

AT A WORK SESSION OF THE DUMFRIES TOWN COUNCIL, HELD ON APRIL 16, 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 after citizen comments)
Derrick R. Wood
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: CITIZEN COMMENT PERIOD

Leo Lewis noted the grand opening at the playground was fantastic. He received a few comments about there not being enough rocking horses for the kids. He and Wendy Pope sent an email to each Council Member. He thanked Ms. Forrester, the Mayor, and the Town Manager for answering him. He still does not have the answer he wanted. The Town Manager took care of closing the gate where there was not supposed to be one. He wants to know why the fence does not go down Graham Park Road like it was supposed to.

IN RE: CHANGES TO THE AGENDA

Mayor Foreman asked if there were any changes to the agenda.

Mr. Taber requested that the closed session, Item A, for personnel be removed.

Mayor Foreman asked if Council wanted to limit the length of the meeting since this is a combined meeting, work session and budget discussion. It was suggested to go until 10:00, see where Council is on the agenda, wrap up whatever is being discussed, and make an effort to go into closed session by 10:30, and if needed announce that a meeting will be held next week on Tuesday.

Mr. Brewer asked if that was in the form of a motion.

Mayor Foreman explained that because it is a work session no votes are taken. He asked Ms. Sanders to clarify.

Ms. Sanders noted that was correct, technically speaking; however, in the instance that Council wants to take care of the Town's or the public's business in a timely fashion a vote could be taken to continue that particular item to the next meeting, and then you would state that meeting would be next Tuesday.

Mayor Foreman asked if the vote needed to be taken now.

Ms. Sanders recommended doing it at that time.

IN RE: INFORMATION ITEM(S)

A. TOWN ATTORNEY REPORT – CHRISTINE SANDERS

Ms. Sanders noted most of her time has been spent working on the Tripoli Heights Drainage Improvement Project. Court continues to creep more and more into her time for criminal misdemeanors and juvenile domestic relations. She is also filling in as needed for staff that has turned over.

B. TREASURER'S REPORT – RETTA LADD

Mr. Toney asked if there were any trends Council needed to be made aware of in terms of how revenues are coming in and going out.

Ms. Ladd noted revenues are coming in very well. If you compare balances from last month to this month, the balance is up.

Mr. Toney asked if any of the revenues coming in are from the new tax rate assessed by the County.

Ms. Ladd asked if that was for real estate.

Mr. Toney agreed.

Ms. Ladd explained that revenue is billed in May and is due by June 5. She noted staff has been trying to collect for business licenses, decals, and real estate, whatever is owed to the Town, with a good turnaround.

Ms. Forrester asked if everything went smoothly with the five percent refund going out on the second tax bill.

Ms. Ladd clarified that would occur with the first half billing.

C. COMPREHENSIVE PLAN AMENDMENT TO TRANSPORTATION PLAN – GREG TKAC

Mr. Tkac noted the current Transportation Section of the Comprehensive Plan (CP) does not address the Potomac Shores subdivision just north and east of the Town. The proposed amendment is intended to eliminate all references to the Harbor Station development and incorporate the Potomac Shores development. In addition, it shows a proposed signalized intersection at Tripoli Boulevard and an extension of Tripoli Boulevard to the northeast to connect to the proposed Potomac Shores Parkway. He was requesting that a combined public hearing be scheduled for May to make those minor changes.

Mr. Brewer did not recall seeing anything about Tripoli Boulevard being extended across the street, where the car dealership is now, when the developers from Potomac Shores made their presentation. If it were on their plans, he would have brought it up.

Mr. Tkac noted that it was not; however, what the plan did incorporate was the elimination of a controlled access point on Old Stage Coach Road with no provision for a controlled intersection anywhere. Town staff discussed this and determined this is a very viable and needed area for a controlled intersection. It would also enhance the opportunities for development of the salvage yard and would be a little more beneficial to the Town in the future.

Mr. Brewer asked if the developer was trying to go into Tripoli Heights and connect to Route 234 again.

Mr. Tkac explained that was a proposal made by the Virginia Department of Transportation (VDOT) back in early 2000, 2002, and is totally off the books. It is not supported by the Town or VDOT and has not been proposed in anything he has seen.

Mr. Brewer mentioned this was not in the last proposal that was made either.

Mr. Tkac clarified that this is not the developer for Potomac Shores, but Town staff making the recommendation.

Mr. Brewer questioned staff recommending Tripoli Boulevard be extended into the new Parkway.

Mr. Tkac noted this is being strongly suggested by staff. He explained that in the last presentation, there was a blacked out area from the Parkway to Old Stage Coach Road, but it did not include the extension all the way to Tripoli Boulevard.

Ms. Sanders explained Mr. Tkac was trying to apprise Council, to the extent that Council may be taking issue with the current proposed plan for Potomac Shores, for this particular section that this is the opportunity to put in place what the Town desires opposed to what the developer would like. If the Town were to amend the CP to suggest this would be more appropriate that would give the Town some legal underpinning if the time should come to press the matter.

Mr. Brewer asked if the Cosner property zoning was going to be changed.

Ms. Sanders understands the property is zoned industrial and is unaware of any application for rezoning.

Mr. Brewer asked if any proffers were being asked for since the development will be coming within Town boundaries.

Ms. Sanders was prepared to discuss the matter more fully in a closed session.

Ms. Forrester felt Council would need time to absorb all of this and that more than likely she and Mr. Brewer would not be able to vote on the proposed changes.

Ms. Sanders asked if Ms. Forrester was suggesting that because she and Mr. Brewer live in Tripoli Heights that they could not vote on the proposed changes.

Ms. Forrester thought she and Mr. Brewer might have concerns that other Council Members would not share.

Ms. Sanders explained to Ms. Forrester that her vote would go beyond the scope of her specifically since there is a greater neighborhood with several individuals.

Ms. Forrester asked if that meant she and Mr. Brewer could vote.

Ms. Sanders suggested she would have to reclude herself from voting due to a conflict.

Mr. Tkac mentioned that a public information meeting was held during the project development of the Tripoli Boulevard improvements where there was an overwhelming amount of requests for a signalized intersection at Route 1 and Tripoli Boulevard. It was unfortunate that there was no way to accommodate the request based on the traffic volumes. This would accommodate a community desire to be able to access Tripoli Boulevard from a controlled intersection, especially during am and pm peak hours.

Ms. Forrester understood that; however, that would lay the groundwork for the feasibility of connecting Route 234 on the other side of Tripoli Boulevard. She mentioned the developer is already proposing a flyover on the north end. She just wanted Council to be cautious.

Mayor Foreman read the following from the CP. "Potomac Shores Parkway: construct Potomac Shores Parkway as a four lane arterial with a raised median..." He asked for a definition of raised median.

Mr. Tkac explained a raised median is similar to what you see on many arterials. He used the example of what is on Minnieville Road. It consists of a six-inch curb with a grassy median strip. Sometimes they are 16 to 32 feet wide depending on the number of turn lanes and are often landscaped.

Mayor Foreman asked why the matter could not wait until the next work session in order to solicit suggestions from Council. This way Council could be prepared to discuss the matter and list concerns, which would give Public Works the ability to go back and draft the language.

Mr. Tkac indicated the intent was to remove all references to Harbor Shore by inserting Potomac Shores. Also, acknowledge that the development will build an arterial, and is one of the items that was part of the presentation, which would give the Town a starting point. It was felt the sooner the amendment was done the provisions would go along with what the Council and Planning Commission desires be incorporated into conversations with the developer.

Mayor Foreman understood this document would be provided to the developer, be a placeholder, and nothing more.

Mr. Tkac stated that was basically correct.

Mayor Foreman indicated at a later date, for instance the next work session, it could be placed on the agenda to get individual Council Member concerns that way the developer does not come back, go through the whole thing, and Council still have the same questions. It would be a list of concerns to be addressed and would come back to Council. The same way things have been done with the Potomac Landfill and Pete Singh.

Mr. Tkac wanted to move forward to a public hearing and vote at the following meeting.

Ms. Forrester pointed out that this was not Town property.

Mr. Tkac noted there would be extensive conversations with the developer regarding what the Town will and will not accept.

Ms. Forrester mentioned the property owner is not the developer.

Mr. Tkac noted that was correct.

Ms. Forrester explained that was the point she was trying to make.

Mr. Tkac explained this is acknowledgement of the project.

**IN RE: DISCUSSION ITEM(S)
 A. ARCHITECTURAL REVIEW BOARD (ARB) UPDATED DESIGN
 GUIDELINES – LAURA O’DELL**

Ms. O’Dell noted the ARB has been working with a consulting firm to design the Historic District Guidelines. The current historic district is not enlarging with the guidelines or placing harsher regulations or restrictions on property owners. It is simply a tool to help with designing when a property owner wants to renovate, remodel, change the appearance of their house, etc. It does require that a homeowner go before the ARB for approval. If the homeowner is not happy with the decision made by the ARB, they can appeal that decision to the Council. The Council would then make the final decision on whether or not to agree with the decision made by the ARB. If the local government has a plan for a local district and a homeowner can gain a certificate of appropriateness for the work performed in the historic district they can apply for state and federal incentives. There are guidelines currently in place and the proposed changes add more clarity, options, and more detail as to what can be done. She was before Council looking for guidance. She mentioned a member of the ARB wanted to speak to Council too.

Ms. Forrester asked if the words “add details” and “more options” that there are no limitations. She heard what is in existence is more restrictive than what was being proposed.

Ms. O’Dell explained it is not more restrictive, it just does not have the examples, the details for people to follow when they want to renovate their homes.

Ms. Forrester asked what was more restrictive, what currently stands, or what is being proposed.

Ms. O'Dell stated neither one is more restrictive. She explained the current one does not give enough guidance. The proposed changes are more in-depth and provide more options to look at and consider.

Ms. Forrester asked if that was to consider or adhere to.

Ms. O'Dell indicated it was to consider. She explained that if you want to put up a fence in your yard there are pictures and diagrams of different types of fencing that are appropriate for different eras or time periods, which gives the property owner something to look at. It allows the property owner to look at all the options to choose from opposed to saying you can have a fence but provide information on the type of fencing you propose.

Ms. Forrester understood it would be choosing from one of the ten options; however, she could still propose her own, but it is speedier to choose one of the ten that have already approved.

Ms. O'Dell agreed.

Ms. Forrester pointed out the property owner already has the incentives since the area has already been established.

Ms. O'Dell agreed.

Ms. Forrester pointed out there would be no changes to the incentives.

Ms. O'Dell pointed out that she was just educating everyone that there are incentives and that this is a positive document.

Ms. Forrester noted Council's decision on this particular piece has no bearing on the incentives.

Mr. Wood recalled some of the concerns that were addressed last time dealt with the restrictions on some of the businesses, as well as some residential. There are some newer properties mixed in with the older and Council did not want the guidelines to be restrictive to the newer homes.

Ms. O'Dell stated the ARB Member has some suggestions on how to handle that.

Jennifer Stringfellow, Chair, noted newer buildings in other historic districts are considered to be non-contributing properties. She mentioned that the Town's ordinance does not clearly delineate between what is non-conforming in a historic structure. A change to the ordinance may help with that. Properties considered not to be a landmark nor a contributing property to the historic district, like in the Town of Smithfield, allow the Zoning Manager to make the decision as to whether or not it needs to come before the review board. She indicated Council could consider that option.

Mr. Wood mentioned the issue the hair salon had was a problem with using the sign that was already there.

Ms. Stringfellow noted for a little while that property was considered not to be in the historic district, but it actually is. She does not know exactly when the sign was installed; however, she understands

that the previous ARB never reviewed or approved the sign. When the application came before the ARB, the sign did not meet the current guidelines. The ARB was trying to come up with something that was appropriate for the historic district. The ARB did not feel the imagery used was appropriate for the historic district and the color choices made it hard to read the sign. Recommendations were made for some slight changes to the sign the ARB felt would improve it and if they were made the ARB would have approved the sign.

Ms. O'Dell stated the main issue with the sign was that it was a non-conforming sign. When a business moves out and a non-conforming sign exists, it has to come down, and the new business has to conform to the current regulations. She noted it was more of a zoning issue than a historic district issue.

Mr. Wood mentioned the complaints he hears from the businesses is not being able to advertise and promote their business. He explained businesses feel it is difficult to work with the Town and that the process is complex.

Ms. Stringfellow stated the ARB was not trying to make things difficult in any way. The ARB made recommendations for modifications to the application for what the ARB considered would be a better sign. The applicant has choices at their disposal. They can re-apply with modifications, apply with an entirely different sign, or they can appeal to the Council for a reversal of that decision, which would leave the decision to the Council. Since it has been over the period allowed, the applicant would have to re-apply anyway.

Mr. Wood stated the business left the Town.

Ms. Stringfellow was sorry to hear that. She hoped the decision of denying the sign was not the cause for the loss of the business because that was not the ARB's intent.

Mr. Wood wanted to make everyone aware of those concerns.

Ms. Stringfellow heard that there was an implication that the ARB was discriminating against the applicant. She made it very clear that was not on any of the Board Members minds.

Mr. Wood thought the applicant felt that way because some of the same imagery that was previously used was being proposed on the new sign.

Ms. Stringfellow explained that was not the case and the ARB just felt the sign was not appropriate.

Mayor Foreman attended two of the meetings when this sign was being discussed. One of the meetings was mainly a discussion about the sign. He knows the ARB made some recommendations and it was conveyed clearly to Mr. Brim that the applicant could come back to discuss the sign.

Ms. Stringfellow noted the applicant was not at the meeting.

Mayor Foreman attended the next meeting to see if the applicant would attend to let her know that she could appeal the decision, which the applicant did not attend. The applicant had every opportunity.

He recalls that one ARB Member asked the applicant to come in to get clarification since it was not clear what the request was.

Ms. Washington asked if the ARB is considering, with these changes, the fact that there are homes in the historical district now that were not previously. If so, how is that being handled if changes are made and there is already something in existence that goes against what is being proposed? For example, her home was in the historic district, then a change was made a couple of Councils' before that removed it, and now it is back in the historic district. She did not believe anything was done that would not conform; however, there may be homes that were not in the historical district that made changes that would now be non-conforming. She asked if those homes were grandfathered in or do those homes have to have changes made.

Ms. Stringfellow stated the homeowner would not have to make any changes. She recalled Council did vote to make a change to the historical overlay district; however, the official vote to actually change the boundaries never actually happened. She indicated that Ms. Washington's home was always in the historic district; however, the ARB did not know they had any obligation or authority to review changes to her property or her neighbors' property. She thought that last year Council took a vote to leave the boundaries as they are. She noted Mr. Brim or Ms. Sandlin sent out a letter to all the residents in that part of the historic district to inform them they were in the historic district and that changes to their property needed to be reviewed by the ARB; however, any changes made between the years they thought they were not in the historic district and the date of the letter would be grandfathered and not be required to make changes.

Ms. Washington remembered getting the letter; however, they were not sure about the grandfathered part.

Ms. Stringfellow apologized for not attending the last meeting when Council voted. Staff did try to contact her, but she had another meeting to attend.

Mayor Foreman asked if the request for information and guidance from the Council pertaining to how to proceed was gotten.

Ms. Stringfellow did not think so.

Ms. Forrester noted it was not voted down, it just died on the floor.

It was clarified that the proposed Design Guidelines were voted down. The request is for guidance in order to get the proposed Design Guidelines passed. There was a brief discussion on whether there were any recommended changes and what needed to be done to bring it back for a vote.

Ms. Sanders clarified that another public hearing would have to be scheduled.

Ms. Forrester expressed concern that since the matter was voted down Council cannot just bring it back for another public hearing. She felt that a vote needed to be taken to decide whether to schedule another public hearing since Council has already voted it down.

Ms. Sanders advised the appropriate thing would be to have an agenda item at the next public meeting to determine whether Council wants to bring the proposed Design Guidelines back and hold a public hearing.

Ms. Forrester noted the Council would take a vote on that.

Ms. Sanders agreed.

Mr. Toney thought that maybe the Members on Council who had an issue with the initial proposal might want to meet with the ARB. This would allow for guidance on what was not supported in the proposal.

Ms. Stringfellow pointed out she was not hearing any direct problems with the guidelines. She was hearing there were problems with the zoning.

Mr. Toney did not think he would support the guidelines if they came back the same.

Ms. Stringfellow asked why Mr. Toney would not support the guidelines.

Mr. Toney did not agree with the guidelines. He would talk to the ARB when they have their meeting.

Ms. O'Dell stated the purpose of this joint meeting with the ARB was so that comments could be provided.

Mr. Toney reiterated that was what was being proposed, a joint work session. He clarified this is not the purpose of this meeting; this is a Council work session.

Ms. Sanders noted one could be scheduled.

Mr. Toney was proposing to meet with the ARB. Four Council Members voted against the guidelines. At that time it can be articulated as to why, what the issues are, and then the ARB can decide whether to consider the issues and make changes.

Ms. Sanders indicated that could be done. Right now, there is only the Chair of the ARB available and if Council wants the entire ARB available, a work session can be scheduled.

Ms. Stringfellow pointed out there was another ARB Member in attendance.

Ms. Forrester wanted to make sure that everyone was clear. Anytime there is a misunderstanding it is not Council's, it is always staffs misunderstanding, because for a minute there she felt like they were arguing that Council was not understanding the purpose of the discussion. Council decides the purpose of the discussion. A good point was made that if Council adopts this, it is the adoption of guidelines for the historic district. She agrees that there is still some concern over how the zoning exists. She noted if the

guidelines were adopted specific to the historic district, if at some point the historic district is defined differently in the zoning ordinance whether the guidelines would simply shrink or expand. The guidelines would just go with the district.

Ms. Stringfellow noted the historical district does not necessarily have to shrink. It can be identified in the zoning ordinance that non-conforming structures do not apply. She noted Smithfield addresses more recently built buildings that would not be considered historic structures in the zoning ordinance. She read the following excerpt from the Town of Smithfield's' zoning ordinance.

“Approval of Certain Major Actions by the Planning and Zoning Administrator - Properties Other Than Designated Landmarks or Contributing Properties:

A. In addition to its granted authority hereinabove for all properties in the HP-O District, the Planning and Zoning Administrator shall, for properties not designated as landmark or contributing properties on the inventory map, have authority to approve any of the major actions as listed herein below except construction of a new main building or accessory building...”

Ms. Forrester noted the historic district is now broader than it used to be.

Ms. Stringfellow noted it was not. She explained a vote to shrink it was taken; however, the final vote never happened. At least this is her understanding from previous staff.

Ms. Forrester clarified it is the same size; however, someone proposed smaller, thought it happened, and it never did. She asked if Council adopts the guidelines and the historic district through a zoning action, whether the guidelines would apply to what the defined historic district is and not a broader area.

Ms. Stringfellow agreed. The guidelines and the review of the ARB follow the historic district, which is governed by State law.

Ms. Sanders agreed. The point was well made that the guidelines go with the district and there are guidelines in place now. If the zoning is an issue Council can address that, but what is in front of the Council is whether or not to change the guidelines to the newer ones that provide more specific detail for people to follow if they live in the historic district. She admitted that she had not read the proposed guidelines. The guidelines do nothing to the size of the overlay and is elaborating more information for the people as opposed to being left to your own devices about how to comply. She noted there are two issues going on here.

Ms. Forrester was not clear on why the need for specificity. If the guidelines are vague now and you want to provide suggestions to people, why not just provide those suggestions.

Ms. Stringfellow noted that is what the ARB does. She believed it relieves a source of frustration for people who are in the historic district. The guidelines now are not specific and hardly address new

construction at all. She did not read the old guidelines before the meeting; however, applicants go by those guidelines and often go away frustrated.

Ms. Forrester's point of confusion is that Council was told the proposed guidelines are not more restrictive, just more detailed. Therefore, if they are not more restrictive Council does not need to vote on them. If an applicant needs a suggestion, everything the ARB wants to suggest can be suggested. Suggestions can be made all day long if it is not a requirement. Only if it is a requirement does Council need to take action. She asked if this is a more restrictive requirement or are these in fact suggestions or opportunities.

Ms. Sanders understood the old guidelines are a policy document adopted by Council that did not provide enough clarity. Here is an opportunity, if Council chooses, to adopt a new policy in the form of a guideline that staff is comfortable using with applicants. It is Council's prerogative to create a policy that provides more clarity.

Ms. Forrester did not understand why suggestions could not just be made.

Ms. O'Dell explained it helps the applicant to have something to read, look through, see pictures, and suggestions.

Ms. Forrester thought the applicant could still have that. That could be a recommendations document. If the applicant is not bound by it then it can be just what it is, suggestions.

Ms. Sanders noted if that is the position of the Council, staff could take that document and use it as an example for applicants.

Ms. Forrester explained this was just for her own clarity. She did not understand why Council would vote on it unless it was a matter of stating here are your options, your only options, not just some suggestions, which are two different things and she thinks Council needs to understand what is being voted on. She stated if there are only ten fence options and no others then Council needs to vote on the guidelines. However, if these are just ten suggestions and you can provide something else then the guidelines do not have to be voted on. She was not sure why this was so hard to understand and questioned being clear.

Ms. Sanders NOTED Ms. Forrester was being clear. She suggested the ARB was looking for some cover, a sense that Council adopted a policy and here are the guidelines.

Ms. Forrester understood that, but maybe the ARB did not feel they had the ability to suggest things unless Council told them they could suggest things.

Ms. Sanders thought that has now been made clear.

Ms. Stringfellow asked if that meant Council did not have to vote on the guidelines.

Ms. Sanders suggested not calling them guidelines. She noted there are guidelines that have already been approved and now you have another document that can be used for examples.

Mr. Brewer noted being on Council when this originally came up. A vote was taken to downsize the historic district to just Main Street. He came back on Council and found out what was voted on was not really a vote or something. Now he has a document that states the Council approved the new historic district boundaries, which was okay. His problem is the historic district. The Town has very few historic buildings, which should be under the purview of the ARB. Not a house that was built in the 1950's or later. He explained that was the reason the vote was taken to change the historic district to encompass only those historic buildings. He understood the changes made because the guidelines were very vague and that was fine. The reason for him voting against the guidelines was the area it encompassed. He mentioned it does encompass a few historic homes like the Weems-Botts Museum and the Henderson House. He pointed out that Ms. Washington's house is in the historic district, her home is not historic, and that was the main problem back in 2002. People were coming to Council asking why they had to abide by the rules when their homes were not historic. He is not against the guidelines; he is against the area it encompasses.

Mayor Foreman noted there were three things. One is a joint meeting, which Council could have by attending the ARB meeting next Tuesday at 6:00 pm. There are the guidelines being presented and the historic district in them. The ARB met June 14, 2011, at which time discussion was had surrounding the historic district boundaries based on the information provided by Ms. Sandlin. The ARB concluded that because there was never an amendment to the ordinance the ARB would be required to enforce the current code, which outlines the current historic district boundaries based on the 1790 Town map. A joint meeting was held with the option to either follow and enforce the historical district boundaries as defined in the current code or change the code to reflect the 2005 vote. At the Council meeting June 21, 2011, the historic district boundaries were discussed and the result of the discussion was a unanimous vote, Ms. Forrester was absent, to use the historic 1790 boundaries. Those are the boundaries in the guidelines being presented.

Ms. Stringfellow noted that is the map included in the guidelines.

Mayor Foreman was hearing that Council wanted to talk about the guidelines, but does the boundaries for the historic district need to be brought back for discussion.

Ms. Washington would like to discuss further the historic district due to the concerns she has heard. The problem is many people are now finding out they are back in the historic district and have had problems with the ARB. Things like getting approval, doing what they are supposed to do, then somebody coming to their home and telling them that is not what they were supposed to do. People feel very strongly about not being in the historical district.

Mayor Foreman asked that the definition of the historic district, what was presented to Council in 2005, what was voted on two years ago, and the 1790 map to a work session for Council to discuss. He

thought once that was discussed then the guidelines could be done or do them both at a joint meeting. He asked Council if it needed to be broken into two separate items.

Ms. Forrester felt they were two different issues. One shrinks if the zoning shrinks. The guidelines would apply to whatever the area is. You either agree with the guidelines or not. Whether the area shrinks or not has nothing to do with the ARB's need to have guidelines.

Mayor Foreman asked if Council wanted a joint meeting with the ARB, the dates will be scheduled through the Town Manager, to talk about the guidelines, and then Council can have a work session to talk about the historic district overlay.

Ms. Washington noted the ARB did a great job with providing examples. She felt the confusion coming from her and the people is the zoning. There are people who live on a street that has nothing historic along it and do not understand why they are included.

Ms. Stringfellow noted the ARB was quite surprised at the vote since the guidelines were provided to Council in January asking for feedback, which none were received. At the public hearing, there were no citizen comments and the concern Council has relates to a zoning issue. She recommended that Council not change the boundaries of the historic district overlay. She knows the neighborhood has issues with them; however, she thinks a compromise can be made in the language of the zoning ordinance without shrinking the district. The overlay consists of the original grid of the Town from 1749. She felt it was very paradoxical not to include the original grid from the 1749 map.

B. COMCAST CABLE FRANCHISE AGREEMENT – CHRISTINE SANDERS

Ms. Sanders provided a draft since she has not received an updated version from Comcast. She wanted Council to see the length and complexity of the agreement. She was looking for some feedback on things the Town has the opportunity to choose a way to go. The first is the term or the length of the franchise to be negotiated. The second was the Public Education Grant (PEG). For about a month, the Town has been running a request for feedback from Comcast subscribers on the website to see if anyone was having issues. She had not received anything until today when an email came in about not getting the appropriate equipment, digital video recorder (DVR) capabilities. The PEG grant is a cost that is passed on to the subscriber over time. The PEG grant is to provide updated equipment during the franchise and not necessarily paid out initially. It can be paid out over the term of the contract. Comcast is under no obligation to do anything with respect to that equipment at this point. Most of the equipment in Council Chambers has already been replaced with newer equipment, which the Town paid for. Her understanding is that there is not a pressing need now for updated equipment. There was discussion about adding to the equipment mobile cameras. This would be the time to decide whether to apply for a PEG grant to fund

equipment like that. This will need to be passed in the form of an ordinance, needs an advertised public hearing, and would come to Council at the first meeting of the month.

Mr. Brewer thought a fair term would be ten years and that fifteen is too long.

Ms. Forrester thought it would be more ethical for the Town to upgrade the equipment by budgeting for it. She did not think it was appropriate to apply for a grant knowing the cost would be passed on to the subscriber.

Mr. Wood asked if the equipment in question was mainly the cable boxes, the DVR, citizens' use in their homes.

Ms. Sanders noted that was a separate issue. She explained the PEG grant would just be equipment for the Town.

Mr. Wood questioned if the taxes being billed to the citizens was based on the equipment the Town has.

Ms. Sanders explained the equipment that is in a subscribers home is between them and Comcast directly.

Mr. Wood noted that has nothing to do with the franchise agreement. He asked what the Town was asking for in the franchise agreement.

Ms. Sanders noted it would be how long the agreement would last before needing to be renegotiated and whether the Town is interested in capturing a PEG grant. One of the other issues does address customer service. So, over the time of the franchise there is an opportunity to understand whether they are being responsive as a franchise operator to the customers.

Ms. Reynolds asked what the incentives are to go from five to ten or fifteen years.

Ms. Sanders indicated there really was none. It is just a matter of restarting the negotiation process again.

Ms. Reynolds asked how long the negotiations are.

Ms. Sanders noted six to eight months. The Town is outside the terms of the old franchise that expired before she started working for the Town. It came to the Town's attention last year and she has been working with the franchise representative since early fall. There is always the possibility that State or Federal Law might change during the negotiations that could affect the agreement. The franchise is affected by Federal Law and it is written that if the Law changes then the franchise changes.

Mayor Foreman supported the ten-year term. Comcast shut down an office in Dumfries, which he did not know even existed. He wanted to ask Comcast if they would reopen an office.

Ms. Sanders explained Prince William County (PWC) residents have to go to Dale City or Gainesville. Many localities struggle with the accessibility of the franchise operator's offices. She did not think the Town could require one, but she would certainly ask.

Mayor Foreman wanted to know why the office was shut down. When Comcast says, it was not being used; he would like to know what Comcast was doing to let the citizens know they had access to it. He noted there are citizens that have to take a bus, stand in line to return a box, and then get back on the bus.

Ms. Sanders understood Comcast comes out and picks up boxes if you call and schedule a pick up.

Mayor Foreman clarified Comcast would be between 8 and 5 p.m.

Mr. Toney wanted to know how many subscribers subscribe to Comcast in the Town. He felt Comcast has to provide some sort of concessions to the citizens. Otherwise, Council is not doing what it is supposed to do.

Ms. Sanders was going to ask if the information could be provided. She pointed out the Town does not have the ability to not renew the franchise and can only negotiate the terms. Comcast has met all the requirements under Federal Law to continue to operate; installed the infrastructure, provided access to cable, and Council does not have the option to take that away. It was noted the Town could not dictate how much is charged to the subscriber either.

Mr. Toney asked what aspect of the terms Council could set.

Ms. Sanders explained Council could set how long the franchise will last, whether to apply for a PEG grant, and customer service issues.

Mayor Foreman asked Ms. Sanders to inform Comcast that the satellite office is not just for the Town. It would be for the Marines at Quantico, Triangle, Southbridge, Montclair, and Graham Park. There are many things done down here in southeastern PWC. Parades, Town parks, and Town events. Council needs to make sure Comcast knows that the office is not serving 5,000 citizens in the Town, but the greater area of southeastern PWC and the Town takes pride in offering these services.

Ms. Sanders asked for more guidance on the terms.

The consensus of Council was to set the terms at ten years.

Ms. Sanders asked if Council wanted to forego the PEG grant or would Council prefer the franchise have a placeholder so that the Town has the option to exercise the PEG grant over the term, in which case the Town is not obligated to take it and Comcast is not obligated to provide it.

Ms. Forrester did not want it in there at all; however, she may not be on Council for the full term of the franchise.

The consensus of Council was to have a placeholder.

C. SUMMER YOUTH EMPLOYMENT PROGRAM – CYDNY NEVILLE

Ms. Neville noted the proposed 2013 Summer Youth Employment Program Application was before Council. The only notable change was the addition of the option for local businesses to participate.

Mr. Brewer asked if this was the same as what the Summer Internship Program was.

Ms. Neville agreed it was.

Mr. Brewer was aware there were some complaints about the program last year. He asked who would be overseeing the program and who would be placing the individuals with the businesses. He needed more clarification on who was responsible for the children. He asked if they would come to Town Hall to meet, driven to a business to go to work, or are the parents taking them.

Ms. Neville explained a business would be a work location, so the individual would go to the location.

Mr. Brewer asked who would be responsible for taking the individual to the location.

Ms. Neville clarified the individual would be responsible for getting to the location.

Mr. Brewer mentioned that when the individuals were assigned to a department at Town Hall it was whoever was in charge of that department who was responsible.

Mr. Toney explained that in 2008 the proposed Summer Youth Employment Program morphed into an internship program. It has been discussed over the last couple of months about reinstating that program. Something very basic, very simple. The Town would just hire 20 youth. He was hoping the program would consist of hiring 15 to 20 youth between the ages of 15 and 18 to give them a meaningful work experience. He mentioned using a lottery system. He noted filing out the application prepares youth for life. You have to fill out an application wherever you go. Fill out the application, provide a work permit, social security number, put them in a pot, and draw 15 to 20 of them. When you start talking about a 500-word essay, it was a good idea, but some people cannot write a 500-word essay. That is a lot of writing. It would serve the purpose if it was just a very simple youth employment program. He pointed out the youth will learn good work ethics, habits, and these things will carry with them for the rest of their lives.

Ms. Forrester could get on board with what Mr. Toney is suggesting. She sat on the committee last year and thought it was an internship program never really knowing it was a work program. She expressed concern over whether the Council directive was to establish in internship program and noted that staff did not have the right or ability to change that. She did not think it was changed because it functioned like an internship program.

Mr. Taber noted the only thing that might be considered employment would be when the participants went to Merchants Park - Weems-Botts Museum, which is the only thing that fell outside local government.

Ms. Forrester felt the expectations needed to be clarified. In her mind, if it is a work program then they come to Town Hall and do what staff wants them to do, which is one of the complaints about the program as an internship program. Even though the participants were divided up into different departments, which on the surface looks like an internship experience, the participants were actually doing work that maybe was not serving the purpose of familiarizing them with government function. If it is going to be moved to a work program then that is great, but she did not see where the business portion would come in. She indicated the Town should not be paying people who are supposed to be working for the Town to work at a private business.

Ms. Washington asked how the program was going to be publicized.

Ms. Neville was planning on going to the school's in May to meet with the students and market the program in addition to how all the other events are marketed minus a banner.

Ms. Washington noted she likes flyers. There were several churches that flyers could be placed. She was not aware of what Mr. Toney was speaking of. She asked Ms. Neville how she saw the internship and work program as being different or the same.

Ms. Neville noted she was trying to gauge what Council wanted and get feedback to determine how Council wants the program to operate. An internship would have more of a curriculum and learning process where a work program means work. She thought that last year's program was thorough with a nice culminating activity. She thought the participants learned a lot. She felt participants would learn a lot with the employment program as well, but some of those aspects or objectives may not take place.

Ms. Washington asked if different departments mentored the participants last year.

Ms. Neville noted that was correct.

Ms. Washington felt that was where the intern idea was formulated. It sounded like there were two different programs, a summer youth employment program where the Town is trying to get some of the businesses to hire the youth and then an intern program.

Ms. Neville noted the program was a summer youth employment program last year; however, it functioned more as an internship. She noted if Council moves toward working with the businesses then it would be more like an employment program for youth during the summer.

Ms. Washington asked if Council would be placing students into the businesses and paying the Town paying the salary or if the businesses would pay the salary.

Ms. Neville was looking for guidance from Council. She mentioned there is \$5,000 in the budget for this program.

Mr. Wood was for a youth employment program with an application and interview process. The individual could apply to the different departments by looking at the job descriptions for each position. This would help build skills.

Ms. Neville noted that was how it was last year.

Mr. Brewer had some issues with the program. First, the ages of 15 through 18; at 18, you are considered an adult. He felt the age should stop at 16. Public Works would be too dangerous for the youth with the equipment being used to mow, etc., which creates a liability. He wanted to keep it simple, an in-house internship program.

Mayor Foreman was glad that clarification was made that the program is slowly changing into something else. Two years ago, he understood the program was an internship program that would teach the participants about Town government. He was under the impression the participants would attend a Council Meeting, meet with the Council to ask questions, and would see an issue go through the process. He thought it was going to be the same last year. This year it is not. Last year, participants went to the various departments and received a lesson plan. He requested the lesson plan be included in the package if there was one. Let the individuals who are applying for the program know what the expectations are. There is nothing worse than being hired to find out you are supposed to do something you knew nothing about. He also suggested having recommendations made from the participants at the end, bad or good. He was opposed to having an employment program with the individual working at a business in Town.

Ms. Reynolds was hearing a difference in the wording. She thought the program should allow participants up to 18 years old because there are 18 year olds in high school. She asked what days of the week the program would run.

Ms. Neville stated it would be for 15 hours a week Monday through Friday.

Ms. Reynolds liked the idea of being assigned to a department.

Ms. Neville suggested that rotating the participants could be done too.

Ms. Forrester did not see it as a difference in wording and that they are two different programs. She was on board to change it to an employment program. She did not see a need to change the age since many people employ 15, 16, and 17 year olds. She noted that if it is just a summer work program there is no expectation of start and finish as there would be with an internship. She noted that if the department is not available that an individual wants to work in then you just do not accept the job. She did not get the business involvement and thought it needed to be scrapped. She wanted to make sure whatever way the

program goes that it is made clear what it is. She noted if it were an employment program the applicant pool would probably be larger.

Ms. Washington liked the intern program better because it fits the mentor/mentee model. She agreed with having lesson plans and having those published. She felt a syllabus should go along with each department as to what really goes on in their program. She agreed with the ages of 15 to 18. The 18 year old would have to be a high school senior. She did not think the Town should get involved with the businesses. She felt the participants should be required to attend one or more Council Meeting. She wanted to do away with the essay and have an interview process. She liked the idea of rotating departments.

Mr. Wood noted there are localities that have work programs that go to 21 years of age; however, he agreed with the 15 to 18 years old. He liked the idea of using objectives of the position or job descriptions rather than a syllabus. He wanted to see evaluations of the employee at the end.

Mayor Foreman liked the interview, the ages of 15 to 18 if still in high school, job rather than internship, and using the same standards for hiring in relation to hiring relatives.

Mr. Toney wanted to keep it simple. He wanted the summer youth employment program for 15 to 20 individuals to learn work ethics and how to take orders.

Ms. Reynolds preferred the internship program with the opportunity to rotate departments, keeping the same age, and an interview process.

Ms. Forrester felt a job program would have an interview process and an internship would require an essay. It did not make sense to use an essay for a job and vice versa. She suggested voting at the next Council meeting on which one. In her mind, all the factors would fall in line under whatever selection is made. She was for 15 to 18 year olds, interview process, and job program.

Mr. Brewer was concerned with liability issues. He stated when the program was established it was an internship program for youth to come learn about local government. He wanted the age reduced to 16 year olds, an essay, and internship program.

Mr. Taber was not any clear the direction for staff. He suggested bringing back to Council a matrix of what an internship program would look like and a matrix of what an employment program would look like to the next meeting for a vote. He asked Ms. Neville if that would work for her.

Ms. Neville stated that would be great.

Mr. Taber checked with Council and it was the consensus to bring back a matrix on each program for Council's consideration and vote.

D. GINN MEMORIAL PARK COMMUNITY DEVELOPMENT BLOCK GRANT AND RESTRICTIONS OF USE – DAN TABER

Mr. Taber explained Council was considering how to move forward with the use of Ginn Memorial Park and staff wanted to make sure the Town was on the right legal terms. This goes back to a previous discussion about putting a police office there and the original determination was that it could not be done because of the conditions of the grant. He spoke with Prince William County (PWC), who administers the grant, and asked questions about what Council was looking at doing. It is clear the field cannot be leased out and the focus has to be on the youth that live in the Town. There are an enormous amount of things that can be done at the Park and just a few things that cannot be done.

Mr. Wood asked if fundraising was permitted.

Mr. Taber explained the Town could have an event there, like the Multicultural Festival, charge vendors a set-up fee, and the funds would be designated for use within the Park.

Mayor Foreman asked for clarification since the Multicultural Festival was not a fundraising event and did not make any money. He asked if a concert could be put on and admission charged as a fundraising event.

Mr. Taber would have to get more information before answering the question. He thought that could not be done, but would check.

Ms. Sanders commented the restricting document is the grant.

E. HEALTH INSURANCE BENEFITS – DAN TABER

Mr. Taber noted Council had expressed an interest in determining what kind of health benefits were offered to employees. The existing coverage and rates were provided to Council. The Town is in a unique situation since it has fewer than 25 employees who participate in the insurance offered. For that reason, there is a limited market of companies that are willing to offer a program. The Town, like many other localities with such a small number, go with a particular group plan called Local Choice Health. He had Ms. Ladd, Treasurer, looked at other carriers and it was determined that although the rate may be the same some of the benefits would be lost, like dental and eye, with higher deductibles. A couple of employee's have gone out on their own to see about getting coverage who might be able to get better rates or better coverage. He suggested Council allow him to continue his research. He also suggested that instead of just paying the Town's current share of the existing plan, offering the employee the same amount of money if the individual chose to go outside of the Town for insurance. Another concept of setting up an account where funding goes tax-free to pay the premiums. This way the employee does not suffer the tax penalty. He asked Council if they had any other input.

Mr. Wood mentioned the trash contract has a rider with Fairfax County. He asked if PWC, since they have a greater number of employees, would allow the Town to ride on their contract.

Mr. Taber looked into the idea and PWC is self-insured and are not interested in talking about it.

Mr. Wood asked about another locality that is around the Town.

Mr. Taber noted that all of the surrounding localities are using the same program.

Mr. Wood asked about having all four of the Town's in PWC combining to get over 25.

Ms. Ladd stated that was looked at and the other localities were not interested.

Mr. Taber noted the rates are going to increase anywhere from seven to nine percent due to mandatory health coverage in order to keep the same coverage provided now.

Mr. Brewer asked how many employees were on the health coverage.

Ms. Ladd advised 16 employees are on the health insurance.

Mr. Brewer asked if the Town paid for any of the premium.

Ms. Ladd noted the Town pays 80 percent of the premium.

Mr. Brewer asked if there were any other options.

Ms. Ladd noted the Town pays 20 percent of the premium for family insurance.

Mr. Brewer asked how many were on that.

Ms. Ladd did not have the information in front of her and would email Council the numbers.

Mr. Taber stated there were 16.

Mr. Brewer noted that out of the 16 employees we do not know how many 80 percent is being paid.

Mr. Taber stated it was in the records; however, the information was not available tonight.

Mr. Brewer explained another option would be to have the Town pay for the insurance premium in full for the employee. He asked that it be determined how much it would cost.

Mr. Taber would get Council the information on how many are just employee, employee plus one, and employee plus family.

Ms. Washington asked if this was researched through the Virginia Municipal League (VML).

Mr. Taber noted that staff would look into VML.

Ms. Forrester was concerned with giving an employee the option to go out on their own, because the more the enrollment drops the more expensive the premiums are. She did not understand why the Town would pay 80 percent if you were single and only 20 percent if you were a family.

Ms. Ladd explained the Town pays 80 percent of the single rate and if you are a family, it is that 80 percent plus an additional 20 percent of the additional premium minus the single premium.

Ms. Forrester suggested possibly adjusting that amount for the family portion.

Mr. Taber asked if that meant the Town would pay more of the family portion.

Ms. Forrester agreed. She did not know if this was the issue, but she thought if an employee has another insurance policy that the Town should look at not paying the premium for the individual to have a secondary policy.

Mr. Taber explained that previous Town Managers were giving employees a higher starting salary if they did not take advantage of the health benefits.

Ms. Forrester knew that was past practice in the Town; however, that is not standard in government employment. She noted that if a family has military insurance, a spouse is hired who enrolls in the Town's insurance policy the military insurance automatically becomes the secondary policy. She asked why the Town would take on the financial burden of primary insurance when they already have a great option. She thought it could be a cost saving measure for the Town.

Mr. Taber asked for a couple of weeks and he would come back with a few more options.

F. MOBILE FOOD VENDORS – VICE-MAYOR TONEY

Mr. Toney was revisiting an issue that died or went dormant for a while. He wanted to bring it back and move it forward for some kind of action. He read the following information. "The proposed mobile food vendor ordinance would permit entry-level restaurant entrepreneurs the opportunity to establish themselves within the Town, and amend the municipal code for peddlers and solicitors, by adding Mobile Food Vendors as an accessory use. The proposed ordinance would establish standards and regulations for mobile food vendors to operate within the Town. Currently, mobile food vendor operations are not written into Town Ordinance. The purpose of this ordinance is as follows:

- Establish a definition for mobile food vendor units (trailer, cart, truck, or tent)
- Permit mobile food vendors units as an accessory use on an established commercial retail business private parcel, while restricting such use on public streets/right-of-ways, and easements.
- Establishes a process for the mobile food vendor permit application.
- Sets an annual permit fee at a determined dollar amount.
- Establish that repeated violations will result in revocation of mobile food vendor permit.
- Establish that all mobile food vendors have liability insurance as an operational requirement.

The intent of this ordinance is to compliment traditional brick and mortar restaurants rather than compete with them, and establish standards and regulations for mobile food vendors to operate within the town of Dumfries. He hoped at some point a motion is made that the Town Manager direct staff to create

language that would meet the purpose and once that language is crafted, send it to the Planning Commission (PC) or Council could hold a public hearing to see how people feel about the mobile food vendor. He thought by law it would be required to go before the PC.”

Ms. Sanders explained this is where she needed some clarification. The peddlers and solicitors ordinance is not part of the zoning ordinance. She noted the request being made talks about mobile food vendors, as an accessory use in business districts and, in that sense, would be part of the zoning ordinance, which would require a referral to the PC.

Mayor Foreman asked if Mr. Wood needed to clarify anything about participating in the discussion since he owns a mobile food vendor business.

Ms. Sanders recommended to Mr. Wood prior to the meeting that he not participate since it is an ordinance and the particularities of how the ordinance might be crafted in terms of the impacts, fees associated, etc., he would have a direct financial interest. Mr. Wood needs to disclose publicly on the record if he chooses not to participate. The Virginia Conflict of Interest Act (COIA) is clear that there are some exceptions when someone has a direct interest in the outcome of an ordinance. Her recommendation came from trying to protect him in the public light in terms of can he participate in the discussion and can he vote on it in an impartial fashion. Her concern is the appearance that it would be very difficult to do so since he is specifically a mobile food vendor; however, there is an option under the COIA that does allow one to do that if the proper disclosure is made. Under Section 2.2-3115H (iv) “that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes...” There are two things to think about. Is he the only mobile food vendor that might benefit from this particular ordinance? Probably not. There are others out there. Would his business be directly impacted by the particularities of this ordinance? More than likely. So, therein lies the rub and the COIA was enacted with the overarching policy that the citizens could maintain in its local representative the highest trust in its public officers. She pointed out the Governor found himself on the front page of the Washington Post recently for failure to disclose something similar in terms of accepting a donation with respect to a catering bill for his daughter’s wedding. Her concern is avoiding the appearance of impropriety be avoided at all costs and is recommended.

Mr. Wood stated he was going to abstain from the vote and discussion. He asked what her direction or recommendation would be on whether it be an accessory use.

Ms. Sanders needed more clarification on what Council wants. Jurisdictions have handled mobile food vendors differently in Virginia. She noted some localities take care of food vendors under the peddlers’ license, which is not the zoning ordinance and a faster way to get an ordinance in place because it does not necessarily require a referral to the PC. However, if Council decides to go through the zoning

ordinance, which the City of Manassas just did, a joint public hearing could be held. The concern is to do the process in the proper way. She noted that if an ordinance was drafted and advertised for a public hearing this Friday, Council could have a public hearing in May. Council's practice has been to not adopt an ordinance on the night of a public hearing since that is the first reading. She asked Council to advise her on whether to use the peddlers' license or zoning.

Ms. Forrester understood Mr. Wood not voting, but did not understand why he could not be involved in the conversation since he has insight that she would like to hear. She would never try to get around the PC; however, the PC was asked for a recommendation well over a year ago on how to make this happen that was never provided. Since then she had an uncomfortable conversation with the PC during a meeting about a specific directive that was given that was not met and still nothing. She had even asked what the process was to remove PC members who refused to carry out the will of Council. At this point, she did not see why Council would choose to go that route. She was fine with supporting the peddlers' license in order to move the matter along.

Ms. Sanders explained if Council goes with the peddlers' license that at some point it will have to be married with the zoning ordinance to allow the accessory use. She did not recommend having one portion of the code remain silent or speak to a zoning issue and then not follow through with amending the zoning districts that Council allows this activity to occur pursuant to the peddlers' license.

Ms. Forrester understood that. She mentioned that Council did not ask the PC to endorse the use, but to design the language to allow the use. The PC could make the recommendation to not approve.

Ms. Sanders was prepared to draft something for Council to review. She would prepare something very broad. Once advertised you can make something less restrictive; however, if it were more restrictive it would have to be re-advertised.

Ms. Forrester wanted to make sure that what was being drafted is what Council has indicated it wants for over a year.

Ms. Sanders noted the draft would be based on what Mr. Toney has placed on the agenda item form, input from the Chief of Police and Zoning Administrator. She envisioned having a process or permit in place that would require the Zoning Administrator sign off on whether the use is in the proper zone, the Chief of Police to ensure there are no public safety issues, and the Treasurer that the proper fees have been paid.

Ms. Forrester asked if the draft would be provided prior to holding a public hearing.

Ms. Sanders would try to provide the draft.

Mr. Brewer wanted to know, since he was not on Council at the time, why the PC did not address the matter or, if they did, why Council did not understand that they did. He asked if the ordinance would address fees and taxes.

Ms. Sanders explained that would be a decision Council would have to make. Whether to have the food vendor subject to meals tax or flat licensing fee. She used the example of a food vendor that stays in the parking lot of an established big box store that is not subject to zoning. This is where she will need feedback from Council to determine whether a food vendor would be allowed to operate 24/7, six days a week, or for a period of time and have to wait 30 days before coming back. She understands there is a sense of urgency to the matter; however, she needs as much feedback as possible to move forward with drafting the ordinance.

Mr. Brewer did not want every food vendor around coming to Dumfries because they can. All the T's need to be crossed and all the I's dotted.

Ms. Reynolds asked how exactly the peddler ordinance would work. Would it be a first come, first serve on the property for a vendor to set up on?

Ms. Sanders thought it would be limited to certain zoning districts. She did not think it was appropriate to have food vendors in a residential district. Permission would have to be given from the property owner. Council could limit only one mobile food vendor be permitted per property. The Town did try to provide an outlet for mobile food vendors by permitting them at Town sponsored events.

Ms. Forrester noted the PC did not think this was a good idea for the Town and why nothing was provided. She recalled that after the PC did not do anything and Council could not do anything about it, the Town Manager indicated that staff would draft an ordinance. She wanted to limit the time a food vendor can be set up to 48 or 72 hours. She did not want anyone to permanently set up.

Ms. Washington had a lot of questions. She was not against the mobile food vendor. She asked if there would be restricted areas and access to public restrooms. She recalls the outcry that took place when JoJo's was allowed to come in without restroom facilities. Customers were supposed to use the Pizza Hut and Pizza Hut stopped letting people use the restrooms.

Mayor Foreman supports food vendors. He provided the minutes from previous discussions in the packet that show there were a couple of things the Council was wrestling with and that staff was going to draft something for the PC to review before bringing it back to Council. With staff turnover that did not happen. He noted Prince William County does not permit mobile food vendors. A few things that need to be addressed include displaying of the business license and health permit. Section 18-110 of Town Code lists a page and a half of retail merchants, which includes restaurants, eating-places, and nightclubs. Under Article V, Meals Tax, cater means the furnishing of food. Food means all food, purchased in or from a

food establishment. Food establishment means any place in or from which food or food products are prepared and the list includes grill, lunch wagon or truck, pushcart or other mobile facility. There are definitions that need to be addressed in other parts of the ordinance if Council is going to go the route of peddler. It goes on to state that there is hereby imposed and levied by the Town on each person a tax at the rate of four percent on the amount paid for meals purchased from any food establishment, whether prepared in such food establishment or not, and whether consumed on the premises or not. He sees them as two different categories. There are the mobile eateries that are not making a living off food vending. The Town could charge a \$500 license fee, allow them to participate in Town sponsored events, and they do not have to show their receipts, but they are limited in what they can participate in, they are not on every street corner. Then there are the mobile eateries that are making a living off being a mobile eatery, are not required to pay the \$500, and pay meals tax. Both have to have a business license and health department permit. It would be unfair to have a brick and mortar business that pay meals tax and have a mobile food vendor that does not. He read the following excerpt from the 6-21-2011 meeting minutes, "Councilman Toney asked if the recommended changes had been sent to the PC. Ms. Sandlin stated her recommendation is to send the changes back to the PC. He asked 'send to' or 'send back to?' She apologized for using the wrong tense, she corrected herself and stated "send to" the PC for review and comment. He asked if the PC had seen the recommended amendments at all. She stated no. He said the purpose of the PC is for land-use issues. Items like these need to either start with the PC or go to the PC for review first. He further stated the PC should be making the recommendation." The PC needs to look at this because it deals with land use and there should be two categories.

Ms. Washington wanted to make sure the ordinance includes what a mobile unit entails. She thought people saw JoJo's as a place to come get ice cream and leave; however, once you set up tables you encourage people to stay.

Ms. Sanders heard a consensus on moving forward with drafting an ordinance; however, she did not hear a consensus on moving forward with scheduling a public hearing.

A discussion ensued about when to bring the proposed ordinance back to Council. It was decided, even though Ms. Sanders would not be at the work session, that whatever has been drafted to date would be provided to Council then for review.

G. EVENTS COMMITTEE AND PARKS AND RECREATION COMMISSION CHARTERS – MAYOR FOREMAN

Mayor Foreman explained the events committee was started because there was a vacuum after Cathy Holtzlander departed. Ms. Holtzlander planned for all events with no committee involvement. A committee was formed to keep events on track. Another individual was hired to take over the Community

Services position and has been here through two cycles of events and the Events Committee has continued to remain. What events constitute the Events Committee? Just Community Services? If this is the case, then it appears that the Events Committee is a Community Services Committee. Councilman Wood is requesting the Parks and Recreation Commission receive \$5,000 for some events and \$17,500 for a summer concert series, 1 mile family fun run, 5k run, park tournament's with prizes and other recreational activities. The requested action is to establish a date of when the Events Committee and the Parks and Recreation Commission will have a charter. He noted that it appears that the Ginn Memorial Park Committee and the Parks and Recreation Commission have some crossing over, which is fine; however, some of these events are already being done. Looking at what is being done with the Events Committee and what is coming with the Parks and Recreation Commission he wanted to know what Council was doing.

Mr. Wood stated a committee is a special group appointed by the Council to consider, investigate, and report a particular issue or group of issues. The Events Committee or the Ginn Memorial Park Committee was established to get the park built. A commission is a group of people appointed by Council to perform specified duties as an administrative agency of the government with quasi-judicial and quasi-legislative powers. A committee is appointed to perform a specific task and a commission performs administrative duties of governing something. There are events ran by Community Services such as the Christmas Parade, Multicultural Festival, etc. The Parks and Recreation Commission is to administer activities and recreation for seniors all the way down to the youth with programming of the parks. He is having a difficult time seeing how the two would merge unless the Parks and Recreation Commission would be placed under Community Services. He saw the Events Committee and the Parks and Recreation Commission as separate committees.

Mr. Brewer stated Town Council is the committee. If the Community Services Director wants to add a program, it has to come to Council for a decision. He did not think committees were needed at all. He pointed out the Town has 5,000 people and one park.

Mr. Wood agreed that Council was the decision maker and the Parks and Recreation Commission is an advisory group. He thought the intention of the agenda item form was to establish a date for when the charter, guidelines, will be complete that set goals and objectives.

Ms. Washington noted there is a lot of legwork that needs to be done. She pointed out that it would cost a lot of money if someone had to be hired, because the individual who does the other events does not have the time to do both. She did not think that a viable program could be done at Ginn Memorial Park without a recreational specialist.

Mr. Brewer did not see where the overload was since the previous Community Services Director was also the Assistant Town Manager. He did not think a Council Member should sit on the Commission because there is too much influence.

Ms. Washington disagreed with not having a Council Member on the Commission. She noted the Town is doing a lot more things now than in the past and she felt if people want to participate that they should be allowed to.

Mayor Foreman clarified the reason for the agenda item was to make sure that the committees are set up right and know who will be reporting to Council. The goal is to have the charter approved and in place by July 1.

H. RESOLUTION TO APPOINT A COUNCIL MEMBER TO SERVE ON THE BOYS AND GIRLS CLUB BOARD OF DIRECTORS – DAN TABER

Mr. Taber explained that Council Members asked that he obtain information concerning the duties and expectations of someone appointed to serve on the Boys and Girls Club Board of Directors. He provided information on the time, financial and service commitments expected of members. There is an annual "give or get" contribution of \$2,500 that can be paid up front, or participation in a variety of fundraising events, or a combination of both.

Ms. Reynolds asked for clarification. She recalled a discussion at the last meeting about donating money to the group.

Mr. Taber recalled that part of the discussion was that some groups pay the \$2,500 for the person who is selected. He noted that Ms. Forrester pointed out that it would be the citizens paying for the contribution through their tax dollars and that was not the best stewardship of taxpayer money.

Mr. Brewer noted that in the past the Mayor sat on the Boys and Girls Club Board of Directors.

Ms. Forrester noted it was not her understanding that the taxpayers would pay the contribution. She was for having someone on the Board; however, the contribution needs to be done through fundraising. She would not support it if it were any other way.

Mr. Brewer pointed out the Town was planning all of these events to benefit the citizens and he could not think of any better organization to donate to that would benefit the citizens.

Mr. Toney felt it was good stewardship of taxpayer money because it would benefit the youth in the Town. He pointed out that the Town donates to the museum.

Mr. Wood liked the idea of give or get and would be willing to volunteer on some of the events to help raise funds since it does not all have to be paid up front.

Ms. Reynolds wanted to make sure that when it comes time to place people on committees that consideration be given to those who are not already on a committee so that everyone has an opportunity to serve.

Mayor Foreman was okay with naming someone to be voted on under the consent agenda at the next meeting; however, did not want to volunteer the payment until after the budget process.

I. FY14 PROPOSED BUDGET – DAN TABER

Mayor Foreman noted per the discussion held at the beginning of the meeting that the budget discussion would be held on Tuesday, April 23 at 6:30 p.m.

IN RE: CLOSED SESSION

A. VIRGINIA CODE SECTION 2.2-3711(A)(7) – DISCUSSION AND CONSULTATION WITH LEGAL COUNSEL REGARDING PROBABLE LITIGATION

Mr. Wood made the motion, seconded by Mr. Brewer, 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 particular subjects in Closed Session during the course of its meeting of April 16, 2013; and

WHEREAS, the nature of the subject is the discussion and consultation with legal counsel regarding probable litigation. The discussion of same in Closed Session is expressly permitted by Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended.

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

Mr. Wood made the motion, seconded by Mr. Toney, 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 considered during the Closed Session, and that the only subjects heard, discussed, or considered in said Closed Session were the matters identified in the Resolution by which it was convened.

NOW, THEREFORE, BE IT RESOLVED that the Town of Dumfries does hereby reconvene in Open Session at its meeting of April 16, 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. Washington, 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