along with the existing Committee, should have a clearly established charter and vision. The Mayor concluded by saying that getting the Park ready for use is very important.
- Mr. Tkac gave an update on the status of the Park. There are immediate plans to install the perimeter fence as well as some minor additions to the playground equipment all contingent on funds available in the current budget.
- A citizen took out a section of the fence that will be replaced.
- The Committee continues to discuss questions the Mayor submitted.
- The Committee is looking at whether it has run its course, which was the planning and development of the park, and should conclude. The Council has agreed to form a Parks and Recreation Commission who will be charged with developing policies and programs.
- A Grand Opening will be held April 6, at 2:00 pm, which will be the official opening of the Park.
- The next meeting is scheduled for March 26, at 5:00 pm.

Mr. Toney gave the following responses to the questions that were submitted by the Mayor.

Ginn Memorial Park Committee

Park Grand Opening date?

April 6th, Saturday, at 2:00 pm, would be the official opening of the Park. Specific details will be provided later.

Park ready for organized use:

- o Is the Town insured against personal injury, property damage to residence homes as well as passing traffic.

This is being discussed with the Town's VML insurance representatives and information will follow later.

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- o Does the Town have permission slips for organizations to sign?

The Committee thought this made sense; however, the Committee thought this was premature since the Council had not set some kind of policy.

- o Town Parks usage policy?

Again, the policy has to be developed by the Council.

- o Does the perimeter fence have to be installed prior to organized sports?

No, but it should remain a priority as it was promised to the community.

- o How many entrances are there on the perimeter fence?

There will be two entrances.

Ginn Memorial Park on Town website.

That has been discussed and is already implemented.

- o Add minutes from meetings

The Committee does not support this. The Committee will submit minutes to the Council. No other Committee was charged with that responsibility, so the Committee is not ready to do that at this point.

Pavilion

- o What is the size and area for the office and restrooms?

The office, restroom, and storage area dimensions should be 22 by 28.5 feet. Mr. O'Kelly-Russell, who designed the plans, had a graph depicting how it would look and where it would be placed in the Park.

- o What will they be used for?

Normal office, restroom, and storage area uses.

- o What are the exact measurements of the Pavilion?

The proposed measurements of the Pavilion are 45 by 45 feet in an octagon shape.

- o Prior to requesting monies in any FY budget for the pavilion & amphitheater to be built RFP's and estimates should be solicited from contractors so that accurate funding can be set aside in the FY Budget by Council.

Proper procurement and contract procedures will be followed at the appropriate time.

Have we Established Procedures for:

- o Community Garden Plots?

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Not yet, the Committee has been looking at the grounds and found some areas that might be appropriate; however, this has not been decided on.

- o **Equipment Checkout?**

The Committee thought this was premature. This will not be an issue until a storage area is built and a use policy has been established.

- o **What is the impact on the Annual Budget?**

Currently Council has approved a Capital Improvement Plan that shows a \$40,000 yearly allotment for the next five years.

Amphitheater

- o **The Park Committee needs to present to Council an architectural/conceptual view of the amphitheater addressing the concerns of Mr. O'Kelly's open space and Chief Forker and Chief Ester's recommendations that the structure not block the view of the basketball court.**

The proposed structure does not have a dome or high profile that would block the view from the streets. More will be presented to Council later if the Park expansion reaches a point where an Amphitheater is approved by Council and built.

- o **When there are events at the amphitheater won't these activities be close to the street? The amphitheater is closer to the street than the pavilion. Chief Forker and Chief Ester brought up these concerns.**

The Committee feels that there is sufficient separation between the street and the proposed structure should it be approved and constructed several years from now.

Mayor Foreman explained that three of the questions deal with the next fiscal year and Council starts preparing in April for the next fiscal year. He was thinking things, such as the fee schedule, would not be determined until after the budget is adopted and should be figured into the budget. The thought with the Park usage policy and permission slips was since the Parks and Recreation Commission would not meet until July it is reasonable to assume that nothing will be before Council until the September time frame. He thought the Committee could start looking at this, or turn it over to staff, to work on to be able to turn it over to the Parks and Recreation Commission when it starts meeting.

Mr. Taber indicated staff needs a little direction. He could not develop a policy or fee schedule unless he knew whether Council wanted to rent the fields, limit the use, or the type of groups. He mentioned that some members of Council were concerned with the kids in the Town being able to use the fields.

Mr. Toney noted that only one group has approached the Council to use the fields. He indicated there were about 30 kids who are members of Pop Warner football in the Williamstown area who would be using the fields. He explained a football team is going to include more than just kids from the Town.

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This would be the home field for those 30 kids who will not have to leave the community for practice. He felt if Pop Warner was willing to sign a waiver accepting all of the responsibility for using the field and be liable for any damages that might occur then the group, could use the field this year while the Parks and Recreation Commission gets the opportunity to put together a policy.

Mr. Brewer noted the fee schedule has to be created before opening the use up. He pointed out there are more organizations that are going to want to use the Park for more than football because you have a basketball court. He noted it was imperative that a fee schedule be drafted for the use of the Park before the opening because you do not know when these organizations are going to come. You do not want to be drafting the policy as they come; you want to have it before they come.

B. EVENTS COMMITTEE

There was no report.

C. NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

Mayor Foreman attended the meeting on Thursday, February 28. He reported that Floyd DesChamps, Senior Vice President, Policy and Research, Alliance to Save Energy Commission, which is sponsored by Senator Warner, gave a presentation about the program. The program will provide to each state approximately 6 to 7 million dollars for the first year and then after that, if the program kicks off, more money will be placed into the program. One of the comments made was that the towns are competing against the cities and counties for the funds and asked if a category could be created for towns, cities, and counties. That was going to be taken back and implemented.

D. NORTHERN VIRGINIA CIGARETTE TAX BOARD (NVCTB)

There was no report.

IN RE: STAFF COMMENTS

A. DIRECTOR OF COMMUNITY SERVICES – CYDNY NEVILLE

Ms. Neville reported the following items.

- The Valentine's Day themed Senior Luncheon was wonderful. The speakers were Becky Guy from the Powhatan Tribe in North Stafford, Historic Dumfries, and Bruce Potter a publisher from InsideNova. The next luncheon will have a St. Patrick's Day theme on March 15th.
- Reminded the community about the free English as a Second Language (ESOL) classes being held on Tuesdays from 10:00 am to Noon. Sonia Hoehn is the volunteer teacher who does an excellent job.
- Bike to Workweek will be held Friday, May 17, starting at 7:30 am. Further information and advertising will be forthcoming. The Town is an official pit stop.

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- April is National Volunteer Appreciation Month. The volunteer program will be launched at that time.
- The Multicultural Festival is coming up soon. She was asking for vendors, community performers, and participants for the Bar-B-Que Battle. The LOVE sign from Virginia Tourism will be in Garrison Park from May 1 to May 7.
- The Easter Egg Hunt will be held at Ginn Memorial Park on March 23 at 11:00 am. She thanked the Dumfries-Triangle Rescue Squad for donating 7,000 candy filled eggs.
- The Farmers' Market Grand Opening is set for Saturday, April 13, at 8:00 am.
- The Dumfries Cares Elementary School Program is full. The continuation of the grant is open and she will be filing for a continuation.

Ms. Reynolds asked if the volunteer program was open to just adults or whether high school students could participate.

Ms. Neville indicated the minimum age is 16 years old. She mentioned that middle school students in the National Honor Society could volunteer through the Dumfries Cares Program assisting with schoolwork.

Ms. Reynolds asked if Ms. Neville was aware that March is National Women's Month and whether there were any programs set up.

Ms. Neville indicated that there was none.

Mayor Foreman advised that the Town of Quantico's Mayor and Council are impressed with the mentoring program and asked for information. He would forward the email he received for a point of contact.

Mr. Toney was made aware at the Council meeting with Supervisor Caddigan last night that some elected officials have not been invited to some of the Town's events. He noted that was something that just escaped him and that no omission was done deliberately. He accepted some of the responsibility of the omission. He mentioned that Ms. Neville has taken things to another level and has been doing an excellent job getting information out on the website, in the newspaper, and on Facebook.

Ms. Washington thanked Ms. Neville for the excellent programs that have been offered. She belongs to many other organizations and the Town is the discussion of many. She felt when people outside of the Town start talking about the Town and what it is doing that things are being done right. She noted between what is being done with the Events Committee, Historic Dumfries, and the Police Department the Town is moving to another level.

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Mayor Foreman mentioned receiving comments on what a wonderful job the Events Committee and Ms. Neville are doing. He took full responsibility for not inviting the elected officials to all of the events. He would tell the Events Committee and Ms. Neville to not change what is being done. He took it as a compliment that an official wanted to come, who was omitted by accident; however, they know where the Town's website is, they know the Town, and they every member on Council. In the future, he intends on every flyer provided to him being sent to the elected officials and when a formal initiation is warranted, he will be sure to get those out as well.

Mr. Wood noted the Community Services Department is building a presence about the Town, but it is also giving the Town an identity, a brand, from not only being the oldest Town in Virginia.

Ms. Forrester was not at the meeting last night; however, with all of the apologizing going back and forth over what seems to be a simple oversight that everyone just needs to drop the issue. She personally was aware of a number of occasions where Ms. Caddigan failed to invite people that should have been invited to different events.

B. DIRECTOR OF PUBLIC WORKS – GREG TKAC

Mr. Tkac reported the following items.

- He thanked the Police Department for the assistance provided during the snow events by letting the Public Works Department know what was going on which reduced the number of hours spent assessing the roads.
- Fairfax Street between Washington Street and Mine Road has been widened by four feet with a full depth wedge that will be temporarily paved and placed on the paving schedule for Spring.
- Work has started at the Route 1 and Possum Point Road intersection where an inlet is being raised and preparations are being made to install sidewalks.

C. CHIEF OF POLICE – ROBERT FORKER

Chief Forker reported the following items.

- On February 7, Sergeant Vazquez became the first police supervisor to graduate from the West Point Leadership Course. This course was an academic approach to the study of leadership in organizations. Classes were conducted once a week, for 8 hours, from September 2012 to February 2013.
- On February 19, Officer Mike Fink attended a Virginia Municipal League (VML) training class in Richmond. The Town received recognition for its support of the

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“Where the Rubber Meets the Road” initiative. VML recognized the Town for 90% of its employees taking the training in defensive driving techniques.

- He announced his re-retirement for no later than October 1.

D. TOWN ATTORNEY – CHRISTINE SANDERS

Ms. Sanders reported the following items.

- She obtained dockets for Criminal and Traffic Prosecutions and Juvenile and Domestic Relations cases.
- Continued work on the Tripoli Heights drainage improvement project right-of-way acquisitions.
- Met with the Comcast representative and should have the Comcast Cable Franchise Agreement at the March work session.

Ms. Reynolds asked Ms. Sanders if she looked at other vendors for the franchise agreement.

Ms. Sanders noted the Town has a franchise with Comcast and Verizon. She explained that Comcast, under a different name at the time, was the first company that came to the Town and installed the infrastructure allowing citizens access to cable. She would not necessarily recommend to Council that it would be a benefit not to renew the franchise. Under the Cable Act, Comcast is allowed to do so. She is working through the few things the Town has the ability to negotiate. It is not impossible to tell Comcast the Town no longer wants them in the Town. She did not think it was in the constituents’ best interest. It is good to have more than one opportunity for cable services.

Ms. Reynolds reminded Ms. Sanders that she requested a comparison of the different prices and services, which she has not received yet.

Ms. Sanders indicated it would be included with the Comcast Cable Franchise Agreement renewal along with the current Verizon agreement and a link to the Cable Act and State enabling legislation. She noted the cost for services is set by the franchise and all the Town receives is a telecommunications sales tax through Richmond and is not negotiable. She offered to provide the current Comcast Cable Franchise Agreement; however, she did not know how helpful it would be since it is so outdated.

Ms. Reynolds reiterated that all she wants to know is what services Verizon and Comcast are offering.

Ms. Sanders noted the information would be provided to Council.

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Mr. Brewer mentioned another locality is in negotiations that put a survey on the website asking citizens what they think of the services being provided. He was aware of several citizens who have complained about the signal and asked if that could be discussed with Comcast.

Ms. Sanders believed the Town was broadcasting through Verizon, not Comcast.

Mr. Brewer explained the Town broadcasts through both.

Ms. Sanders noted that could be addressed. Her intention is to have the Comcast representative at the work session to give Council the ability to ask questions.

Mr. Toney asked Ms. Sanders to elaborate on the letter that was drafted to assist Mr. Singh on securing funding for his project.

Ms. Sanders explained the letter was for Mr. Singh to provide to the individuals who would be looking at funding the project.

Mr. Taber further explained the letter outlined where the project is at this time and what is required by the Town to move forward. He told Council a copy of the letter would be provided to them.

Mr. Toney recalled asking about the agreement with the Hashimi's that would vacate Union Street provided there was movement, ground breaking, on their project within three years. He was sure the Town was rapidly approaching the three-year mark and asked that it be looked into.

Mr. Taber told Council the date would be provided to them. He noted staff would follow up with it when the date comes.

Ms. Sanders clarified the three-year agreement started from the date Council took action. Although Town Council took action, it was quite some time later before the deed was drawn up and recorded. She believed the action was taken in August of 2010 and the deed was recorded in 2011.

Mayor Foreman noted the Hashimi's contacted him about coming before Council to show what improvements had been done and where the project stood.

E. TOWN MANAGER – DAN TABER

Mr. Taber reported the following items.

- The Quantico Civilian Military (CivMil) event is being held March 13 at the United States Marine Corps Museum from 6:30 pm to 8:30 pm.
- A public hearing is scheduled on the proposed Curtis Drive and Route 1 intersection improvement for March 28 at the Community Center from 4:00 pm to 7:00 pm.

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- Resumes will be provided to Council of the two individuals that are having background investigations completed for the Assistant to the Town Manager and the Zoning Administrator positions.
- Fifteen children took advantage of the free membership offered to the Boys & Girls Club at the Black History Month event.
- On March 23, after the Easter Egg Hunt, the Boys & Girls Club will have an open house at the Dumfries-Triangle Rescue Squad. A pilot transportation program, which will run for 60 days, will pick children up at various locations to bring interested youth to the Boys & Girls Club with the stipulation that the parents pick up their child by 8:00 pm. After the 60 days, the Boys & Girls Club will come before Council to give a report.

Ms. Reynolds asked why the date for the public hearing was scheduled during a time when children are on Easter break and people are on vacation.

Mr. Taber explained citizens could email or call in comments. The date was picked to fit in with the project schedule.

Ms. Reynolds asked if comments could be made now.

Mr. Taber explained comments could be made and something would be placed on the website for the citizens.

Mr. Wood asked for an update on the recycling program.

Mr. Taber was scheduling that for a work session and was not prepared to discuss it this evening.

Mr. Wood asked what would happen if the parents did not pick their child up by 8:00 pm from the Boys & Girls Club.

Mr. Taber explained that a process would be in place if a parent does not pick his/her child up. If it occurs twice, the child will no longer be able to participate in the pilot program.

Mr. Toney felt the economic situation of the family needed to be looked at since many people in the Williamstown area do not own a car.

Mr. Taber explained it is not a Town program and the Boys & Girls Club has liability issues that are playing into their decision.

Mr. Toney mentioned this emphasizes the need for a Council member to sit on the Boys & Girls Club Board of Directors.

Mayor Foreman noted this would be on the work session agenda now that all of the information has been provided on what is required to sit on the Boys & Girls Club Board of Directors.

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F. TREASURER (MOVED TO WORK SESSION)

**IN RE: COUNCIL REPORT ON MEETINGS WITH ELECTED OFFICIALS
PERTAINING TO THE TOWN (NONE SCHEDULED)**

IN RE: ACTION ITEMS

A. PUBLIC HEARING – AUTHORIZING CONDEMNATION AND THE EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE PROPERTY AND/OR EASEMENTS ON PROPERTY FOR THE TRIPOLI HEIGHTS DRAINAGE IMPROVEMENT PROJECT – CHRISTINE SANDERS

Ms. Sanders explained the Tripoli Heights Drainage Project has been in the works for several years. The Town has been working with its consultant, Rinker Design Associates (RDA) for engineering and consulting purposes for this project. Over 40 properties will be affected by the project that runs along Tripoli Boulevard. The properties will be fee acquisitions, easements, or temporary construction easements. To date RDA has been successful in negotiating right-of-way with all but six property owners. That is the reason Council is discussing this tonight. She pointed out that Mr. Brewer is affected by this, Ms. Forrester lives in Tripoli, but is not affected, and former Council Member Ms. Jurgensen, who owns property, is affected by the project. The project is designed to provide a public benefit for more than just Tripoli Heights. The project is a regional storm drainage improvement that deals with more than just runoff from Tripoli Heights. The Town has complied with all the statutory requirements up to this point in terms of going out to the property owners and making a bone fide effort to purchase, which entails a meeting with the property owner, doing a title report, and preparing a written offer based on a basic acquisition report. Most of the little parcels being acquired are worth very little money, less than \$10,000, and do not require a full appraisal. In the situation where the value is above \$25,000 an appraisal has been done. If the Town goes to quick-take and condemnation the Town will end up getting an appraisal; however, that expense is not necessary at the outset. The quick-take process by Virginia Statute, and in particular the Town's Charter, allows local governments to take private property for the public good and this project falls into that category. Quick-take allows the Town to go to court to gain control over the piece of property for the project. Money is paid to the court and accessible to the property owner if the funds are needed. The Town can take the quick-take route; however, that would be followed up with a petition for condemnation and any lawsuit surrounding a petition for condemnation is really a discussion about whether there is adequate compensation for the property being taken. The Town has the right to take the property and then discuss what the right amount of money is to give the property owners.

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Mr. Toney asked if the six individuals are aware of the project and the need for them to be involved with it.

Ms. Sanders indicated they were.

Mr. Toney asked if the individuals were aware of the proceedings thus far, that the Town is holding a public hearing and will be acquiring property against their will.

Ms. Sanders explained the property owners are aware of it based on the discussions that Mr. Thompson has had, a public notice was issued, a public hearing is being held, and before filing with the court, it is a requirement to notify the property owner of the intent to file. The request tonight is asking for authorization to proceed with quick-take powers and a petition for condemnation.

Mr. Toney asked if the property owners were made aware that the request was coming forward to Council.

Ms. Sanders indicated the property owners did know. Those particular parcels were identified as refusals. In other words, negotiations and discussions broke down in terms of agreeing on a dollar amount that it would take to acquire a portion of the property.

Mr. Toney felt this was serious and was concerned with taking a person's property and asked if any registered letters were sent to the property owners.

Ms. Sanders explained that through the process Mr. Thompson's team has spoken with every property owner with the exception of a couple of parcels whose owner(s) could not be identified. One parcel has been abandoned and the Town has been unable to identify or find an owner.

Mr. Toney asked if that property was one of the six.

Ms. Sanders noted it was, Stephen L. Kasey, Jr. The law provides for a locality to continue with a public project like this even in those type of circumstances.

Ms. Forrester shared Mr. Toney's concerns. She noted that in this case, there is not only a public good, but there is a private good. Property value will increase with the completion of this project and there is no displacement of any type going on. She is satisfied that this is simply a case of people trying to get as much money as they possibly can for a little sliver of property that they do not really care about losing, because of this she can support it.

Ms. Sander mentioned that curb, gutter, and sidewalks are a part of the project and believes that Ms. Forrester identified a key piece of this. The curb appeal of each of these properties will increase.

Ms. Washington was with Mr. Toney. She wanted to make sure that the people understand that the Town has the right to take a piece of property even though negotiations have taken place and no amount of money could be settled on.

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Ms. Sanders believed that by the end of the week, one of the property owners will come in and the Town will have a signed agreement, which would leave five property owners. She noted that the consultant has made it clear through the communications and negotiations that the Town does have the right to take property.

Mr. Brewer pointed out that money is being held in trust.

Ms. Sanders explained the quick-take process requires the Town pay the money that has been identified as fair compensation to the court.

The public hearing was opened to public comments.

There being no comments the public hearing was closed.

Mr. Wood asked if the property owners gave any reason for not agreeing to a settlement.

Ms. Sanders thought there were various reasons. She explained the negotiations were well done by RDA and in every instance property owners did not necessarily take the first offer. There was definitely some room to discuss certain issues. It is not an exact science. The example was used of an oak tree that a property owner loves that has to go and there is no way it can be replaced by the same size oak tree, but you do the best you can with placing a value on the tree. In some instances, there are some unrealistic expectations.

Mayor Foreman made the motion, seconded by Ms. Washington, to approve the resolution authorizing condemnation and the exercise of quick-take powers to acquire property and/or easements for the Tripoli Heights Drainage Project. 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, no; Ms. Washington, yes; Mr. Wood, yes.

A RESOLUTION TO AUTHORIZE CONDEMNATION AND THE EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE PROPERTY AND/OR EASEMENTS ON PROPERTY FOR THE TRIPOLI HEIGHTS DRAINAGE PROJECT

WHEREAS, on November 29, 2007, the Town of Dumfries entered into a contract (the "Contract") for goods and services with Rinker Design Associates, PC ("RDA") for civil engineering services which included the vertical and horizontal realignment of Tripoli Boulevard, improvements of sidewalk curb and gutter and a regional storm water management facility (the "public improvements" or the "Project") and the acquisition of property and easements for these public improvements; and

WHEREAS, pursuant to the Contract, and subsequent amendments thereto, RDA has undertaken the negotiations on behalf of the Town with property owners whose property will be affected by the Project; and

WHEREAS, on the Town's behalf, RDA has successfully negotiated the acquisition of property and easements with most affected property owners; and

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WHEREAS, the Town through its authorized agent, RDA has been unable to successfully negotiate agreements with some of the affected property owners; and

WHEREAS, the Town, through its authorized agent, RDA, has been unsuccessful in negotiating a final settlement to acquire the necessary property and easement of interest despite having conducted bona fide offers to purchase pursuant to VA Code 25.1-204; and

WHEREAS, the below properties are those that the Town and RDA have been unable to successfully negotiate with and Project necessitates the acquisition of easements and or a portion of these properties:

1. 17540 Tripoli Blvd., GPIN 8289-03-6658, owned by REO's Tattooing, Inc.
2. 17520 Tripoli Blvd., GPIN 8289-03-4267, owned by Angelo E. Logan and Lisa M. Logan,
3. 17510 Tripoli Blvd., GPIN 8289-03-3275, owned by John E. Webb, Jr. and Angelina V. Dejesus
4. 17461 Tripoli Blvd., GPIN 8289-04-3309, owned by Stephen L. Kasey, Jr.
5. 17331 Tripoli Blvd., GPIN 8289-05-4215, owned by William Lee Davis
6. 17552 Main Street, GPIN 8289-03-3642, owned by Lacey, LLC.

(together, the "Properties"); and

WHEREAS, the Project is in the public interest and Section 2.04 of the Dumfries Town Charter specifically authorizes the Town the powers of eminent domain and quick take as set forth in Code of Virginia, Title 15.2-1900 *et seq*, and Title 25.1; and

WHEREAS, pursuant to Virginia Code Sections 15.2-1903 and 1904, a public hearing has been duly advertised for this purpose and was conducted by the Town Council on this 5th day of March 2013, in advance of initiating any condemnation proceedings and exercise of quick take powers; and

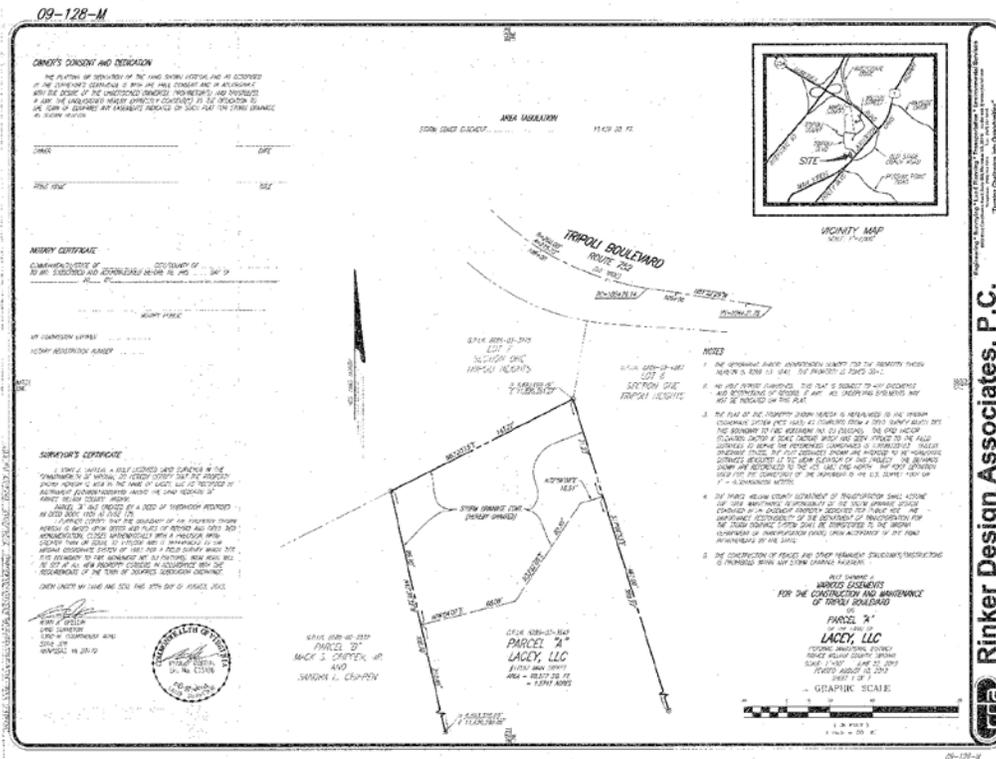
WHEREAS, acquisition of the Properties has been reviewed by the Town for purposes of complying with Section 1-219.1 VA Code Ann.; and

WHEREAS, sufficient funds exist in the budget for the Project to cover the fair market value offered to the property owners.

NOW THEREFORE BE IT RESOLVED that the Council of the Town of Dumfries does hereby find that the public necessity exists for the condemnation of the Properties for construction of the Project and for the immediate exercise of its quick-take powers to enter upon and take possession prior to condemnation proceedings to immediately acquire the necessary property interests and easements from the Property owners as specified in the plats attached hereto.

BE IT FURTHER RESOLVED that the Council for the Town of Dumfries does hereby authorize the Town Manager or his designee, after payment into the Prince William County Circuit Court of the fair market value and/or appraised value of the said property interest, and upon filing of the Certificate of Taking, to proceed with the condemnation of the aforesaid property interests

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B. RESOLUTION APPROVING THE PLAT FOR A BOUNDARY LINE ADJUSTMENT WITH FOX VALLEY SAVINGS BANK, FAIRFAX STREET AND HEDGEMAN STREET – CHRISTINE SANDERS

Ms. Sanders reminded Council a memo was provided in June of 2011 marked Confidential Attorney – Client Privilege that was provided again since there are some Council Members who were not on Council when litigation started. She had a discussion then about what she thought was the best way to proceed. She and the Attorney for Fox Valley resolved the matter by agreeing to a boundary line adjustment. When she first came on board with the Town there was some discussion going on about a walking trail or a multi-modal, walking-biking-hiking, trail to be created between Williams Ordinary and the Weems-Botts Museum down Fairfax Street. A large portion of Fairfax Street is unimproved and not an actual street, a paper street. A small portion of Fairfax Street is open; however, this portion is part of the non-improved paper street area. The goal was to try to preserve enough right-of-way for the walking-biking-hiking trail if the Town decided to move forward with the idea. She has had discussions with Public Works and former Zoning Administrators about making an amendment to the Comprehensive Plan Transportation Section to identify the walking-biking-hiking trail in a public document. What the decision provides to Fox Valley is a legal lot that they can sell. Fox Valley was unable to sell the property due to the cloud on the title because of the litigation.

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Mr. Toney asked if this was built on Town property and whether the Town had designated the property as a street.

Ms. Sanders was unable to find any evidence that the Town actually accepted the street or was used within the last 50, 60, 75 years. There is a whole body of road law out there without trying to get too complicated about it. Initially when roads came into being in the Commonwealth of Virginia, and even before it was the Commonwealth of Virginia, roads went by people's property because they needed to get from their property to somewhere else. Usually, the public had a rite of passage over the property, but it does not mean that they actually owned it in fee. The Bird Act came in during the 1930's that created the State Highway System. The Town opted out of that, is not part of the Virginia Department of Transportation (VDOT), and owns the roads. Essentially, the State Highway System came in, created the public right-of-way, regardless of who owned the adjacent property, created a centerline, and took, depending on the size of the road, the function, the number of people who used the road, etc., 25 or 50 feet to create the public road that was dedicated to the State. In the Town, this is not what happened and not what she can find happened on Fairfax Street. Fairfax Street might have been opened at some point of time; however, the public only had a rite of passage over it and never actually owned the underlying fee. It would have been very difficult to establish that given this particular parcel was the subject of a quiet title suit back in the 1970's where the court had already said the Town did not own the property. She saw this as a win-win for the Town in terms of getting a portion of the property in order to create the opportunity to put in a walking-biking-hiking trail.

Mr. Toney mentioned the experience with the vacation of Union Street, which was also a paper street, so the Hashimi's could have some additional land to move their project forward. He stated the Town has had paper streets.

Ms. Sanders indicated the Town still does. She wanted to take the paper streets on one by one. She explained that in this particular situation, because of the lawsuit it is completely different from Union Street. When the property was acquired by Fox Valley, it was being used as a residential property as a non-conforming use. The property is commercially zoned and if the property is no longer being used for two years, the non-conforming use goes away, so the likelihood of the house becoming a house again is very slim. The property has reverted to being commercial and her guess is it will be torn down and something will be built that will be required to conform to the proper setbacks under the commercial and business district.

Mr. Brewer made the motion, seconded by Ms. Forrester, to approve the resolution accepting the boundary line adjustment plat for 3476 Hedgeman Street. The motion carried and the following

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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 ACCEPT THE BOUNDARY LINE ADJUSTMENT PLAT OF 3476 HEDGEMAN STREET AND ACCEPT THE REMAINDER OF 3476 HEDGEMAN STREET

WHEREAS, the Town was sued by Fox Valley Savings Bank, *et al* (“Fox Valley”) on May 9, 2010, for a declaratory judgment (the “Litigation”) alleging that the Property located at 3476 Hedgeman Street (the “Property”) was the subject of a quiet title lawsuit in 1977 and an order was entered on August, 1979, by the Circuit Court of Prince William County (the “Court”) establishing boundaries for the Property into the platted Fairfax Street; and

WHEREAS, the above-referenced suit was the result of the Town’s discovery of the encroachment of a structure on the Property into a portion of Fairfax Street that is an unopened and unimproved right of way and the Town’s subsequent demand for to Fox Valley to remove the encroachment; and

WHEREAS, the Town wishes to reserve its right to improve and/or open this portion of Fairfax Street at some future date in order to create a hiking/biking trail connecting Williams Ordinary and Weems Botts Museum; and

WHEREAS, Fox Valley wishes to have clear title to 3476 Hedgeman Street so that it may sell the property to a bona fide purchaser; and

WHEREAS, the Town and Fox Valley have agreed that it was in the mutual interest of the Town and Fox Valley to agree to a boundary line adjustment of 3476 Hedgeman Street thereby creating a legal lot owned by Fox Valley Savings Bank and a remainder out-lot owned by the Town which will accomplish the goals of both Fox Valley and the Town; and

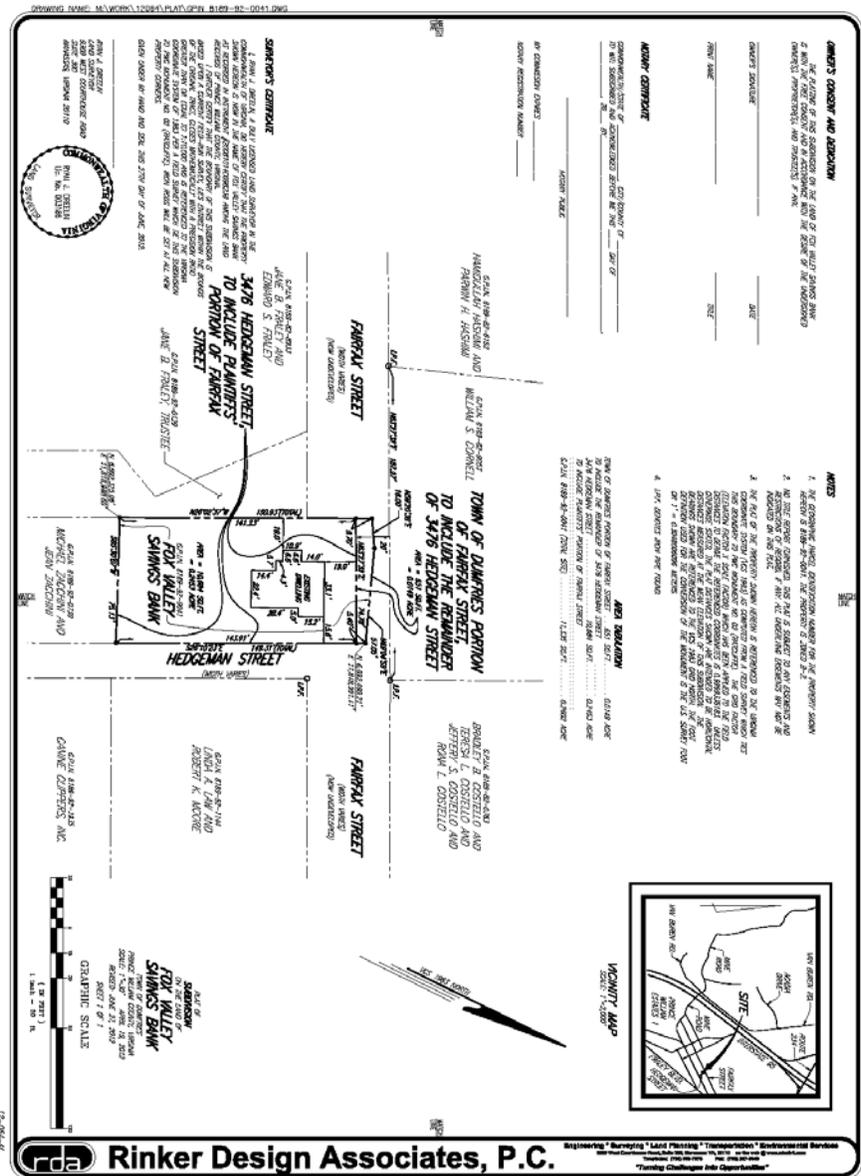
WHEREAS, the Town and Fox Valley desire to resolve the above-referenced litigation and enter into a settlement of that litigation by mutually agreeing to a boundary line adjustment of 3476 Hedgeman Street; and

WHEREAS, Fox Valley has indicated its agreement to settlement of the litigation and of all matters asserted therein by its signature on the Subdivision Plat of 3476 Hedgeman Street, dated June 27, 2012, and prepared by surveyor Ryan J. Dreelin (the “Dreelin Plat”); and

WHEREAS, the Town must also indicate its agreement to settlement of the litigation and of all matters asserted therein by acceptance of the Dreelin Plat.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Town approves on this 5th day of March, 2013 and hereby accepts the Dreelin Plat, attached hereto.

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C. DISCUSSION/DECISION ON BROADCASTING ALL COUNCIL MEETINGS – MAYOR FOREMAN

Mayor Foreman gave the following background information.

- ✓ August 21, 2012: Motion by Brewer, seconded by Washington, to change the second meeting of the month to a work session that will be recorded but not broadcast for the Town Clerk with no formal action taken, no motions or votes taken.
- ✓ October 23, 2012: The Town Attorney gave a brief about broadcasting or not broadcasting.

He explained that this has been working, but at the same time, he has received a lot of feedback from the citizens and the media about broadcasting the meetings.

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- ✓ February 19, 2013: Motion by Toney, seconded by Forrester, that the two-comment rule be suspended.

He noted that goes against there being no motions at work sessions. The question tonight is, does Council want to broadcast meetings or not.

Mayor Foreman moved motion, seconded by Mr. Wood, to revert to broadcasting all Council meetings.

Ms. Forrester mentioned the motion and second that was made at the work session was not necessarily policy related and spoke to the specific items that were being addressed at that meeting. Because of the budget review and a few other things Council did not want to limit the discussion. The vote needed to be taken because it pertained to that meeting. Council did not take any votes or actions having to do with random things. It was necessary to move that particular meeting forward. She wanted to be clear that it was not an abuse of the no vote rule. It was procedural and needed to happen.

Mr. Brewer asked, since the motion was made and approved, whether the motion would have to be rescinded by one of the people who voted for it.

Ms. Sanders asked if Mr. Brewer meant the motion to suspend the two-comment rule for that particular meeting or all meetings.

Mr. Brewer noted it was the motion to not televise the work sessions.

Ms. Sanders advised that a motion to rescind that motion could be done or a new motion can be made that would supersede that motion. There is no magic way of doing it. She noted that both would accomplish the same goal.

Ms. Washington was against the broadcasting of the work sessions. She thinks the meeting tonight was timely only because the Council had already discussed the issues at the work session before tonight. She felt that having the work session allows Council to be more frank with the discussion and allows Council to go on a lengthier amount of time and it makes the information more condensed for the citizens who are interested in what the Council is proposing.

Mr. Wood noted that Council has received emails and heard at the senior citizen luncheon that people want to be able to see the meetings without having to attend.

Mayor Foreman clarified the motion that was made that night was that the two-comment rule be suspended for all work sessions and not for just the one work session. The motion before Council tonight is to broadcast all Council meetings.

The motion to revert back to broadcasting all Council meetings carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, no; Mr. Wood, yes.

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D. DISCUSSION/DECISION ON HAVING TWO REGULAR COUNCIL MEETINGS – MAYOR FOREMAN

Mayor Foreman stated that at the August 21, 2012 meeting, a motion was made by Mr. Brewer and seconded by Mrs. Washington to change the second meeting of the month to a work session that would be recorded, but not broadcast, and minutes taken. Council has a policy that any Council Member can bring an agenda item forward all the way up to the meeting. It was agreed that work sessions would be for discussions, no votes taken, no motions passed, items would be discussed, and then moved to the first meeting of the month to the consent agenda. It was also agreed that if there was something contentious or a hot button item it would be removed from the consent agenda and discussed, no new discussions, to allow the citizens to understand why a Council Member voted a certain way. At the February 5, 2013 meeting, the Town Trash Collection and Recycling Policy and the Town of Dumfries Parks and Recreation Commission were brought up at a regular Council meeting and never brought to a work session for discussion. At the February 19, 2013 meeting, the motion was made to suspend the two-comment rule for all work sessions. The work sessions were designed to thoroughly discuss items and then bring items to a vote at the regular meeting. Items are now being discussed at both meetings, Recycling, Parks & Receptions, and motions are being made. The requested action is to go back to two regular meetings a month that will allow for discussions, broadcasting, and votes can at both meetings. Work sessions have gone to 11:00 p.m. and regular meetings, because of some of the items, go to 11:00 p.m. He was not sure that any time being was saved.

Mayor Foreman made the motion, seconded by Mr. Brewer, to revert to two regular Council meetings a month.

Mr. Wood made a friendly amendment to keep the work sessions and allow for motions and votes to be taken.

Mayor Foreman asked what the difference would be then.

Ms. Forrester restated that actions were not being taken at work sessions. That was one action taken one time in regards to the procedures of that meeting, so it had to happen then. It is a little bit of a distortion to say that Council is taking action at every meeting. She thought that maybe Council just needed to remember that if something has not been discussed and it is going to be a discussion item that unless it is super urgent needs to be scheduled for the next work session. She did not think it was a good idea to move to two regular sessions. Having a work session does allow Council to facilitate quicker action during a regular meeting.

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Mr. Toney is of the same mindset. He recalled that at the end of the meeting it was brought to his attention that it was out of order to make the motion. He agreed with that and admitted he was wrong. He thinks Council should have work sessions and agreed they should be televised, but with the two-comment rule being suspended, which has already been implemented, to allow Council to do what it has been charged with doing.

Mr. Brewer has seen it done both ways. He stated it was all semantics. He noted there are good things about both ways; however, if there is Town business to take place and a vote has to be taken then you can certainly do that at the regular meeting or the work session and it is a way to expedite business. Things can be moved along a lot faster and why he would be in favor of it. He wanted to see the work sessions come back, but it has kind of delayed things instead of moving things forward, and he would like to see things pick back up and get moving again.

Mr. Wood agreed with Mr. Brewer that more work was done when there were two regular meetings. He asked if there was a defined definition of what the work sessions entail.

Ms. Sanders explained it was a difficult thing to get your arms around. It is not defined anywhere by code. It is more by tradition. A work session implies that the Council is in a deliberate thoughtful discussion mode as opposed to an action-taking mode. A survey was done on how work sessions were handled. For the most part, work sessions are not meetings that Council or legislative bodies take definitive action. That is not to say that happens in every case. There may be a situation that requires Council by virtue of the timeliness or the sensitivity to make some sort of a decision. As a general rule at a work session, no. There is nothing that precludes Council from having a meeting and a work session the same night. It is not always an either or. It can be an and.

Ms. Reynolds noted that for her the work sessions have been more of an in depth question and answer. She does not have as much history with some of the things that have passed prior to her being on Council. She wanted to get more information on it before making any decisions. The work sessions have been beneficial to her because of the ability to ask questions and do research. Many times Council is talking and she is on the internet checking what is being said, because she wants to make sure that what is being said is correct. She agreed with having work sessions.

Mr. Toney noted one of the things that troubled him was not being able to comment more than twice on an item because that is not doing the people's business. Council needs one session to be able to exhaust the topic, which is what Council is charged with. The Council is here to fully discuss issues that are relevant to the lives of the people the Council represent. He would make a motion to do away with the two-comment rule if Council decides to go back to two regular meetings. He did not think that any

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of the Council Members took their responsibility lightly. Council comes prepared and the discussions have been substantive. He was for a work session, where an issue can be spoken on as long as one wants, and at the following regular session being limited to two comments.

Mayor Foreman submitted the agenda item form as a reminder, because Council has drifted from a policy set by Town Council. The night of February 19, when the motion was made to suspend the two-comment rule it was for all work sessions. Prior to the vote for that, the Council used Robert's Rules of Order, which allows everyone two chances to speak at work sessions and regular meetings. A Council policy was passed November 5, 2008, until the vote was taken on February 19, which reads as follows. "In regular Council meetings, the Mayor will ensure that everyone has an opportunity to speak to issues by using a round robin approach. The Mayor may use a second pass to enable Council Members to provide additional information or insight. Council Members will limit their remarks to 3 minutes or less." Robert's Rules of Order states eight minutes and look for the other argument, which means he does not have to go in order. He mentioned the contentious issue that was discussed the other night on Route 234 and Route 1. He pointed out what could have happened, or should have happened, as the Mayor he could have let the two-comment rule go; however, a motion was made and seconded and in doing so this gave everyone unlimited time to talk, all he could do at that point was go, okay. He supposed the second half of the rule, the three minutes or less is enacted, but people could have gone all night until the conversation was exhausted. The ironic thing is not one Council Member spoke past two times. Maybe there was value in Robert's Rules or the policy that was already set, but again the Mayor could lift the two-comment rule for a subject. The option was never given to the Mayor to do that.

The motion to revert back to two regular Council meetings a month failed by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, no; Ms. Forrester, no; Ms. Reynolds, no; Mr. Toney, no; Ms. Washington, no; Mr. Wood, no.

E. NOTIFICATION OF UPDATES TO BE PROVIDED ON THE ROUTE 1 WIDENING PROJECT – MAYOR FOREMAN

Mayor Foreman noted that since May 2012, there have been a series of meetings with elected and governmental officials concerning Route 1. The Town Manager will provide an update to Council a minimum of every 90 days.

Mr. Taber noted there have been continual meetings with the Virginia Department of Transportation (VDOT) and Prince William County (PWC). There has been some commitment from the State for funding that the Town thought it would have to provide prior to moving to the thirty percent stage, the planning stage. He plans to have an item at the next work session to brief Council with

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specifics of the project. If everything continues to go in the direction it is this will cut several years off the projected completion date.

F. DISCUSSION/DECISION ON COMMUNICATIONS OF DISTINCTION – MAYOR FOREMAN

Mayor Foreman explained the “Communities of Distinction” is a show with Terry Bradshaw that produces a five (5) minute segment on communities talking about topics, trends and issues related to “Best Places to Live, Work and Play” in the “Discover America” series. The segment airs one time nationally on FOX Business Network and 19 times regionally on ABC and FOX Broadcast Stations and/or the Regional Network in many of the top 100 markets. He noted once the segment is aired the Town would own the five-minute segment that could be broadcast on the Town’s TV channel as many time as wanted. He watched a segment on the website, received a call, was asked about 20 questions, and at the end of the conversation, he informed the person that if a program is going to be done for the Town it should focus on where the Town has been, what the Town has accomplished, and where the Town is going. The person said great we would love to do a program. After a pause, the question was asked, what is the catch? The person explained that all costs are picked up except the \$19,800 scheduling fee. The agenda item is before Council to determine if there is an interest to do this.

Mr. Foreman made the motion, seconded by Mr. Wood, to direct staff to draft a resolution approving the allocation of \$19,800 to create a five-minute segment on “Communities of Distinction.”

Mr. Wood asked whether any benefits were realized by other towns that have done the five-minute segment.

Mayor Foreman was told the Town would get a five-minute promo. The show typically returns in a year and a majority of the time it is self-advertising. You get what you put into it. He clarified the show does no marketing for the Town.

Mr. Wood looked at the website and saw where the show broadcasts in multiple areas on Comcast and some of the other stations. He asked if the segment would run only in specific markets if the Town decided to do this.

Mayor Foreman explained it would air regionally in the Pennsylvania, Maryland, West Virginia, and Virginia area and one time nationally.

Ms. Forrester thought this might be something if the Town was a little bit further along in development, but right now, it is not something she could support.

Ms. Washington thought the cost was too much.

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The motion to direct staff to draft a resolution approving the allocation of \$19,800 to create a five-minute segment on “Communities of Distinction” failed by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, no; Ms. Forrester, no; Ms. Reynolds, no; Mr. Toney, no; Ms. Washington, no; Mr. Wood, no.

IN RE: PURCHASE OF A POLICE VEHICLE FOR SRO POSITION

Mr. Taber reminded Council of the vote taken to place a School Resource Officer (SRO) at Dumfries Elementary School. During the conversations, the Police Chief was asked to provide an estimate of the cost. He believed the amount was around \$100,000. Part of the cost is a vehicle to go with the position. The current budget has an identifiable excess in salaries from vacancies available. He is asking Council to make a motion allowing him to proceed with purchasing the vehicle now, so that funds do not have to be budgeted in the FY14 budget, which will open up more money to do additional things.

Mr. Brewer noted what has been seen is \$100,000 being spent on a car and cop, but what many people do not know is that the SRO person is actually part of a grant through PWC. He could not and will not support something like this until research has been done. He noted there are not enough Police Officers on the beat now.

Ms. Forrester made the motion, seconded by Mr. Toney, to approve the interdepartmental transfer and purchase of a vehicle. The motion carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: COUNCIL MEMBER COMMENTS

Ms. Washington wished everyone a Happy Women’s Month. She reminded women it is their job to take care of the family; however, in the process not to forget to take care of themselves. She thanked the Boys & Girls Club for the transportation pilot and noted it was a step in the right direction. She understood there are liability concerns getting the children to and from, but she would like to see that. Not having transportation for the children to go to the Boys & Girls Club has always been a concern of hers.

Ms. Forrester thanked Ms. Covington, Dr. Walts, and Ms. Michie for their warm appreciation that they have extended of the efforts that the Police Department did in getting the SRO in place at Dumfries Elementary. She thanked River Oaks Elementary School for inviting her to participate in Career Day.

Ms. Reynolds wished everyone a happy and a safe Easter.

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Mr. Wood reminded citizens that Dumfries has a website, dumfriesva.gov, where events are posted. He noted spring break was coming up soon and the Boys & Girls Club is offering a weeklong program during the daytime for only \$30. A Grand Opening will be occurring April 6. He wished everyone a Happy Easter.

Mr. Toney reminded Council that at some time they have to come up with an assessment and goals for the Town Manager to be able to give him an evaluation.

Mr. Taber advised Council that his contract was up at the end of the year. He will schedule a work session item so that Council can hold discussions.

Mr. Toney asked if a motion had to be made to have Council's Comments moved to after the Mayor's Comments.

Mayor Foreman noted an agenda item form needed to be submitted.

Mr. Toney, in light of the impending storm, reminded everyone to check on his or her neighbors. He welcomed Michael Futrell, a candidate for Delegate representing District 2.

IN RE: CLOSED SESSION

Mr. Wood made the motion, seconded by Mr. Toney, 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 5, 2013; and

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

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

Mr. Wood made the motion, 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.

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

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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 5, 2013 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

IN RE: ADJOURNMENT

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

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Gerald M. Foreman
Mayor