

**AT A WORK SESSION OF THE DUMFRIES TOWN COUNCIL, HELD ON MAY 20, 2014, AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:**

**THERE WERE PRESENT:** Mayor Gerald Foreman  
Vice-Mayor Willie Toney  
Charles Brewer  
Kristin Forrester  
Helen Reynolds  
Gwen Washington  
Derrick R. Wood  
Daniel Taber, Town Manager  
Olaun Simmons, Town Attorney

**THERE WERE ABSENT:** None

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

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

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

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

**IN RE: ADOPTION OF THE AGENDA**

Mr. Taber requested the removal of Item VIII, Closed Session for consideration of an appointment to the board, committee, or commission. He requested the addition of an update on the recent flooding and comments on the recognition given to the Town from the Boys and Girls Club.

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

**IN RE: CITIZEN COMMENT PERIOD**

Chris Elliot was before Council upon the request of Chris Caldwell of the Dumfries Business Association (DBA). He has been asked to put together a proposal for the DBA for a video similar to the Fredericksburg "FXBG Happy" video to promote the Town as well as the businesses. The purpose would be to promote economic development. The idea of the possibilities in Dumfries and its rich history came to mind as a topic. The video would be placed on five social media venues, YouTube, Vimeo, Facebook and others. Search Engine Optimization (SEO) would be utilized to get a greater search range on YouTube and Google.

Jahlil Hawkins is in favor of the events at the Ginn Memorial Park because the kids and community have something to look forward to every month. The children are able to interact with each other and build relationships. Events at Ginn Memorial Park assist with making the adjacent neighborhood safer.

Cherice Joyner expressed the importance of having events in the park. She regularly visits the park with her two-year-old child. The events provide a great opportunity for the children to meet other kids and get involved in the community.

Alysha Green stated the events are very good for the children. The events are very positive and do not create much noise.

Veliscia James noted it has been a pleasure seeing the changes and growth in Dumfries recently from the opening of the park and the building of the community garden. The events at the park provide activities for children to get involved in. She agrees that the music is a bit loud at times. She hopes that the activities come on a regular basis.

**IN RE: INFORMATION ITEMS**

**A. TREASURER'S REPORT – RETTA LADD**

There were no questions or comments.

**B. EXPENDITURES FOR MULTICULTURAL FESTIVAL AND  
INSPIRATIONAL FESTIVAL – DAN TABER**

Mr. Taber mentioned this would be a reoccurring discussion item during work sessions and instead of waiting until the end of the year to report the events that the Town had. He is going to provide a summary of the expenditures following each event after all of the invoices have been paid at a work session.

Mayor Foreman asked if it has always been Town policy to pay for the entertainment at the Multicultural Festival.

Mr. Taber responded that as long as he has been with the Town entertainment was paid for.

Mayor Foreman inquired about the Inspirational Festival. He thought that each event was around \$3,000 and this one was \$4,500. He asked if there were any additional bills to be processed.

Mr. Taber stated that all bills have been paid. There is approximately \$5,000 left for the remaining two events.

Ms. Washington was concerned with the entertainment for some of the events. She pointed out one of the entertainers cost \$350 for 30 minutes, which is too expensive. She noticed that some of the local groups asked for a donation. She recommended, for the future, that entertainment be done by local schools and community groups and the Town could provide a small donation.

Mr. Taber noted that when the new hire is in place, as that person is tasked with doing more and more for Parks and Recreation, as well as the current duties, he would have them look at this event from a diversity and fiscal perspective.

Mayor Foreman asked if back when the Town decided to give out prizes whether the entertainment was paid for too.

Mr. Taber noted he would have to research that.

Mr. Wood indicated that the going rate is \$300 for a half hour and some even have agents you have to work through.

Ms. Washington clarified that was the Fall Festival.

**C. UPDATE ON RECENT FLOODING IN THE TOWN – RICHARD WEST**

Mr. West briefed Council on the May 15 and 16 storm event that resulted in localized flooding throughout the Town. As usual, Mine Road had to be closed as it became inundated. The Prince William Estates area flooded along Eby Drive and Dominion Drive. There was a lot of water in a short period. In about a 19-hour period, the Town saw 3.02 inches in rain with the majority occurring in three spikes throughout the storm. The highest peak of the storm coincided with high tide. There was some backing up of inlets on Dominion Drive and overflowing of pipe that runs underneath Eby Drive. The contractor was called out to start cleanup efforts as soon as possible and the street sweeper was sent out to remove debris. There are a few blockages that the contractor will start clearing tomorrow. There is one stormwater pond owned by the Town that was rehabilitated last year that functioned adequately. Unfortunately, there are two other ponds on private property upstream from Prince William Estates that need to be inspected to determine if they are functioning appropriately.

Ms. Washington stated that her church has a concern regarding Mine Road, where the Old Mine Ranch is located. There was a lot of fill placed on the property near this intersection. She never mentioned it before because at that time it had nothing to do with the Town. The last time there was a real big flood that flooded out a lot of Mine Road it was because the dam broke, Old Mine Dam on Mine Road, and this impacts the Town's portion of Mine Road.

Mr. West did contact Prince William County's (PWC) erosion and sediment control group regarding the additional dirt that was going in up there and he knows that they went out to enforce the matter. He had not been in communication with them since then; however, he will get a status report.

Mr. Brewer recollected in 1974 Hurricane Agnes came through and the longtime residents of Prince William Estates never experienced any flooding. With the amount of flooding they had over there, the only contributor would have been either clogged storm drains, which is not the case because the ones that are there could not have handled that amount of water, or additional development upstream, which is

in PWC. He did not know how PWC allowed that without looking at the entire stormwater management plan including the Town because that is where the outfall is. The things that take place around the Town on Possum Point Road, Prince William Estates, are all because of the PWC stormwater management system. He mentioned the 16 inches of rain on one Mother's Day that flooded the area behind Town Hall and over there. The Town needs to collaborate with PWC on development that is being approved. This is up to PWC to remedy, not the Town.

Mr. Toney was quite irate with Verizon for the poor customer service he received during that day. He has a bundle program. He called Verizon on Thursday for service and he was told the earliest they could get out was Sunday. Without the internet services he missed two meetings that were called. He got an email from Verizon stating that he is scheduled for before 9:00 today; he did not realize that it was 9:00 p.m. He called a supervisor and after a long discussion while on the phone the technician came who stated he just got the ticket.

Mayor Foreman thanked staff for the brief and informed Council that he has a meeting with Supervisor Caddigan on Friday to discuss these issues.

**D. RECOGNITION GIVEN TO THE TOWN OF DUMFRIES FROM THE BOYS AND GIRLS CLUB - DAN TABER**

Mr. Taber announced that on May 15 the Boys and Girls Club held a fundraising event which individuals and organizations were recognized for their support of youth in their communities. He was honored to accept a plaque and lifetime membership from the Boys and Girls Club on behalf of the Town.

**IN RE: DISCUSSION ITEMS**

**A. COMPREHENSIVE PLAN 2014 UPDATE – LAURA O'DELL**

Ms. O'Dell noted the Berkley Group has been working on the Comprehensive Plan (CP) since early 2013. The CP was widely publicized in numerous workshops and has been distributed to Council. She introduced Darren Coffey with the Berkley Group.

Mr. Coffey noted the Town has done a good job at keeping up with its planning tools. In 2012, staff made amendments to the land use and transportation chapters of the CP; however, there was some committee input but no open public participation with those updates. The demographic statistics were outdated. In 2012, the 2010 census data had not been released and was just released in January of 2014. When the review was done on the transportation chapter, it did not undergo the required 527 review, which gives the Virginia Department of Transportation (VDOT) an opportunity to review it and provide comments. Last year the Town adopted a Capital Improvement Program (CIP). The CIP is an excellent planning budgeting tool for infrastructure and is the bridge between the CP and the Town's budget. The CP is intended to be a dynamic and evolving document that is supposed to be used, implemented, and

updated. If the Town chooses to update the 2020 Vision Statement, which does not really express any vision and only describes things, the CP should also be updated in order to line them up. The strategies in the CP, if followed, will help the Town realize the vision expressed by the community. The goals were to update, reorganize, and streamline the CP. The CP was reduced from 250 pages to approximately 120. The demographic information, maps, and future land use map have been updated. Added in this CP is an implementation chapter that will provide a road map for the Town's vision. There has been significant public input from the public, Planning Commission (PC) and Council. The process started in November with the PC and then went to Council in December. Due to the lack of public participation at the workshop in January, an online survey was implemented for citizen input. An open house was held in March, the PC held a public hearing April 7, and voted to recommend Council adopt the CP. The future land use map is supposed to support your zoning map. It is also supposed to be used to evaluate rezoning applications for consistency. The map is a legal basis for any zoning changes that are made. The map was updated to reflect current growth trends in the community and includes green infrastructure, which includes floodways (flood plains) and parkland. In addition, a parks and greenways map was included to show trails and open space within the Town. The transportation project priorities map was updated to comply with the State's 527 requirement and shows sidewalk and trail improvements. Small area plans were included for the south and north gateways of the Town. These include mixed-use areas that include commercial, office and residential and provides a vision for the Town's gateways. Graphics were included to provide specifications and profiles for sidewalks and trails. An implementation strategy was included that shows what the Town says it wants to do with fulfilling the goals and vision of the CP.

Mayor Foreman stated the CP has come a long way. He had a couple of grammatical changes that he would provide to the Town Manager. The statistics in the plan reflect the Town's numbers and not PWC. He is in favor of the implementation plan.

Mr. Wood asked how the amendment process works for updating the CP, He thought the Town should consider including more direction regarding future plans for the parks.

Mr. Coffey noted that a portion of the parks plan was updated in 2012.

Mr. Wood acknowledged the graphics were of high quality and information regarding Ginn Memorial Park was included. He stated the Parks and Recreation Commission would like more input in future amendments.

Mr. Coffey referenced the implementation plan is a guide for amending the plan. He pointed out that State code requires the CP be updated every five years. The plan can be amended one chapter at a time at any time.

Mr. Wood liked the graphics for alternative transportation options. Overall, he is very pleased with the new CP.

Ms. O'Dell requested Council consider adding the CP to the June meeting for action.

Ms. Forrester moved, seconded by Mr. Brewer, to place a resolution authorizing the Town Manager advertise a public hearing on the CP under the June 3 consent agenda for adoption. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**B. FIRST TOWN CENTER CONDITIONAL USE PERMIT (CUP) CUP 2014-001  
– LAURA O'DELL**

Ms. O'Dell reported receiving an application for a CUP from Pete Singh for the First Town Center, called the Promenade. The site is located on Main Street between the ACTS Thrift Store and the existing Town Center building. The applicant has purchased all of the property. The proposed project will consist of 48,000 square feet of office, commercial and retail. Above the commercial use on the ground floor, there will be four floors of residential apartment/loft units, approximately 232 units. The PC held a public hearing and voted 4 to 3 to forward the CUP to Council with a recommendation to approve. Three of the Commissioners who voted against the applicant did so due to the height of the building and the applicant proposing two living quarters on the first floor, which is prohibited by Town Code. There are eight conditions the PC recommend be added to the project. Some of them are proposals made by the applicant like improvements to Garrison Park which include BBQ pits, an amphitheater, and seating for Town events to be held. The applicant would also like to propose a lighting plan to go along Main Street. She recommended that the lighting be on both sides of Main Street to match and be consistent and add a nice entrance corridor into the Town, which has not been discussed with the applicant.

Ms. Forrester wanted to hear what Mr. Singh's thoughts were on the proposed conditions.

Mayor Foreman noted the questions for the applicant would be done after all of the Council Members asked their questions.

Mr. Brewer asked if there was an archeological dig requested for the property.

Ms. O'Dell stated a study was completed that will be forwarded to the Architectural Review Board (ARB) for review. The ARB has not approved the application yet because the study has not been reviewed yet.

Mayor Foreman asked what action was being requested.

Ms. O'Dell was looking for direction, comments, or any changes that Council would like to make to the conditions. If Council is okay with the application as proposed a motion can be made to place a

resolution authorizing the Town Manager advertise a public hearing on the CUP under the June 3 consent agenda for adoption.

The floor was given to the applicant, Mr. Singh.

Ms. Forrester reiterated that she wanted to hear what Mr. Singh's thoughts were on the proposed conditions.

Mr. Singh pointed out the discussion just held on the CP simply put, states that people should not drive through Dumfries but drive to Dumfries. This is a challenge for him and Council. How to make individuals come to live in Dumfries. How to make businesses come and establish themselves in Dumfries. He used the example of his cousin who owns a sewing machine business and wants to relocate to Dumfries because it is centrally located. With the improvements to I-95, Dumfries is going to be the place to be. The First Town Center project has been an ongoing effort for the last three years. The Zoning Ordinance prohibited specific aspects of the project, which triggered text amendments that were approved last year. The proposed CUP is for commercial on the ground floor with residential above. The office building does not require a CUP. The office building will generate a lot of revenue for the Town.

Mayor Foreman asked how he felt regarding the proposed conditions.

Mr. Singh is willing to do the improvements to Garrison Park. The second condition is the ground floor is for commercial use and up to 10 percent can be used for amenities. He feels this is acceptable. The third condition allows the proposed building to extend up to 58 feet in height with the exception of mechanical equipment and architectural features not to extend beyond 80 feet in height. He mentioned the roof would not be used for cellular antennas. He pointed out that the application is requesting two residential units on the ground floor to be located in the back, which are non-revenue and non-numbered. A reduction in the height of the building by one floor will be a reduction of \$150,000 in tax revenue. Several buildings in the region consist of six floors or more. The next condition is the archeological study, which has been completed. The report has been provided to staff. He is working closely with the ARB regarding the color scheme of the buildings. He will also seek approval for some standardized features like trashcans and benches. He will work with the Parks and Recreation Commission on improvements to Garrison Park. A site plan was drawn up and provided to the Director of Public Works earlier today. Street lighting along Main Street going south was being replaced with a new style that the ARB will approve. He noted the request to place streetlights on the other side of Main Street will need to be done in coordination with the Public Works Department and will require VDOT approval. He has been trying to work with Potomac and Rappahannock Transportation Commission (PRTC) and they will only work with him if the Town requests it. He feels a bus stop needs to be added to Main Street in front of Town Hall. Market Street runs along the back of the property and is to serve as an alleyway for the properties along

Main Street. He intends to continue to use the Market Street as an alleyway because it is only 40 feet wide. If the Town would like to maintain it, he will construct it, or the Town can vacate it. His request would be to vacate Market Street giving half of the street to him and the other half to the adjacent property owner. The reason he wants it vacated is so that Market Street can be maintained to a certain standard. That way someone has the responsibility for things such as snow removal.

Ms. Forrester was hearing that all of the conditions were acceptable with the exception of management apartment on the ground floor.

Mr. Singh responded that was correct.

Ms. Forrester asked what the target income level for the residents is. What is the price of the apartments? Who are you seeking to have move in?

Mr. Singh stated these are not subsidized apartments. The starting point for a one-bedroom apartment will be \$1,250 to \$1,295 a month.

Ms. Forrester moved, seconded by Mr. Wood, to place a resolution authorizing the Town Manager advertise a public hearing on the CUP under the June 3 consent agenda for adoption with the original six floor proposal.

Ms. Forrester recognizes the PC recommended only five floors; however, she felt Council needed to consider six floors. She pointed out that it can always be scaled back to five floors if needed.

Mr. Brewer asked if a variance would be required to go to six floors.

Ms. O'Dell would have to look into that. She believed that since the CUP being applied for is to go above and beyond Town Code, she did not know that a variance would be an approved method to do that. She reminded Council that this is in the B-2 zoning district and ultimately this is an apartment building on top of a few stores. The architectural features are not to go above 80 feet in height.

Mr. Brewer, speaking for himself, brought up a change in building height requirements. If a hotel came in, they would not be able to recoup the money spent and they will not be able to do that with three floors. He does not have a problem with building heights at 82 or 84 feet. He asked again if a variance would be required.

Ms. O'Dell stated she would have to look into it.

Mr. Brewer pointed out that other jurisdictions require a variance whenever changing something regardless of what it is. The variance would be approved through the Zoning Administrator or the Governing Body.

Ms. O'Dell stated a variance would come from the Board of Zoning Appeals (BZA) and variances are only allowed in cases of hardships. This project would not be considered a hardship because the applicant has sufficient room to build out his project and would have a CUP.

Ms. Forrester reminded Council that Mr. Brewer did bring up needing to review height restrictions and it may be a matter of doing that sooner rather than later. She asked where staff was on the review.

Ms. O'Dell presented Mr. Brewer's proposal for height increases to the PC and they were opposed to it because of the resources needed. The PC felt the Town did not have the appropriate resources to handle fire access to buildings with significant height.

Ms. Forrester stated that Council has been down this road before where Council requests something and the PC is unwilling to consider it.

Ms. O'Dell indicated the PC wanted to discuss this matter at a joint work session, which the Mayor said Council could do once the budget was finalized.

Mr. Wood watched the video of the PC on the Roadside Food Vendor Ordinance and they were completely opposed to doing that. Being that this is a business district most areas are now moving to mixed use. He felt this builds up the density that is needed to support local businesses.

Mayor Foreman asked if Council were to approve Ms. Forrester's motion if the plans can be changed to reflect six floors.

Mr. Singh noted it was too late. He explained the whole building was downsized which means the entire interior was redesigned. He has paid approximately \$100,000 in fees to get the building downsized.

The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

Mr. Toney stated residences on the ground floor is prohibited regardless of whether or not it is a revenue-generating unit.

Mr. Singh explained it is not an apartment, but a rest area for an individual who just worked a 12-hour shift.

Mr. Toney asked if the rest area would contain a bed, kitchen, or bathroom facility.

Mr. Singh noted it would have a bed and a kitchenette.

Mr. Toney noted that what was described would be considered, anywhere in America, an apartment. From the beginning, Council supported six floors and the decision was made to acquiesce to the PC and reduced the building to five floors. He asked for clarification regarding the trashcan outside the restaurant. He asked if Mr. Singh meant a dumpster.

Mr. Singh stated it would be four feet high, architecturally designed, and will complement the building.

Mr. Toney asked what the PC thinks about regarding the ground floor units.

Ms. O'Dell stated the PC is adamantly against the ground floor units since they are not in accordance with the Town Code.

Mr. Toney hoped that Mr. Singh would rethink the ground floor units. He would hate the PC to feel that the Council would just disregard ordinances.

Mr. Wood asked if the space on the bottom would be used primarily for retail or would there be office space as well.

Mr. Singh responded the space underneath the apartments would be a majority of retail to provide personal services. He is looking to get a bank, barber, hairdressers, etc. He is considering a real estate agent.

Mr. Wood asked what the other name was for the project.

Mr. Singh stated the main building will be called the Promenade.

Mr. Brewer asked if the individual in the unit would be a building engineer.

Mr. Singh agreed.

Mr. Brewer indicated this is an important employee which most buildings have one onsite. The Public Works Department has showers, sleeping quarters, and everything else.

Ms. Reynolds crunched the numbers. It appears that if two of the 230 revenue-generating apartments, at \$1,200 a month were used, it would be approximately a \$28,800 loss. She asked if the applicant could sustain that.

Mr. Singh explained the building engineer would not want to stay in a standard unit. He would not want to have tenants knocking on his door. The plan was to provide a unit on the ground floor separate from the other units.

Ms. Reynolds indicated it is good to have someone on site because you never know what is going to happen or when an emergency will present itself. Free housing could be an incentive.

Mayor Foreman stated the units are proposed in a less desirable space, toward the rear of the building. He suggested reconfiguring the units to not be apartments. He suggested office space in the front half with sleeping quarters towards the rear.

**C. AMENDMENT TO RESOLUTION R-2014-016 VDOT TRANSFER OF FUNDS  
– RICHARD WEST**

Mr. West, a couple months ago, discussed with Council options for shifting funding around to advance transportation projects. A resolution was passed and amendments to the amounts are needed. The first change would be changing the \$3,712,000 to \$619,000. The second change would be changing the \$877,000 to \$2,991,000. VDOT pointed this out to him. VDOT sent him an email earlier today where they found an additional \$592 that can be included in the project budget. He asked Council if they wanted to amend the figures to include the \$592.

Mr. Wood moved, seconded by Ms. Reynolds, to move the resolution under the June 3 consent agenda for adoption. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**D. DISCUSSION ON 2020 VISION STATEMENT AND STAFF RECOMMENDATIONS FOR A 2025 VISION STATEMENT – DAN TABER**

Mr. Taber noted that Council, at previous meetings, made statements that staff needed to examine the 2020 Vision Statement to determine if the goals and objectives were realistic and whether an update was needed. The intent is not for Council to approve the new vision statement tonight. Staff suggested the 2020 Vision Statement be updated to a 2025 Vision Statement since it has been five years since it was passed. This will coincide with the VDOT project to widen Route 1. Staff felt there were too many specifics in the 2020 Visions Statement. The vision statement should feed into strategic plan with steps towards implementation. He is not asking for any approval on what staff proposed and is just to stimulate a thought process. If Council is willing to move forward with this an environment will be created at a future work session to talk about this and maybe some additional comments from Council before that meeting. He asked if Council wanted staff to come back with a report on the 2020 Vision Statement as to what is do-able and what is not do-able or does Council want to take a fresh look at it and create a new 2025 Vision Statement.

Mr. Wood thought this was great. He explained that Council was looking for staff to strike out items that were not do-able and to highlight items that were do-able in the 2020 Vision Statement.

Mr. Brewer noted the vision statement is similar to a CP and continually evolves. He believes that staff should prepare a 2025 Vision Statement.

Mayor Foreman felt that staff did an outstanding job and the 2025 Vision Statement is a great starting point. He wanted to see this during the budget process in order to align the funding for things in the 2020 Vision Statement. The budget was approved so Council should look toward aligning the 2020 Vision Statement with next year's budget process. He would like staff to come to the next work session with items that are executable with projected costs in the 2020 Visions Statement. Council will have the 2020 Vision Statement, the 2025 Vision Statement, and the CP in order to prepare over the next eight weeks for the discussion in July.

**E. NOMINATING INDIVIDUALS TO SERVE ON THE 2014 VIRGINIA MUNICIPAL LEAGUE (VML) POLICY COMMITTEE'S – DAN TABER**

Mr. Taber noted this is a reoccurring process the Council goes through each year. He asked the Mayor to guide Council through the process of making nominations. This will obligate the Council Member attend meetings in Richmond.

Mayor Foreman was looking for volunteers. He asked if there had to be a Council Member on each committee or could Council pick a staff member.

Mr. Taber noted that if there is no Council Member serving on the committee then a staff member cannot serve. It is up to Council to decide.

Mayor Foreman asked if anyone wanted to be on the Community and Economic Development Committee.

Mr. Wood volunteered to serve.

Mayor Foreman asked if a staff person needed to be assigned to the committee too.

Mr. Taber did not want to assign a staff member on that committee at this time due to no one being in that position.

Mayor Foreman asked if anyone wanted to be on the Environmental Quality Committee.

No one volunteered.

Mayor Foreman asked if anyone wanted to be on the Finance Committee.

Ms. Reynolds volunteered to serve.

Mayor Foreman asked if anyone wanted to be on the General Laws Committee.

Mr. Brewer volunteered to serve.

Mayor Foreman asked if anyone wanted to serve on the Human Development and Education Committee.

Ms. Washington volunteered to serve.

Mayor Foreman volunteered to serve on the Transportation Committee. He asked Mr. Toney and Ms. Forrester if either of them would like to volunteer for the Environmental Quality Committee. Neither accepted. He asked Mr. Taber if a staff member could serve.

Mr. Taber indicated that Richard West was the most qualified staff member. He noted that Mr. West is very busy.

Mayor Foreman was going to put Mr. West down. He deferred to Mr. Taber the assigning of staff to the various committees.

Mr. Foreman moved, seconded by Mr. Wood, to nominate Mr. Wood for the Community and Economic Development Committee, Ms. Reynolds for the Finance Committee, Mr. Brewer for the General Law Committee, Ms. Washington to the Human Development and Education Committee and himself to the Transportation Committee. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**F. PARKS AND RECREATION PROPOSED FY15 BUDGET REQUEST –  
MAYOR FOREMAN**

Mayor Foreman was concerned because Council has not discussed the Parks and Recreation budget. The Town's budget has pretty much been approved and is going for a public hearing, yet the Commission has not submitted a budget. The budget includes \$4,200 on top of the \$25,000 budget the Council approved. This puts the Parks and Recreation Commission's budget at \$29,200. This \$4,200 for salaries should be subtracted from the \$25,000 and moved to the correct line item. He asked Mr. Wood if the Marketing and Promotions was removed from the budget.

Mr. Wood indicated it was removed.

Mayor Foreman asked if the community garden was included in the Commission's budget.

Mr. Wood stated it was included.

Mayor Foreman felt the community garden should be funded out of the Ginn Memorial Park budget since it is up and running. He asked about travel and training.

Mr. Taber noted \$4,000 was set aside.

Mayor Foreman stated travel and training should be in the Boards and Commissions budget and come before Council for approval. He supports the Parks and Recreation Commission but it needs to go back to the reason the Commission was formed. The Commission should have met with Council and provided an update on the next phase of Ginn Memorial Park.

Mr. Wood indicated the Town Manager was trying to set up a joint work session with Council to discuss the budget.

Mayor Foreman stated the salary should be removed from the \$25,000. The administration budget has a marketing and promotion line item, which is \$1,000 that can be moved over. The community gardens should come out of the Ginn Memorial Park budget. This amounts to \$7,700 that would leave \$17,700 and the training still needs to be addressed. All of the other boards and commissions request training through the Town Manager. He is not talking about eliminating any events but the Parks and Recreation Commission budget should be treated like all the other boards and commission. Every dollar in the budget needs to be addressed. He did not want the assumption made that \$25,000 is going to be budgeted to the Commission if a budget is not submitted.

Mr. Brewer felt the Parks and Recreation budget should fall under the Community Services Department budget. The Commission is there to meet with the Community Services Director to plan events. No other commission gets a separate budget and needs to fall under staff's purview.

Mr. Wood stated the Council voted to create the Commission and to fund programs and not create a department. The Commission has not even existed for year yet. The events will get better every year.

The Commission met several times throughout the year and never requested a salary. He feels that it is redundant to keep talking about this issue at every meeting.

Mayor Foreman reiterated the salary should be coming from the Boards and Commissions budget and not from the Parks and Recreation Commission. The \$4,000 can be subtracted from the \$25,000 and placed in the appropriate line item. Marketing and promotions is a line item in the budget already and the \$1,000 should be placed there. He pointed out that the funding was already in the Ginn Memorial Park budget to do the community gardens. He asked if there was a garden plot already set aside for the Ginn Memorial Park.

Mr. Taber explained the funding had to come out of the Parks and Recreation Commission in order to move forward with the program. He pointed out the mandate that Council has given him many times is, is do not tell me why it cannot be done, tell me how to do it. He does not disagree. He noted the responsibility falls on his shoulders. The budget process involving this next year, will be a timely budget process, will occur right after the first of the year, and the dates will be set up in the fall so that there will be no arguments about how this is done.

Mayor Foreman again stated he supports the Parks and Recreation Commission, what he does not support is the budget process. The Town has a zero sum budget and the numbers need to be justified and not just a lump sum being provided.

**G. REVIEW THE JEFF SIMPSON COMMUNITY AND CULTURAL ARTS CENTER USAGE POLICY OF 1 MARCH 2014 – MAYOR FOREMAN**

Mayor Foreman proposed that the homeowner associations (HOA's) be allowed to use the community center once a month for their meetings. Currently the HOA's do not have a meeting location. In talking with the HOA's the concern is having to come up with insurance to use the building. A request was made to put a \$500 deposit down and every six months replace the check with another one. They do not want to use the space for events or parties, only for a meeting place. The use should be scheduled through the Town.

Ms. Forrester was confused about the \$500 deposit. She wanted to talk with the HOA's presidents at the next work session to have a better understanding of the \$500.

Mayor Foreman explained a check would be written and at the end of the six months, the Town would give back the check. The HOA's would use the facility at no cost. It is up to Council to determine whether a deposit is even necessary.

Ms. Forrester indicated the HOA's could be considered as non-profits and not have to pay the fee.

Mayor Foreman was in favor of considering the HOA's as non-profits and not charging them as long as Council supports this.

Mr. Taber responded the easiest way to do this would be to place something in the Center Usage Policy stating that HOA's can use the Community Center once a month for a meeting and not require the HOA's to come up with paperwork to establish their non-profit status. He felt that there should be a monetary amount on hold in case a professional cleaning service had to come in and clean.

Ms. Forrester moved, seconded by Mr. Toney, to schedule a discussion with the four HOA's at the next work session.

Mayor Foreman agreed and directed staff to send out invites and to be clear that the property manager or HOA's president can prepare a statement and send it to Council.

Mr. Toney felt that if the HOA's wanted the deposit waived that a representative needed to be present. He has concerns and would like to ask questions.

The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

#### **H. ORDINANCE FOR VENDORS IN PUBLIC PARKS – OLAUN SIMMONS**

Mr. Simmons mentioned that Members of Council have expressed desire to establish rules and regulations that govern vendors doing business in public parks. A proposed ordinance is before Council for consideration that requires the vendor obtain permission from the Town Manager before selling goods or soliciting services. There is a \$5.00 cost of investigation and the vendor must carry the permit with him as he is selling or soliciting. Punishments for breaking the requirements shall be a Class 4 Misdemeanor and can be fined a sum of not less than \$50 and no more than \$250. He asked for the Council's direction.

Mayor Foreman stated the ordinance addresses public parks; however, someone could set up and vend on other property owned by the Town. He suggested the ordinance be broadened to include public property. He mentioned that vendors could sell from various locations along the Christmas Parade route. He noted Article 2, Division 1, Section 18.21, Doing business without a License and Section 18.24, False statements should be applicable. He asked if the proposed ordinance covered these provisions.

Mr. Simmons responded those could be included in the next rendition.

Mayor Foreman recommended the fee of \$5.00 not be included in the ordinance but a reference put in to see the fee schedule. It should simply say a fee to cover the cost in the ordinance. He asked how much a vendor's license was.

Mr. Simmons stated \$50.

Mayor Foreman asked if the vendor pays the \$50 fee does the Town collect a portion of the receipts or the flat fee. He asked if the Town should collect additional money aside from the license.

Mr. Simmons indicated the vendor should. He will make amendments to the ordinance and bring it back to Council for further review.

**I. NOISE DISTURBANCE – OLAUN SIMMONS**

Mr. Simmons mentioned at the last Council meeting Council expressed a desire to discuss noise disturbance that occur within the Town. The Code of Virginia authorizes Council to adopt an ordinance that establishes a uniformed schedule of civil penalties for violations of the local noise ordinance. The fine should not exceed \$250 for the first offense and \$500 for each subsequent offense. This amendment can be made to the noise ordinance if Council desires.

Mr. Brewer indicated the language that allows the Town Manager to issue a permit to exceed the noise ordinance should be removed. No permit should be allowed to disturb other people.

Ms. Reynolds asked if the ordinance was specific to events hosted by the Town or does it apply to everyone.

Mr. Simmons responded it applies to everyone.

Ms. Reynolds asked if there was an exception for events.

Mr. Simmons stated the Code includes an exception can be allowed through a permit from the Town Manager.

Mr. Wood asked what the current noise ordinance is.

Mr. Simmons noted the one provided is a portion of the current ordinance.

Mr. Wood asked what the proposed amendment is.

Mr. Simmons was proposing the ordinance include civil penalties. Right now, it is a Class 2 Misdemeanor. The change would make a violation a civil penalty rather than a criminal penalty. This provides options for the Town Manager.

Ms. Forrester likes the option that allows a civil penalty instead of a criminal charge. She is not in favor of allowing the Town Manager issue permits.

Forrester moved, seconded by Mr. Brewer, to move a resolution authorizing the Town Manager advertise a public hearing under the June 3 consent agenda for adoption.

Mr. Wood asked for clarification about adding civil penalties and not decriminalizing the violation.

Mr. Simmons explained the charge could be either civil or criminal.

Mr. Toney remembered that three or four years ago Chief Forker brought a similar ordinance forward that he did not support. He recalled that there were discussions about giving discretion to the Police Officer. He felt there should be a warning prior to an arrest. He wants the process spelled out in more detail and does not support the ordinance as written.

Mayor Foreman stated when Chief Forker presented this last time it was in the General Orders that gave the Police Officer the ability to make a judgment call onsite. This has nothing to do with that. This amendment gives the Town Manager the either or.

Mr. Taber agreed that was correct.

Mr. Brewer stated that a civil penalty is less than a criminal violation.

Mr. Toney stated a Police Officer responded to the complaint and is concerned that a warning will not be given the first time.

Mr. Wood asked for an amendment to the motion to include a warning.

Ms. Forrester asked the Town Attorney if a warning could be added to the ordinance.

Mr. Simmons stated it could be included in the ordinance if she wants to include it in her motion.

Ms. Forrester accepted the amendment.

Mayor Foreman indicated that Council is discussing the same issue that was discussed three or four years ago. It is up to the Town Manager to give a warning. The number of warnings and what timeframe. He is okay with the warning but expressed his general frustration with rehashing this topic.

Ms. Forrester stated that having a warning provides some discretion to the Town. She did not think that Council needed to get into whether or not the warning is in a 24-hour period or not. That part should be up to the discretion of the Town. She asked how the Town Manager would weigh in if he were not at the scene. It then would be at the discretion of the Police Officer.

Mr. Taber explained the goal is to stop the disturbance and it would not make sense to delay a response by a 24-hour period. He clarified the section allowing the Town Manager to issue a permit is in the Code. He cannot think of any situation where he would provide this exemption. This discussion was prompted by citizen complaints. Council was not provided with a draft ordinance to discuss and that one can be drafted for discussion at a work session.

Ms. Forrester removed her motion.

Mr. Brewer informed Council that emails or texts can be requested under the Freedom of Information Act (FOIA) by the public and suggested caution be used.

Mayor Foreman reminded Council that a public hearing is scheduled for next Tuesday, May 27, at 7:00 p.m. on the FY15 budget.

**IN RE: CLOSED SESSION (NONE)**

**IN RE: ADJOURNMENT**

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

Minutes submitted by

Approved by

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Dawn Hobgood  
Town Clerk

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Gerald M. Foreman  
Mayor