

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

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

IN RE: CALL TO ORDER AND ROLL CALL

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

IN RE: MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

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

IN RE: APPROVAL OF THE MINUTES

Ms. Forrester moved, seconded by Ms. Washington, to approve the September 6, 2011 and January 28, 2012 Special Meeting minutes as presented. The motion carried and was approved by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; Ms. West, yes.

IN RE: ADOPTION OF THE AGENDA

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

IN RE: APPROVAL OF THE CONSENT AGENDA

There were no consent agenda items to adopt.

IN RE: CITIZEN COMMENT PERIOD

Cleveland Anderson, Vincent & Vincent Hairstylists of Liberty Village, was before Council with two issues. He mentioned that three years ago the Christmas parade had one rule, one Santa. Two years ago two rules, one Santa, and no throwing candy. Last year there were 19 rules, a signed waiver, a mandatory meeting, and peppered throughout the verbiage were the words removed and suspension. Every year at this time, all businesses have to renew their

business license of which he pays over \$3,000. This year the application came with page after page of codes, rules, regulations, and fees. The reason he is here is about renewing an occupancy permit. The County and the County Attorney told him that an occupancy permit in Prince William County is good for life. He knows that the State, County, Town, or Fire Marshall can come in at anytime, list any violations, and give him the the opportunity to correct those violations. The Town's application is more sinister. You give up your occupancy permit. It reads like this; send in your fee, if you pass the inspection, an occupancy permit will be issued to occupy the space being occupied. This is all based on mysticism, creating problems that do not exist through intimidation and bullying. He felt that both of these issues needed to be taken under review and the people that create these threats should come under review. The Town has undergone a lot of change this past year and change is not good when there are negative impacts on the businesses. The taxpayer expects the Town, the Town Manager, and Town Council, to hire qualified people who will work with the business community and are not having power identity struggles.

Jim Vinson pointed out that this is a political election year and whoever becomes Mayor needs to be laser focused on the issues facing the Town. The Town needs to be supportive of its businesses. The residents need to be supportive too. Businesses are the unsung heroes of this Town. They offer goods and services to the residents. He thanked all the businesses in the Town. The appearance of the Town needs to be addressed. He is proud to be a citizen of the Town. He liked the staff and wished Mr. Moss, Zoning Administrator, good luck when he leaves. He is proud of the Police Department noting that Chief Forker has done a good job.

Derrick Wood wanted to bring to the Councils attention the problems that the residents of Williamstown are having with getting documentation from the Homeowner's Association office. He thought the matter could be brought up during the meeting that Council will be holding with the Homeowner's Association of Williamstown. As a business owner, he felt there should be more awareness and information available regarding licensing and the regulations the Town has. For example, what constitutes an open event? What needs a tent? What does not?

IN RE: MAYOR'S COMMENTS

Mayor West welcomed the citizens in attendance and those watching on television. She welcomed Mr. Taber back. She mentioned that the new carpeting for the remainder of the building would be going in next week.

IN RE: PRESENTATIONS
A. RECRUITING RETAIL EFFORTS FOR THE TOWN CENTER
BUILDING – PETE SINGH

Mr. Taber noted that at the last Council meeting, a presentation dealing with the bottom floor of Mr. Singh's Town Center Building was given and a discussion was had that centered on Mr. Singh's desire to have an amendment made to the adopted agreement dealing with the rental of the bottom floor. At the meeting, two Council members expressed the desire to have Mr. Singh come to the next meeting to provide information on his retail recruiting efforts for the Town Center Building.

Mr. Singh thanked the Council for the opportunity to talk about the franchise agreement. The agreement was made with the foundation of working together to make the Town a better environment. He thinks that has been accomplished. The business term here is being used in two ways. One is office space and the other is a limited amount of retail space. He was before Council to provide an update of where he is today and more importantly share with and get feedback of the lessons learned by all. His marketing efforts started about 10 years ago with the first building, Point Center, on Possum Point Road, that emerged to a second building, and then a third building across from Town Hall, known as the Town Center. {Reference was made that the building was across the street, Whiskey Street, which was a paper street and is actually part of the parking lot now.} The top two floors of the Town Center are supporting Federal Government Contractors who bring in revenues to the Town. The ground floor was primarily designed to attract retail. Retail was defined as not being footlocker or 7-11, but something that the people in the neighborhood could use and on a regular basis. He noted that Sergio Campos would be speaking about the efforts that were made. He mentioned that Mr. Campos initially took the effort to pull together the right brochure materials with the right contacts in the industry with 15 years experience in the industry. Later Mr. Campos coupled with Tracy Morris, who spoke before Council recently, took a second crack at it. What came up repeatedly was whether the Town had the density to support a small restaurant or deli. The answer was yes; however, the population is centered on the other side of Town. The initiative is there now to bring in the residential base and the retail that comes with it.

Mr. Campos, Sales Agent Norman Realty, started working with Mr. Singh with his first project, the Point Center. Mr. Singh had the vision to bring a new product to the area. They were

very successful with filling up the Point Center, the North Point Center, and Town Center buildings. The third project, the Town Center, was a little different project. The strategy was changed on this project since the concept for the area was new. The space on the second and third floor was for office and the first floor was idea for retail. Focus was concentrated on attracting various types of retail uses before ground was broken. Unfortunately, they were unable to attract the types of retail that were being focused on. Some of the concerns were density, the location was considered more as a destination, which would be idea for medical providers, not restaurants or the other services that were being focused on. He noted that his efforts have gone on for three years now with no success in attracting those types of users.

Mr. Singh mentioned that when IHOP came in he spoke with them and they required more space. He learned that there could be a 5,000 or 6,000 square foot restaurant; however, for that restaurant to be there, there needed to be other businesses like hairdressers, dry cleaners, and urgent care facilities to attract people. He suggested when looking at the Comprehensive Plan that consideration be given to how to bring in new blood, new density into the Town. He noted that everyone should understand what the operating environment is. There was the environment 15 years ago, then today, and there is what it will be as it evolves over the next 10 years. The Town has to position itself along with the residents to take advantage of it. There needs to be some focus on disparity initiatives. The Council needs to take an initiative to inform the residents about the steps the Town has taken in improving the quality of life. He has made a concerted effort and lessons have been learned that are being shared with staff. He noted that no landlord wants to see an empty building.

Ms. Washington asked what else the location was not providing, besides the density issue, to attract retailers.

Mr. Singh explained that there were not enough units.

Ms. Washington asked if units meant square footage.

Mr. Singh noted he was referring to square footage. What he did is too small to attract somebody. He noted that the businesses chose, when Triangle Crossing was being demolished by the Virginia Department of Transportation (VDOT), for business reasons, access, or ease of going through the permitting process, to move.

Ms. Washington asked for some ideas on what Council and staff could do that could make these places accessible. She did not want to hear that the density was a problem since there

were retailers that have moved into the Town that she did not think would do well that have boomed. She mentioned that there are people that come from all over to use places like JoJo's, the nursery, Vincent and Vincent, and Harold and Cathy's. She mentioned that if the product and service are good, the people will come.

Mr. Singh noted that the space was too small and there was no parking in the front.

Ms. Washington was concerned with the look from the street with putting businesses in the space designed for retail.

Mr. Singh noted if it is pointed out that there is a problem with the aesthetics, it will be resolved.

Ms. West mentioned that when you look at the doctor's office located on the ground floor of the building all you can see are shelves of files.

Ms. Barr considered Dumfries as the Noah's Ark with two ice cream places, two banks, two pizza places, and two insurance companies. Dumfries has the best of everything. She did not want to expand on the types of businesses that Dumfries already has but to expand on what is already here. She noted that with density the traffic would increase. She explained that this is a relationship, and not Mr. Singh with a building, or the government with governmental oversight. It is about having the right price point to compete with other localities. She noted that some of the businesses moved because of price points.

Mr. Foreman was excited. He felt the next project being planned was going to be good for the Town. The business owners and the residents want the new project. He thanked Mr. Singh for choosing Dumfries. However, this decision is setting precedent for the next building. To him this is not about a waiver but about a business plan. Three years later the plan is not working for retail. He asked if the retail space was wired with an exhaust system for a restaurant.

Mr. Singh noted that if it was necessary it could be done.

Mr. Foreman asked who would pay for the work.

Mr. Singh indicated that he would pay for it depending on what type of restaurant and how it would mix with the rest of the tenants.

Mr. Foreman did not think a restaurant would ever go in there. He thought the Town could support an eatery and if a survey were done, it would support the right eatery. He asked how much space was for retail space.

Mr. Singh noted it was about 10,000 square feet.

Mr. Foreman asked Mr. Singh how many times he has come before Council for a waiver.

Mr. Singh explained the doctor's office was a permitted use, a waiver was given for Lead to Succeed, and now he was asking for a waiver for Bowhead, a federal contractor that will bring in about 25 jobs who mainly support Fort Belvoir.

Mr. Foreman pointed out that if Council votes on this tonight there will be no retail in the building. He asked what was going to change when the next building comes in. He wanted to see the space reserved by somebody prior to building the new facility. He asked how much retail space was being built with the new building.

Mr. Singh noted that would be driven by Town Council and the final plans that are approved.

Mr. Foreman asked if it was going to be more than 15,000 square feet.

Mr. Singh mentioned it could be slated for about 40,000 square feet.

Mr. Foreman explained that other businesses love what Mr. Singh is doing because that means residual business. He wanted to see the space reserved with retail.

Mr. Singh explained he would talk about that when the time came to have open dialogue about how to go about that as a community and making it a success. He has taken into count the lessons learned from the first project. He has had dialogue with a few eateries and the benefits of being in a place where there are residences, offices, and play.

Mr. Foreman noted there have been discussions on the lessons learned and the spirit of cooperation. He wanted to see the small business owners succeed. If he votes yes tonight he will watch the next building be built and he wanted a commitment, an understanding, a promise, that a request will not be made to change the retail to business.

Mr. Singh committed to comply with the applicable zoning ordinances.

IN RE: ACTION ITEMS

A. REZONING (REZ11-63) – PUBLIC HEARING – PROPERTY LOCATED AT 17651 WASHINGTON STREET FROM R-2 TO B-2, HAMIDULLAH & PARWIN H. HASHIMI – DAVID MOSS

Mr. Moss noted the application was before the Council in November. The proffers had some work that still needed to be done so Council voted to send it back to the Planning Commission (PC) to work them out. In December, the applicant went before the PC. He noted a last minute change was made to the proffers with number 7. The wording needs to be changed from Prince William County Alley standards to Prince William County Design and Construction

Standards Manual (DCSM) for alleyways. The proffers tie the use of the front property to the use of the back property with an easement from the front property to get to the back. The primary use of the back property will be for parking to accommodate the decided use of the front. The applicant will also be able to get a temporary use permit to use the parking lot for things such as a farmers market when the front is not in use. The proffers will run with the land.

The applicant had no comments.

The public hearing was opened to public comments.

Sam Harrison noticed that there are some trailer parks behind the property and asked if the tenants were given notice of the changes and not just the property owners.

There being no further comments the public hearing was closed.

Mr. Moss noted State Law is very explicit in requiring the notice go to property owners of adjacent property. The trailer park near the site is not part of this rezoning; however, the PC worked on specific guidelines to ensure proper buffering, landscaping, and making sure that lights did not spill over to the adjacent properties. The tenants or renters of the trailer park were not notified.

Ms. Sanders noted that the public hearing was duly advertised and noticed publicly. She noted that the trailer park is a non-conforming use and at some point in time may no longer be in place.

Ms. Barr pointed out the information is available on the website and Council is holding a second public hearing.

Mr. Foreman attended the PC meetings and the Hashimi's went out of their way to make sure that no lights illuminated outside the parking facility, that the aesthetics fit the geography, and even went as far as addressing the creek bed. He felt the Hashimi's did more than their due diligence.

Ms. Barr made the motion, seconded by Ms. Jurgensen, to introduce the ordinance amending the zoning map to rezone GPIN 8189-82-6152, 17651 Washington Street, from general residential, R-2, to neighborhood business, B-2, with proffers. The motion carried and was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; Ms. West, yes.

B. RESOLUTION TO AUTHORIZE AMENDING THE ACCESS AND PARKING FRANCHISE AGREEMENT BETWEEN THE TOWN AND TOWN CENTER DEVELOPMENT, LLC – DEBI SANDLIN

Ms. Sandlin noted the request is to approve amending the access and parking franchise agreement to allow Bowhead, who occupies space upstairs and is ready for some tenant build out, to relocate and cannot move forward until Council amends the agreement.

Ms. Barr asked what the modifications were that staff is asking Council to approve. She noted that normally Council sees a draft.

Ms. Sandlin noted that staff drafted a resolution.

Ms. Sanders explained the original access and parking franchise agreement was provided for information purposes and that a resolution was included in the packet for approval.

Mr. Foreman noted that on February 21 Council was presented with seven economic conditions that the Town is graded on. He asked when the Town would meet these conditions favorably to support retail.

Ms. Sandlin advised that first the residential density has to increase. Retail follows rooftops. When you get the higher density, with the higher incomes, the retail follows.

Mr. Foreman noted that demographics mean a lot and staff has done a good job of quoting them. He is hearing there is a certain amount of feet needed, a specific amount for the initial investment, and then the number of persons being hired. He asked if there was a way to confirm that 20 people were hired and the number of employees that are residents.

Ms. Sandlin explained the question is on the business license application of how many employees are going to be hired and the number of those that are residents. She explained that this is voluntary information and the applicant does not have to provide the information.

Mr. Foreman asked if staff knew that 100 jobs were created at the Town Center.

Ms. Sandlin confirmed that was correct.

Mr. Foreman noted that staff might want to ask during the callbacks what the average salary is.

Ms. Sandlin indicated that is being asked; however, businesses are more reluctant to share that information.

Mr. Foreman noted that kind of information is what brings businesses and people to the Town. He asked if a block asking if a business wants a grand opening was included on the business license application.

Ms. Sandlin apologized for forgetting to put that on the application.

Mr. Foreman liked the welcome letter that was created for Ms. Barr.

Ms. Sandlin did not realize that it was the letter being discussed rather than the business license application.

Mr. Foreman clarified he was looking for a little box on the business license applicaiton that can be checked that asks if the business wants a grand opening so the Mayor and Council Members can attend to show support.

Ms. Sandlin noted that letters have been going out to the new businesses. She advised that she would go back and add that to the letter.

Ms. Barr read the following from the access and parking franchise agreement. Paragraph 12, "The Developer shall, at all times during the duration of this Franchise and any amendment or extension thereto, set aside thirty percent (30%) of its building to be constructed on the Dominant Parcel for retail, rather than office space, use." She then read the following from the resolution. "WHEREAS, the *Town* and the *Developer* acknowledge and agree that pursuant to Paragraph 12 of the *Franchise Agreement*, the *Developer* agreed to set aside thirty percent (30%) of the building (now known as the Town Center Building located at 17739 Main Street, Dumfries, VA) for retail use but that despite the efforts of the *Developer*, the economy and market conditions have deterred this; and WHEREAS, in accordance with the foregoing, the *Town* and the *Developer* wish to amend the *Franchise Agreement* to allow the *Developer* to lease 4000 square feet of remaining vacant space to Bowman Information and Technology ("Bowman") for office use instead of retail use; and". She asked what the residual retail space was from the 30 percent after taking away the 4,000 square feet.

Mr. Singh explained that 30 percent of the building is about 10,000 square feet. Out of the 10,000 square feet, space has been allocated for the doctor's office and the amendment for Lead to Succeed there is approximately 5,000 square feet. The 4,000 square feet would be removed for Bowhead leaving approximately 1,000 square feet. He wanted to see that clause removed from the agreement.

Ms. Barr noted that the request before Council was not to remove that part of the agreement.

Ms. Sandlin explained the resolution would allow him to use the remaining space for offices.

Mr. Singh indicated if that was the case, the resolution should be for 5,000 square feet instead of 4,000 square feet.

Ms. Barr did not agree with striking paragraph 12 and felt that a deli would fit.

Mr. Singh agreed there is a need for a deli. He pointed out that several years ago, the Council made a negative impact on this part of Main Street when the Police Station was moved away to a new neighborhood, which was at the same time he was talking to Caribou Coffee. The thought was move the Police Station, then Town Hall.

Ms. Barr did not believe that moving 11 coffee drinkers would cause a retailer not to set up shop.

Mr. Singh indicated those kind of things do have an effect.

Ms. Barr asked how many people work in the Town Center building.

Mr. Singh noted that it was over 100.

Ms. Barr pointed out that means that 100 people have to go out or bring their lunch. She felt the 1,000 square feet could still be used for something and she was not for including it in the resolution.

Mr. Singh explained that the demographics are being picked up from what Prince William Economic Development Authority has. Those numbers are outdated and do not talk about what is in Dumfries today. He suggested that the Council take the initiative to get a third party consultant to come up with the current state of Dumfries to include things like salary levels, value of new homes, etc. This would be money well spent that would help the Town, him, and the Dumfries Business Association.

Mr. Foreman asked Ms. Sandlin to send Mr. Singh the statistics that were provided to Council recently. The reality is that there is no retail in the building and the intent is to not have retail, so the decision should be to include the 1,000 square feet.

Ms. Forrester noted that changing the remainder of the space would not preclude retail from being put in.

Ms. Barr felt that taking the 1,000 square feet out would take the pressure off for retail. She did not agree with changing the request.

Mr. Toney noted that there are situations where there are non-conforming uses that are granted by a conditional use permit. He asked if Council could grant Mr. Singh permission to

lease the space to the identified tenant as a non-conforming use and upon the tenant leaving the original agreement go back into effect for retail space.

Ms. Sanders advised that the resolution could be changed to have that as a condition for this particular tenant.

Mr. Singh noted that this request and the previous request were for the specific businesses, which is typically a five-year lease with an option for another five. This requires him, when the tenant left, to come back to Council to request that another tenant be able to use the space for a similar use or it would have to be used for retail. He indicated that if the market has changed enough for retail he would bring in retail.

Ms. Barr clarified that the resolution as stated authorizes an amendment to the access and parking franchise agreement between the Town and the Town Center Development, LLC.

Mr. Singh noted that the last resolution was specific to the tenant.

Ms. Sanders agreed that was correct.

Mr. Toney felt that the wording should be specific to the tenant.

Mr. Singh was not aware of the document that was being presented and assumed that it was worded the same as the previous one. He wanted it to be specific to the tenant and what he would support. He suggested amending the resolution to read the same as the previous one with Bowhead in the place of Lead to Succeed.

Mr. Foreman noted the system failed somewhere along the line. The business owner should have been aware of what was being presented to Council and given the opportunity to make sure that what was being proposed was what was being requested. He felt at this time that the amendment should not be on the floor and be rejected.

Ms. Sanders advised that the resolution was drafted broadly enough to direct the Town Manager to enter into an amendment with whatever conditions Council wants to place. She was directed to draft a more open-ended resolution to allow Council to have a discussion.

Mr. Foreman suggested having the wording of what the business owner is requesting included with what is being presented to Council.

Ms. Barr made the motion, seconded by Ms. Washington, to approve the resolution with the amendment to change it to be specific to the business and mirrors the language of the previous agreement that Town Council approved. The motion carried and the following amended

resolution was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; Ms. West, yes.

**RESOLUTION TO AUTHORIZE AN AMENDMENT TO
THE “ACCESS AND PARKING FRANCHISE” AGREEMENT BETWEEN THE
TOWN AND TOWN CENTER DEVELOPMENT, LLC.**

WHEREAS, The Town of Dumfries (the “*Town*”) has a Parking Franchise Agreement (the “*Franchise Agreement*”) with TOWN CENTER DEVELOPMENT, LLC, a Virginia Liability Company, (the “*Developer*”) for the purpose, *inter alia*, of shared parking between the Town and *Town* and the *Developer*, and

WHEREAS, the *Town* and the *Developer* entered the *Franchise Agreement* on July 3, 2007, which is attached hereto; and

WHEREAS, the *Town* and the *Developer* acknowledge and agree that pursuant to Paragraph 12 of the *Franchise Agreement*, the *Developer* agreed to set aside thirty percent (30%) of the building (now known as the Town Center Building located at 17739 Main Street, Dumfries, VA) for retail use but that despite the efforts of the *Developer*, the economy and market conditions have deterred this; and

WHEREAS, both the *Town* and *Developer* agree that it is in the best interest of the *Town* to have the Town Center Building leased to the maximum extent possible; and

WHEREAS, in accordance with the foregoing, the *Town* and the *Developer* wish to amend the *Franchise Agreement* to allow the *Developer* to lease 4000 square feet of remaining vacant space to Bowman Information and Technology (“Bowman”) for office use instead of retail use; and

WHEREAS, the *Town* and the *Developer* agree that the 4000 square feet that is leased to Bowman for office use shall revert to retail use at the termination of Bowman’s lease.

NOW, THEREFORE BE IT RESOLVED, that the Town Council authorizes the Mayor and the Town Manager to amend the Paragraph 12 of the *Franchise Agreement* with the *Developer* in accordance with the terms set forth above.

It was requested that a copy of the amended resolution be emailed to Council.

**IN RE: STAFF COMMENTS
 A. TOWN MANAGER – DAN TABER**

Mr. Taber reported the following items.

- He would be returning to normal working hours on Monday.

- The Edward Byrne Memorial Justice Assistance Grant funds that were budgeted during the mid-year budget review appear to be within \$500 of the estimate made and the check will be mailed this Friday to close out the grant.
- Interviews have been completed for the Zoning Administrator position. The individual that is being focused on is going through the process of the background check and resume check.

Ms. Jurgensen asked where staff was on the request she made about collecting renters fees.

Mr. Tkac advised that Public Works recently contracted with a firm that will be taking control of the rental program. The Town has had a rental program for close to seven years and it has been dormant. It is a huge priority for staff to initiate the program in an efficient way. There have been six or eight complaints over the past two weeks regarding tenant/renter problems. Before moving forward with the program, staff wants to make sure that all property owners in the rental district are aware of the program. The intent of the program is to have a safe residence for renters and not a viscous assault toward somebody's property.

Ms. Jurgensen explained that was not what the program was intended to be. She noted it was to protect the property owners and the renters. You do not want somebody living in a dwelling that is not safe or heated. She was disappointed to hear that the program has been dormant. She felt it was neglectful by not having it for seven years. The program has not served the purpose it was intended to serve and there was no reason to have the program to begin with.

Mr. Taber thanked Ms. Jurgensen for bringing this matter to his attention. He noted this is another issue of a lack of continuity. Council took action and there was no follow through with staff to implement the program. He mentioned that every two or three month's staff stumbles across something else that the previous staff did not follow through on from the previous year.

Ms. Jurgensen asked what the fee is for the inspection of the property. She understood that the fee is currently \$25 and wanted to know if Council needed to go back and change the fee.

Mr. Taber explained that staff is in the process of reviewing the fee schedule for all of the inspections and services which are outdated that Council will see prior to July. He directed Mr. Tkac to provide weekly updates by Friday on this issue to Council.

Ms. Barr met with Marvin and Francis Dent who live on Orange Street about an issue with some road construction that was done that has created a wet weather stream that is scoring their property. She noted that the Town has been contacted several times and Mr. Tkac has returned a few calls; however, no one has physically gone out to look at the property. She noted this is occurring on several other pieces of adjacent property too. She did not know if it was a riprap thing.

Mr. Taber noted that this was a stormwater management problem. He asked Mr. Tkac to have Richard West visit the property and email Council by Friday what the status is.

Mr. Foreman asked if the fee schedule would be ready prior to the budget discussion to allow for discussion of revenues and to make adjustments accordingly.

Mr. Taber noted that it needed to be presented prior to July.

Mr. Foreman asked what the status was on the community use policy.

Mr. Taber has received comments from Council and staff is reviewing existing policies from other jurisdictions. The policy will be formulated to be restrictive in nature due to the condition of the building and the historical value of the interior. Daily governmental operations upstairs will restrict the use to the space on the bottom floor. The recommendation will restrict the use to Town residents. Businesses will have to have a business license and will have to pay a fee.

Mr. Foreman noted that the National Association for the Advancement of Colored People (NAACP) candidate forum is April 15 at 7:30 p.m.

Mayor West noted it was the 25th.

Mr. Foreman asked that Council be emailed with the information.

Mr. Taber advised that no one from the NAACP has contacted him.

Mayor West indicated that Ms. Neville, Community Services Director, could address the matter during her staff comments.

Mr. Foreman asked Ms. Neville if she wanted to address the matter now.

Ms. Neville mentioned she is a member of the chapter and the forum is set for April 25.

Mr. Foreman asked about the Senior Luncheon.

Ms. Neville advised that is always the third Friday, which is March 16 at 1:00 p.m.

Mr. Taber asked if this was for the NAACP.

Mr. Foreman clarified that was the date for the Senior Luncheon for the candidates.

Ms. Neville clarified the candidate Senior Luncheon is scheduled for April.

Mr. Foreman asked if there were any other candidate forums.

Ms. Neville noted that the Dumfries Business Association (DBA) was scheduling one.

A member from the audience mentioned the DBA candidate forum was on the 23rd at 3:00 p.m.

Ms. Barr mentioned there were several candidates that were not going to be able to make that date and April would be better.

Mr. Foreman asked when the Park Committee was meeting again.

Ms. Sandlin asked Mr. Foreman if he was asking in reference to Ginn Memorial Park or the Comprehensive Plan.

Mr. Foreman noted it was for the Ginn Memorial Park.

Ms. Sandlin advised that Mr. Moss, Zoning Administrator/Town Planner sent an email out to everyone last week.

Mr. Toney noted they were looking at meeting on Monday; however, they were trying to accommodate Chief Ester's schedule and that next Monday is the Planning Commission meeting.

Mr. Foreman asked that the entire Council be emailed with the dates.

Ms. Barr mentioned they had to be careful not to violate the Freedom of Information Act since two Council members sit on the Committee.

Ms. Sanders noted that the notice just needed to be posted and as long as no official action is being taken, it would not be a problem.

B. CHIEF OF POLICE – ROBERT FORKER

Chief Forker reported the following items.

- The Police Department initiated a new program for Senior Identification Cards and was well received at the last Senior Luncheon. This will occur as needed.
- Sunday, March 11, the Police Department will begin coverage 7 days a week from 7:00 a.m. to 3:00 a.m., which means there will only be 28 hours a week with no coverage.
- He introduced Officer Tyler Merritt who started working with the Police Department in December. He comes from Centerville, Ohio. He applied in August 2010 and because he was not a certified Virginia Police Officer, he was not

considered. He applied again after going through the Rappahannock Police Academy.

Officer Merritt took the Oath of Honor pledge.

Ms. Jurgensen, during her travels on Sunday, has noticed that left turns are being made in front of Pillar Church that are not supposed to be made. She asked if officer assistance could be provided to assist traffic to make that illegal left turn.

Chief Forker noted that would be setting a dangerous precedent for the businesses in the Town if that step were taken due to staffing.

Ms. Jurgensen noted that Prince William County assists with traffic at Mount Zion Church.

Chief Forker clarified those are off-duty officers who are paid by the business owner. He asked what time the problem is occurring.

Ms. Jurgensen noted it was on Sunday between 9:30 a.m. and 10:00 a.m.

Chief Forker noted this would be an objective for the Officer on duty Sunday.

Mr. Toney pointed out that he has seen a difference in the unsavory activity that he mentioned was occurring on Graham Park Road.

Ms. Barr asked if the Officer who is being assigned to specific zones in the Town was posted on the website to allow the citizens and businesses to know who that Officer is.

Chief Forker reported that it had not been posted. He was waiting for the Department to go to two shifts to make the squad assignments both the businesses and residents.

Mr. Toney noted that there were no juvenile arrests this past period.

Ms. Washington noted that the working relationship with the students and youth in the Town helps prevent the sinister individuals coming from other areas into the Town.

C. DIRECTOR OF PUBLIC WORKS – GREG TKAC

Mr. Tkac reported the following items.

- Mine Road was backfilled behind the curve today.
- A program started last month with students at Rippon Middle School who have been trained by the Department of Environmental Quality to test the bacterial levels in the stream. Public Works has an intern who is running the program.
- Permits were issued for McDonald's, the Lyons Automotive expansion and Grace Church.

- The Mine Road water project is ahead of schedule and staff anticipates it being completed by the middle of April.
- He has contacted Prince William County and they are assisting with getting streetlights at the end of Hampstead Landing and repairing a streetlight off Wilson Street.
- There has been approval on 13 acquisition reports for the Tripoli Boulevard Drainage Improvement Project. It is expected the remainder will be completed within the next two or three weeks.
- The consultant is currently working with utility relocations and finalized the design for the stormwater management facility. The facility will be underground allowing the space aboveground to be used for other things.

Ms. Jurgensen thanked Mr. Tkac for the easy to read report that provided projected completion dates for the various projects. She asked if the Tripoli Boulevard Drainage Improvement Project is up to date.

Mr. Tkac noted he needed to speak with the consultant and that the dates may shift a week. He explained that he did not know how long the right-of-way acquisition will take once the negotiations begin with the property owners and the date is a best-case scenario.

Mr. Toney asked about Ginn Park and wanted an update every month.

Mr. Tkac explained that staff decided to go with a request for proposal (RFP) rather than a request for quotations (RFQ) to allow bidders to bid on all aspects of the project. He indicated the project is still on schedule. He wanted to make sure the pavement for the multi-purpose court is the best fit for the Town. He would have an answer by Thursday on the paving so the RFP would go out with a 21-day turnaround and a notice to proceed would be issued shortly thereafter.

Mr. Toney asked that Council be updated next week on the status.

Mayor West asked about the ingress/egress for the McDonald's being built.

Mr. Tkac mentioned there is an ambitious schedule for the Main Street/Graham Park Road/Curtis Drive/ Interstate 1 intersection where the McDonald's is being built. The entrance out of the Triangle Shopping Center onto Graham Park Road will be modified incredibly, if not eliminated. The entrance will be off Main Street near the Knolls of Dumfries. The entrance will

be a right in and a right out, if it is there at all, because there is going to be one further south from there.

Ms. Barr was concerned with the entrance being close to the Knolls of Dumfries since there is no outlet and traffic will be going in.

Mr. Tkac asked if there was a dead end sign there.

Ms. Barr noted there is; however, that does not stop people.

D. DIRECTOR OF COMMUNITY & ECONOMIC DEVELOPMENT – DEBI SANDLIN

Ms. Sandlin reported the following items.

- The process is moving forward on the Strategic Plan for Economic Development.
- The focus groups for the Marine Corps Base are scheduled for March 27 and April 5 with the enlisted and officer residential population on the base.
- Letters will be going out to 249 CEO's and Presidents. The Prince William Chamber of Commerce has offered to send it out to their GovCon group.
- The internal stakeholder survey is available on the Town's website for any businesses or residents who wish to participate.
- The hope is to have all the information compiled by the end of April to start working on the Plan.

E. DIRECTOR OF COMMUNITY SERVICES – CYDNY NEVILLE

Ms. Neville reported the following items.

- She thanked everyone for their support at the Black History Month Celebration.
- She encouraged people to go to Facebook or visit the website to learn about upcoming events.
- Today's Empowered Woman Conference is coming up, it is free to attend, and registration is being accepted now.
- The Easter Egg Hunt will be April 7 at Merchant Park.
- The Multicultural Festival scheduled for May 5 will host the first annual Dumfries BBQ Battle.

Ms. Barr asked Ms. Neville to highlight an item out of the Dumfries Charter Newsletter.

Ms. Neville noted that on page 6 there is a survey asking residents how they would like to receive the newsletter, electronically or by mail.

Mr. Toney commented on the activities scheduled for Garrison Park and the utilization of space visible to the public and was glad to see it being used.

Mr. Taber commented that the area is in a floodplain and there are liability issues involved. He noted the project proposed by Pete Singh might cause some issues later on down the road. He noted that there would be more use of the parking lot and the creek bed is going to need some work.

Mr. Toney did not see any on-going activities occurring. He has seen the area flood and how fast the creek bed flows. He understands that there area has limits.

Ms. Jurgensen pointed out there was Ginn Memorial Park.

Ms. Barr explained that the reason for using the area was to highlight Town Hall.

Mr. Taber explained staff had a discussion about the use of the area because there was a traveling baseball team that wanted to use the area for practicing, which raises issues with liability and having to do some upgrades.

Mayor West asked if the Town had received the property from the Port of Dumfries.

Mr. Taber noted that a plat was received that was not usable; however, everyone is on board and it is just a matter of getting the legalities done.

IN RE: DISCUSSION ITEMS

There were no discussion items.

IN RE: COUNCIL MEMBER COMMENTS

Mr. Foreman read the following comments.

“On February 15 in Manassas the State of Prince William County was given. The event was hosted by the Prince William Chamber of Commerce and I have to hand it to Rob Clapper and his staff, as usual, it was well put together and it was much more than just a social event. It provided direct insight to accomplishments and discussions with County Supervisors, sister Cities and Towns, and businesses within Prince William County. I sat at a table and had a great conversation with Chamber of Commerce Staff and Small Business Owners concerning Economic opportunities within the County.

A statistic that was referenced at the State of Prince William County event by one of the speakers is that 67% of the growth within Prince William County over the past 10 years has been from Small Businesses. The Town of Dumfries is a small Town; we are surrounded by growth and this growth is now at our doorstep. No one said that Economic growth was going to be easy. There will be miss-steps by the Council, by the Staff and by the Business Owners themselves. This is a learning experience that we will all participate in.

I have witnessed the frustration from the Small Business Owners concerning recruitment of businesses and code enforcement of business operations. We, the Council are responsible for these feelings. We have set the tone for the way small businesses are treated in Dumfries through our verbal and physical actions, the way we cast our votes, by our willingness to meet with and listen to Small Business Owners, and lastly by our interaction with Town staff.

From the very beginning of Dumfries, when Richard Gibson erected the gristmill in 1690, to when the Town of Dumfries received its charter on May 11, 1749, to present day: it is the Small Business Owners that have sustained this Town. I have been an advocate that any Economic Strategy approved by the Council must have a proper balance and maximum participation by and for the Small Business Owners. Our Economic Strategy cannot overlook Dumfries storied relationship with the Town.

Small Business Owners continue to give back to our Town by participating in our parades, volunteering time to the Town as members of committees, showing a presence at Town hosted events such as clean-ups, and donating money and assets to our local government. A recent example that comes to mind was at a recent Council Meeting where the DBA provided computer assets to the Town.

I have watched over the past 18 months as development and recruiting activities have been centered on franchised eateries and Government Contractors. I have listened and have been told that the Council sets the tone, or rather what the "Council desires or wishes" are expressed by the outcome of a vote on topics such as zoning and enforcement.

These businesses chose to be here, they are building a lasting friendship, or should I say a partnership with this Town Government. They talk to each other, the Town Staff and, their elected officials. Town Staff has come and gone, we politicians come and go, but these businesses are here for years.

I am asking the present and future Councils to think hard from here on out as to what we want our Town to represent. Franchises are fine, Government Contractors are fine and a position can be made that there are a bunch of Government Contractors that are 8A, Woman Owned, Veteran Owned, Hub Zone qualified, but it has been and will continue to be the Small Business Owner that provide a service to this Town. History tells us that these small businesses are our bread and butter.

I would like to reiterate that 67% of the growth in Economic Development has been from Small Business Owners. We cannot ever forget the Small Business Owners while not voters...certainly they are just as important as our constituents and deserve our attention."

Mr. Toney thanked Ms. Washington for the opportunity to read to the students at Dumfries Elementary. He mentioned talking with the Johnson family on Washington Street about the streets eroding due to heavy trucks and asked that it be looked into.

Mr. Tkac mentioned that there was some equipment that was moved through there; however, there was some stuff put down over the road to keep from doing any damage. He advised that someone would go out and take a look.

Mr. Toney hoped that in the near future a seat could be given at the table to the Community Services Director.

Ms. Washington thanked those who volunteered to read during the Read Across America. She thanked Mr. Singh for coming before Council.

Ms. Barr noted that Lent Season has come and she has not given something up, so she has decided to give to a charity every week. She challenged everyone who has not given up something for Lent to shop for some food to help stock some of the local food pantries.

Ms. Jurgensen announced with a heavy heart her resignation effective May 24, 2012 as her husband, Lieutenant Colonel Jurgensen, has been selected to Command the 11th Field Investigations Squadron and will continue to faithfully serve the community until their departure.

IN RE: CLOSED SESSION (NONE SCHEDULED)

IN RE: ADJOURNMENT

Ms. Barr moved, seconded by Ms. Washington, to adjourn the meeting. The motion carried by the following voice vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; Ms. West, yes.

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Nancy H. West
Mayor