

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

THERE WERE PRESENT: Mayor Gerald Foreman
Vice-Mayor Willie Toney (arrived before citizen comments)
Charles Brewer
Kristin Forrester
Helen Reynolds
Gwen Washington (arrived after the adoption of the minutes)
Derrick 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: APPROVAL OF THE MINUTES

Mr. Brewer moved, seconded by Mr. Foreman, to approve the March 19, 2013 and April 2, 2013 minutes as presented. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, absent; Ms. Washington, absent; Mr. Wood, yes.

IN RE: ADOPTION OF THE AGENDA

Mr. Wood requested adding a presentation from Nancy Berlin, Master Gardener Coordinator, regarding Community Garden Support and a closed session dealing with personnel.

Mr. Taber stated that John Villamil, Board Chair for the Hispanic Organization for Leadership and Action, scheduled for a presentation, Item IX-A, on Promoting Health and Wellness by Empowering Youth and Community, had a conflict and would not be able to attend the meeting.

Mr. Foreman moved, seconded by Mr. Wood, 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, absent; Ms. Washington, yes; Mr. Wood, yes.

IN RE: APPROVAL OF THE CONSENT AGENDA

Mr. Foreman moved, seconded by Ms. Forrester, to approve the consent agenda as presented. The motion carried and the following ordinance was adopted by the following roll call vote: Mr. Brewer, yes;

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

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY ADDING ARTICLE V, DIVISION 3, SECTIONS 170 - 185 TO CHAPTER 26, RELATING GENERALLY TO THE ESTABLISHMENT OF A STORMWATER MANAGEMENT PROGRAM

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

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

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

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

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

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

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

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

WHEREAS, Town Council requested the Town Manger advertise a public hearing at its February 18, 2014 meeting, and

WHEREAS, Town Council held a duly advertised public hearing on April 1, 2014.

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries on this the 7th day of May, 2014, that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by adding Division 3. Sections 170 - 185 to Article V, Chapter 26, and is enacted as follows:

Article V of Chapter 26, Stormwater Management Ordinance

DIVISION 3. STORMWATER MANAGEMENT PROGRAM

Sect. 26-170 Purpose and Authority

The purpose of this Ordinance is to ensure the general health, safety, and welfare of the citizens of the Town of Dumfries and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from a land-disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.

Sect. 26-171 Definitions

In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this Ordinance have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

"*Administrator*" means the VSMP authority including the Town staff person or department responsible for administering the VSMP on behalf of the Locality.

"*Applicant*" means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.

"*Best management practice*" or "BMP" means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

"*Chesapeake Bay Preservation Act land-disturbing activity*" means a land-disturbing activity including clearing, grading, or excavation that results in a land disturbance equal or greater than 2,500 square feet and less than one acre in all areas of jurisdictions designated as subject to the regulations adopted pursuant to the Chesapeake Bay Preservation Area Designation and Management Regulations ([9VAC25-830](#)) adopted pursuant to the Chesapeake Bay Preservation Act.

"*Common plan of development or sale*" means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

"*Control measure*" means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

"*Clean Water Act*" or "*CWA*" means the federal Clean Water Act (33 U.S.C §1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

"*Council*" means the Town of Dumfries Town Council.

"Department" means the Department of Environmental Quality.

"Development" means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

"General permit" means the state permit titled GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES found in Part XIV (9VAC25-880-1 et seq.) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

"Land disturbance" or *"land-disturbing activity"* means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those exemptions specified in Section 26-172(c) of this Ordinance.

"Layout" means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

"Minor modification" means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

"Operator" means the owner or operator of any facility or activity subject to regulation under this Ordinance.

"Permit" or *"VSMP Authority Permit"* means an approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, and which may only be issued after evidence of general permit coverage has been provided by the Department.

"Permittee" means the person to whom the VSMP Authority Permit is issued.

"Person" means any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, governmental body, including federal, state, or local entity as applicable, any interstate body or any other legal entity.

"Regulations" means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870, as amended.

"Site" means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channelward of mean low water in tidal Virginia

shall not be considered part of a site.

"State" means the Commonwealth of Virginia.

"State Board" means the Virginia Soil and Water Conservation Board.

"State permit" means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.

"State Water Control Law" means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater management plan" means a document(s) containing material describing methods for complying with the requirements of Section 26-175 of this Ordinance.

"Stormwater Pollution Prevention Plan" or *"SWPPP"* means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

"Subdivision" means the same as defined in Chapter 54 Subdivisions the of Town Code of Ordinances.

"Total maximum daily load" or *"TMDL"* means the sum of the individual waste load allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

"Town" means the Town of Dumfries, Virginia.

"Virginia Stormwater Management Act" or *"Act"* means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

"Virginia Stormwater BMP Clearinghouse website" means a website that contains detailed

design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

“Virginia Stormwater Management Program” or “VSMP” means a program approved by the State Board after September 13, 2011, that has been established by a Locality to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

“Virginia Stormwater Management Program authority” or “VSMP authority” means an authority approved by the State Board after September 13, 2011, to operate a Virginia Stormwater Management Program.

Sect. 26-172 Stormwater Permit Requirement; Exemptions

(a) Except as provided herein, no person may engage in any land-disturbing activity until a VSMP authority permit has been issued by the Administrator in accordance with the provisions of this Ordinance.

(b) A Chesapeake Bay Preservation Act Land-Disturbing Activity shall be subject to an erosion and sediment control plan consistent with the requirements of the Erosion and Sediment Control Ordinance, a stormwater management plan as outlined under Section 26-175, the technical criteria and administrative requirements for land-disturbing activities outlined in Section 26-178, and the requirements for control measures long-term maintenance outlined under Section 26-179.

(c) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:

(1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;

(2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;

(3) Land-disturbing activities that disturb less than 2,500 square feet of land area, or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance;

- (4) Discharges to a sanitary sewer or a combined sewer system;
- (5) Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;
- (6) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this Subsection; and
- (7) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of Subsection (a) is required within 30 days of commencing the land-disturbing activity.

Sec. 26-173 Stormwater Management Program Established; Submission And Approval Of Plans; Prohibitions.

- (a) Pursuant to § 62.1-44.15:34 of the Code of Virginia, the Town of Dumfries hereby establishes a Virginia stormwater management program for land-disturbing activities and adopts the applicable Regulations that specify standards and specifications for VSMPs promulgated by the State Board for the purposes set out in Section 26-170 of this Ordinance. The Town Council hereby designates the Director of Public Works as the Administrator of the Virginia stormwater management program.
- (b) No VSMP authority permit shall be issued by the Administrator until the following items have been submitted to and approved by the Administrator as prescribed herein:
 - (1) A permit application that includes a general permit registration statement;
 - (2) An erosion and sediment control plan approved in accordance with the Chapter 26, Erosion and Sediment Control, of the Town Code; and
 - (3) A stormwater management plan that meets the requirements of Section 26-175 of this Ordinance.
- (c) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.
- (d) No VSMP authority permit shall be issued until the fees required to be paid pursuant to Section 26-184, are received, and a reasonable performance bond required pursuant to Section 26-185 of this Ordinance has been submitted.
- (e) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing,

construction, disturbance, land development and drainage will be done according to the approved permit.

(f) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the Administrator.

Sect. 26-174 Stormwater Pollution Prevention Plan; Contents Of Plans

(a) The Stormwater Pollution Prevention Plan (SWPPP) shall include the content specified by Section 9VAC25-870-54 and must also comply with the requirements and general information set forth in Section 9VAC25-880-70, Section II.

(b) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP.

(c) The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.

Sect. 26-175 Stormwater Management Plan; Contents of Plan

(a) The Stormwater Management Plan, required in Section 26-173 of this Ordinance, must apply the stormwater management technical criteria set forth in Section 26-178 of this Ordinance to the entire land-disturbing activity, consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to subsurface runoff, and include the following information:

(1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and postdevelopment drainage areas;

(2) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;

(3) A narrative that includes a description of current site conditions and final site conditions;

(4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;

(5) Information on the proposed stormwater management facilities, including:

(i) The type of facilities;

(ii) Location, including geographic coordinates;

(iii) Acres treated; and

(iv) The surface waters or karst features, if present, into which the facility will discharge.

- (6) Hydrologic and hydraulic computations, including runoff characteristics;
- (7) Documentation and calculations verifying compliance with the water quality and quantity requirements of Section 26-178 of this Ordinance.
- (8) A map or maps of the site that depicts the topography of the site and includes:
 - (i) All contributing drainage areas;
 - (ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
 - (iii) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
 - (iv) Current land use including existing structures, roads, and locations of known utilities and easements;
 - (v) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
 - (vi) The limits of clearing and grading, and the proposed drainage patterns on the site;
 - (vii) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
 - (viii) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.
- (b) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 26-178 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by 9VAC25-870-55.B 9.
- (c) Elements of the stormwater management plans that include activities regulated under Chapter 4 of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia.
- (d) A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan.

Sect. 26-176 Pollution Prevention Plan; Contents of Plans

- (a) Pollution Prevention Plan, required by 9VAC25-870-54, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
 - (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel

wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

(2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and

(3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

(b) The pollution prevention plan shall include effective best management practices to prohibit the following discharges:

(1) Wastewater from washout of concrete, unless managed by an appropriate control;

(2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

(3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

(4) Soaps or solvents used in vehicle and equipment washing.

(c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

Sect. 26-177 Review Of Stormwater Management Plan

(a) The Administrator or any duly authorized agent of the Administrator shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following:

(1) The Administrator shall determine the completeness of a plan in accordance with Section 26-175 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.

(2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision (1), then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.

(3) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.

(4) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the

requirements of this Ordinance.

(5) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in paragraph (2) above for review, the plan shall be deemed approved.

(b) Approved stormwater plans may be modified as follows:

(1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.

(2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.

(c) The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to Section 26-179(b).

Sect. 26-178 Technical Criteria For Regulated Land-Disturbing Activities

(a) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the Locality hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, as amended, expressly to include 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [offsite compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development project]; and, 9VAC25-870-85 [stormwater management impoundment structures or facilities], which shall apply to all land-disturbing activities regulated pursuant to this Ordinance, except as expressly set forth in Subsection (b) of this Section.

(b) Until June 30, 2019, any land-disturbing activity for which a currently valid proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by the Locality as being equivalent thereto, was approved by the Locality prior to July 1, 2012, and for which no coverage under the general permit has been issued prior to July 1, 2014, shall be considered grandfathered by the Administrator and shall not be subject to the technical criteria of Part II B [of the Regulations], but shall be subject to the technical criteria of Part II C [of the Regulations] for those areas that were included in the approval, provided that the Administrator finds that such proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by the Locality as being equivalent thereto, (i) provides for a layout and (ii) the resulting land-disturbing activity will be compliant with the requirements of Part II C. In the event that the Locality-approved document is subsequently modified or amended in a manner such that there is no increase over the previously approved plat or plan in the amount of phosphorus leaving each point of discharge of the land-disturbing activity

through stormwater runoff, and such that there is no increase over the previously approved plat or plan in the volume or rate of runoff, the grandfathering shall continue as before.

(1) Until June 30, 2019, for local, state, and federal projects for which there has been an obligation of local, state, or federal funding, in whole or in part, prior to July 1, 2012, or for which the Department has approved a stormwater management plan prior to July 1, 2012, such projects shall be considered grandfathered by the Town and shall not be subject to the technical requirements of Part II B of the Regulations, but shall be subject to the technical requirements of Part II C of the Regulations for those areas that were included in the approval.

(2) For land-disturbing activities grandfathered under this Subsection, construction must be completed by June 30, 2019, or portions of the project not under construction shall become subject to the technical requirements of Subsection (a) above.

(c) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements Part IIC of the Regulations, as adopted by the Locality in Subsection (b) of this Section.

(d) The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that

(i) the exception is the minimum necessary to afford relief,

(ii) reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved,

(iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and

(iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.

(1) Exceptions to the requirement that the land-disturbing activity obtain required VSMP authority permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director.

(2) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.

(e) Nothing in this Section shall preclude an operator from constructing to a more stringent standard at their discretion.

Sect. 26-179 Long-Term Maintenance of Permanent Stormwater Facilities

(a) The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum:

- (1) Be submitted to the Administrator for review and approval prior to the approval of the stormwater management plan;
 - (2) Be stated to run with the land;
 - (3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
 - (4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and
 - (5) Be enforceable by all appropriate governmental parties.
- (b) At the discretion of the Administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.
- (c) If a recorded instrument is not required pursuant to Section 26-179 (b), the Administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator or any duly authorized agent of the Administrator.

Sect. 26-180 Monitoring And Inspections

- (a) The Administrator or any duly authorized agent of the Administrator shall inspect the land-disturbing activity during construction for:
- (1) Compliance with the approved erosion and sediment control plan;
 - (2) Compliance with the approved stormwater management plan;
 - (3) Development, updating, and implementation of a pollution prevention plan; and
 - (4) Development and implementation of any additional control measures necessary to address a TMDL.
- (b) The Administrator or any duly authorized agent of the Administrator may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance.
- (c) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator

may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.

(d) Pursuant to § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance.

(e) Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted by the Administrator or any duly authorized agent of the Administrator pursuant to the Locality's adopted and State Board approved inspection program, and shall occur, at minimum, at least once every five (5) years except as may otherwise be provided for in Section 26-179.

Sect. 26-181 Hearings

(a) Any permit applicant or permittee, or person subject to Ordinance requirements, aggrieved by any action of the Town taken without a formal hearing, or by inaction of the Town, may demand in writing a formal hearing by the Town Council, provided a petition requesting such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator.

(b) The hearings held under this Section shall be conducted by the Council at a regular or special meeting of the Council.

(c) A verbatim record of the proceedings of such hearings shall be taken and filed with the Council. Depositions may be taken and read as in actions at law.

(d) The Council shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the local governing body, or its designated member, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.

Sect. 26-182 Appeals

(a) Any applicant under the provision of this article who is aggrieved by any action of the Town of Dumfries, or its agent, in disapproving plans submitted pursuant to this article shall have the right to apply for and receive a review of such action by the Town Council, provided an appeal is filed with 30 days from the date of the action. Any applicant who seeks an appeal hearing before the Town Council shall be heard at the next regularly scheduled Town Council public meeting provided that the Town Council and other involved parties have at least 30 days prior notice. In reviewing the agent's actions, the Town Council shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and

opinions, the Town Council may affirm, reverse, or modify the action. The Town Council's decision shall be final, subject only to review by the Circuit Court of Prince William County.

(b) Final decisions of the Town of Dumfries under this article shall be subject to review by the Circuit Court of Prince William County, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Sect. 26-183 Enforcement

(a) If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.

(1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection (b) or the permit may be revoked by the Administrator.

(2) If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the Locality, or by personal delivery by an agent of the Administrator. However, if the Administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with Subsection 26-183(c).

(b) In addition to any other remedy provided by this Ordinance, if the Administrator or his designee determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with the Prince William County Design and Construction Standards Manual.

(c) Any person violating or failing, neglecting, or refusing to obey any rule, regulation,

ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in the Circuit Court of Prince William County by the Town to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

(d) Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.

(1) Violations for which a penalty may be imposed under this Subsection shall include but not be limited to the following:

- (i) No state permit registration;
- (ii) No SWPPP;
- (iii) Incomplete SWPPP;
- (iv) SWPPP not available for review;
- (v) No approved erosion and sediment control plan;
- (vi) Failure to install stormwater BMPs or erosion and sediment controls;
- (vii) Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
- (viii) Operational deficiencies;
- (ix) Failure to conduct required inspections;
- (x) Incomplete, improper, or missed inspections; and
- (xi) Discharges not in compliance with the requirements of Section 9VAC25-870-116 of the general permit.

(2) The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.

(3) In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.

(4) Any civil penalties assessed by a court as a result of a summons issued by the Locality shall be paid into the treasury of the Town of Dumfries to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the Locality and abating environmental pollution therein in such manner as the court may, by order, direct.

(e) Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of this Ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

Sect. 26-184 Fees

(a) Fees to cover costs associated with implementation of a VSMP related to land-disturbing activities and issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with Table 1. When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the

Applicant shall be subject to fees (“total fee to be paid by applicant” column) in accordance with the disturbed acreage of their site or sites according to Table 1.

Table 1: Fees for permit issuance

Fee type	Total fee to be paid by Applicant (includes both)	Department portion of fee paid*)
Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$290	\$0
General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)	\$290	\$81
General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)	\$2,700	\$756
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$3,400	\$952
General / Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]	\$4,500	\$1,260
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,100	\$1,708
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$9,600	\$2,688

* If the project is completely administered by the Department such as may be the case for a state or federal project or projects covered by individual permits, the entire applicant fee shall be paid to the Department.

(b) Fees for the modification or transfer of registration statements from the general

permit issued by the State Board shall be imposed in accordance with Table 2. If the general permit modifications result in changes to stormwater management plans that require additional review by Town, such reviews shall be subject to the fees set out in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in Table 1.

Table 2: Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities

Type of Permit	Fee Amount
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$20
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)	\$200
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$250
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700

(c) The following annual permit maintenance shall be imposed in accordance with Table 3, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated. [NOTE: Fees specified in this Subsection go to the Town of Dumfries.]

Table 3: Permit Maintenance Fees

Type of Permit	Fee Amount
Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$50

General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$50
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)	\$400
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$500
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)	\$1,400

General permit coverage maintenance fees shall be paid annually to the Town, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

(d) The fees set forth in Subsections (a) through (c) above, shall apply to:

- (1) All persons seeking coverage under the general permit.
- (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
- (3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an Individual Permit for Discharges of Stormwater From Construction Activities.
- (4) Permit and permit coverage maintenance fees outlined under Section 26-184(c) may apply to each general permit holder.

(e) No general permit application fees will be assessed to:

- (1) Permittees who request minor modifications to general permits as defined in Section 26-171 of this Ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this Section.

(2) Permittees whose general permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.

(f) All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in 9VAC25-870-770 and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The Town of Dumfries shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

Sect. 26-185 Performance Bond

Prior to issuance of any permit, the Applicant shall be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the Town Attorney, to ensure that measures could be taken by the Town at the Applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land-disturbing activity. If the Town takes such action upon such failure by the Applicant, the Locality may collect from the Applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the Applicant or terminated.

This ordinance shall become effective May 7, 2014.

IN RE: CITIZEN COMMENT PERIOD

Chris Caldwell was surprised that Ms. Forrester's daughter was allowed to go into closed session. He understood that a vote was taken by Council to permit this. Closed session meetings should be limited to the members of the Council, staff, and others invited should have some relationship to the matter being discussed. All others have no business attending closed sessions and should not be permitted to attend due to the sensitivity of the issues being addressed. The age of the individual does not preclude this and should not be used for a reason to attend a closed session. In addition, as a father and a parent, he pointed out that some of the Council Meetings go into the later evening, early morning hours. A recent study by the University of California Berkley found that children who went to be later than 11:00 p.m. on school nights and 1:30 a.m. in the Summer had lower grade point averages (GPA) than children who got to bed earlier.

Ms. Forrester expressed concern over the inappropriate and irrelevant comments being made by Mr. Caldwell.

Mr. Caldwell stated that based on the two points Council should rescind their previous position and not allow...

Mayor Foreman told Mr. Caldwell that his point has been made and move on to his next subject.

Bill Noaker, President of the South Cove Homeowners' Association (HOA), stated a letter was sent out and the HOA is considered a nonprofit organization. He believes the money the Council approved for the rental of the Community Center is too much for a nonprofit that meets once every three months. He understood charging someone to use the facility for a party. He hopes the Council will reconsider their approval of this situation. He stated the Town needs to listen to the weather report to see how much snow is predicted and once the prediction reaches a certain amount the snow emergency route on Old Triangle Road should be called. The Town should set a limit to the number of inches of snow and only open the snow emergency route once that threshold is met.

Judy Moore, Branch Director of the Heiser Boys and Girls Club, announced the following programs being offered.

- Spring basketball league has begun and there are eight teams playing.
- There are two girl volleyball teams and two cheer squads.
- She started speaking with the Montclair Garden Club and the Virginia Cooperative Extension (VCE) about doing a garden project at the Club. The stated meeting monthly, then went to weekly, and have planted the garden with about 20 kids participating.
- Registration for summer camp is open.
- The goal is to have 16 basketball teams, four volleyball teams, and cheerleading squads.
- The annual membership fee is \$30. The Club averages having 80-100 youth every Friday.

Teresa Bridgett advised that her property abuts the Ginn Memorial Park fence. She believes the Park is a good thing for the children; however, there is an issue at the Park with loud music. She had to turn her television up to be able to hear it. She has a disabled daughter who could not rest and take a nap due to the noise. It is a residential area. There are people who work at night and sleep during the day. She asked Council to take that into consideration.

Cindy Neville congratulated the Council Members who won the election. She read the following statement. "I may not have gained a seat at the town table yesterday, but I am proud of the race Team Neville ran. We were honest, and never changed our position in the face of adversity during this campaign. We stood strong and firm for what we believe in. We had plenty of support throughout the Town and neighboring jurisdictions, and we still believe that the Town of Dumfries is worthy of the vision I hold for citizens. I repeat Dumfries is worthy. Although, I may not be seated at the Dumfries table, I encourage other citizens to hold our elected officials responsible. If you are proud of their decisions and actions, let that be known. You have a voice use it. If you would like to see change happen between now and the next election, let your voice be heard on that as well. Never be afraid to voice your opinions. Never be afraid to stand in the gap for change. Never be afraid to stand firm for what you believe in. The only time anyone

truly loses anything is when they do not learn and when they sit idle on the sidelines in silence. As for me, I am braced for the additional blessings that are coming. My beautiful journey is what champions are made of. My story is the thesis that parallels the stories of legendary leaders across the Commonwealth. Despite the adversities they faced along the way, they never gave up, they continued to march on, they continued to lead...they continued to step gracefully into their destiny of greatness. My campaign in Dumfries was just the beginning of my political journey. I look forward to seeking higher offices in the future. Until that time comes, there are plenty of birthdays to make happen at Action in Community through Service (ACTS), television shows to produce, books to write, this will be a chapter in my book, people to inspire, empower, educate, and motivate. There are other leaders in the community to mentor. There are also other campaigns in the area, which I look forward to playing a role in effective immediately now that I have a little extra time. You see, trail blazers lift one another up. Together we move. That is no other way to do so. She looked forward to working with you all in the community. I encourage everyone to stay encouraged, be motivated, be a force to be reckoned with, and just be you.

Wade Menear has lived in Williamstown for 27 years and is before Council to complain about the new park. He has a letter signed by from 12 residents stating the music was so loud. They are a residential community over there and the Town really needs to think about something like this again before it is done. One of his neighbors is a nurse who works at the hospital and she did not get any rest before she had to go to work. There should never be another DJ in the park or anything else that is going to make this kind of racket. Somebody needs to take responsibility for the park. He was out late a few weeks ago and got home about 2:00 a.m. He observed people playing basketball at 2 a.m. Somebody needs to take control of the park. Put a gate on it or do something. People are constantly jumping the fence and cutting through private property. It is making the residents lives pure hell and this is not right. He thought they were going to get something a lot better when they got rid of a stinking donkey farm. He felt the Town jumped from the frying pan into the fire with the park. This is just awful. The following letter was submitted for the record.

Remainder of Page Left Blank Intentionally

April 26, 2014

To: Mayor and Town Council

Town of Dumfries, Virginia

We the residents of the Town of Dumfries are demanding that use of the new Ginn Memorial Park located on Graham Park Road cease to allow the use of a DJ or any other method of **Loud Music** at any time.

This playground and park is located in the center of a residential neighborhood. You are depriving us the residents of the adjoining properties the quiet and peaceful use of our homes.

Name	Signature	Property address
<u>Wade S. Meador</u>	<u>Wade S. Meador</u>	<u>2701 Steele Ct</u>
<u>Elena Stau</u>	<u>Stau D</u>	<u>2707 STEELE Ct</u>
<u>SO YOUNG PARK</u>	<u>Ladney Park</u>	<u>2708 Steele Ct</u>
<u>Marcia Wimberly</u>	<u>Marcia Wimberly</u>	<u>2710 Steele Ct.</u>
<u>Calvin Mann</u>	<u>Calvin Mann</u>	<u>2714 Steele Ct</u>
<u>Ruth Hernandez</u>	<u>R. Hernandez</u>	<u>2702 STEELE CT.</u>
<u>Larry Webster Jr.</u>	<u>L Webster</u>	<u>2713 Steele Ct.</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Tasha Fuller was before Council asking to be considered for the Parks and Recreation Commission. She has a company called "Your Go2 Girls" and they support kids in the Town. She understands the value of having spaces for children to go and the value of bringing new dollars to our communities.

IN RE: MAYOR'S COMMENTS

Mayor Foreman announced that on behalf of the Council and staff he would like to thank the citizens for putting up with the May 6 election. The build-up, the campaigning, the signs, and then yesterday at Town Hall. Thanks for all the build-up and voting. Your voting means a lot and he knows that Council appreciates the support received individually and holistically.

IN RE: COUNCIL MEMBER COMMENTS

Mr. Toney congratulated Mayor Foreman on the election. He is looking forward to working with the Mayor moving forward. The people have spoken. He heard them loud and clear. He thanked his team. He was very proud of the support economically, time and energy. He expressed his appreciation to his wife Penny for all of her support.

Mr. Wood thanked the citizens for re-electing him. He noted the Town had a 14 percent turnout and encouraged people to get out and vote in the future. He wished all the mothers a Happy Mother's Day. He asked everyone to remember the veterans Memorial Day.

Ms. Reynolds congratulated everyone on the election. She announced the Boys and Girls Club Annual Steak 'N' Stake Dinner will be held on May 16. She had plenty of tickets available if anyone was interested. If you are unable to attend the event, contributions can be made.

Ms. Forrester thanked the citizens for allowing this Council to be a consistent over one-election cycle.

Ms. Washington thanked everyone for coming out and exercising his or her right to vote. She congratulated her colleges on getting another term. She thanked her husband for standing by her. She also thanked the McLaughlin family for getting her to run for office. She feels like she is making a difference, loves the people of Dumfries, and is willing to do whatever it takes to make Dumfries the best town in Virginia. She asked the citizens to hold her accountable and to call her and let her know what their concerns are.

IN RE: PRESENTATIONS**A. PROJECT MEND-A-HOUSE – JENNIFER SCHOCK-BOLLES – EXECUTIVE DIRECTOR**

Ms. Bolles announced that May is also Older Americans Month. The focus this year is and for Older Americans Month is safety intervention, which Project Mend-A-House holds very near and dear to their heart. For thirty years, Project Mend-A-House has been committed to improving the living conditions for low-income residents in the Prince William, Manassas, and Manassas Park. They also assist seniors, veterans, and persons with disabilities. They offer no cost home repairs and safety modifications thus allowing people to remain safely and independently their own homes. Project Mend-A-House was founded in 1984 by a Meals on Wheel volunteer who saw the deplorable living conditions of one of her

clients and decided to make a difference. Enlisting the help of the Prince William - Manassas area Agency on Aging and the local business community she organized a volunteer workday to address the repair needs of that senior's home. From there the organization evolved. They obtained their 501(c)3 status in 1995 and expanded their mission to assist anyone of low-income, which to Project Mend-A-House is any senior, veteran, or person with disability whose income is 50 percent or less of the area medium income (AMI). This is the only program in Prince William County (PWC) that offers free home repairs and accessibility modifications. Their clients come from a variety of referrals and neighbors refer some or they read about their services in the paper. When applicants are submitted for project approval they are required to provide financial and geographical information and are required to sign a form, which states the home repair is for their use and not for resale purposes. Once an application is received, it is reviewed for eligibility and financial information is verified. Clients from the extremely low to low-income levels are those that make less than 50 percent of the AMI and are qualified for free services; however, if the repair is safety related, they can receive assistance at a reduced rate. Project Mend-A-House volunteers, led by their project manager and herself, meet monthly to discuss repair work that has been requested. Once a project is approved, the project coordinator visits the home to assess the project and to determine the extent of the job, the tools, materials, the budget, and the hours needed to complete the project. Once the assessment is completed jobs are assigned to volunteer team leaders and to volunteers. For many of these jobs civic and church groups as well as businesses volunteer to help. Many projects do not cost anything and are simply the tightening of a pipe or screw. Other projects require plumbing and electrical expertise or carpentry. Some are quite costly. Bathroom modifications and ramps run from \$1,500 to \$5,000. They have partnerships with local plumbing, electrical, construction, heating and air conditioning and roofing companies. To date they have completed over 10,000 safety repairs and modifications including building over 300 American Disabilities Act (ADA) ramps and donating over 200,000 hours to the local community. In FY13, the volunteers assisted over 200 area residents with 475 home repairs and safety tasks and donated close 5,000 hours of service. IN FY13 77 percent of their clients were female, 58 percent were over 62 years in age and 52 percent were persons with disabilities. These projects help support housing values in neighborhoods and reserve the stock of affordable accessible housing units. Project Mend-A-House's long-term goal is to continue providing safe and affordable housing stock to allow their clients to age in place. They lend items like hospital beds, stair climbers, and transfer benches. Through funding from the Potomac Health Foundation, they offer health screenings throughout the year. An extreme makeover, Mend-A-House style includes a new door, living room window, hallway carpeting, new kitchen, bathroom and yard clean ups. Their motto is "Neighbors Helping Neighbors." These projects

provide an opportunity for local businesses, scout troops, civic organizations, and church groups to help their neighbors for the benefit of all. It is a winning partnership.

Mr. Toney, when he read the information on her organization, he was struck and thanked her for bringing her organization to their community.

Mayor Foreman stated there are many great organizations out there that help many people and indicated that her organization complements these other groups.

B. COMMUNITY GARDEN SUPPORT – NANCY BERLIN, MASTER GARDENER, VIRGINIA COOPERATIVE EXTENSION (VCE)

Ms. Berlin explained that VCE is an extension of Virginia State University and Virginia Tech. They extend research-based information to communities on various topics including financial education, parenting, nutrition, diabetes, 4H and environment and natural resources. They have various avenues that they deliver research based horticultural information. How to do a garden. How to care for your lawn in an environmentally sensitive way. One of the programs that is growing in leaps and bounds is the community gardening program. They have started about 12 community gardens at schools. They use tried and true methods. She went over the following information in a PowerPoint presentation.

- Dumfries is in a unique position to promote healthy eating and active living in this community
- Community gardens are places where neighbors can gather to cultivate friendships and vegetables.
- Community gardens can improve nutrition, physical activity, community engagement and education, safety, & social interaction
- Leadership is needed to guide decisions on liability expenses, code restrictions, use of funds and enforcement of rules

Underlying Principles of a Sustainable Garden

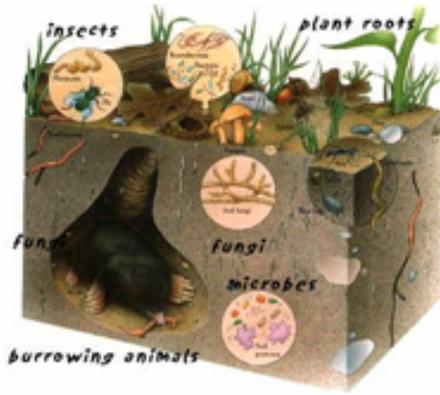
- Organic, environmentally sound
- Feed the soil, not the plant; no synthetic fertilizer, herbicides, pesticides
- Reduce external input; get renewable resources locally
- Conserve non-renewable resources (soil, energy, minerals)

Important Principles

- Soil compaction causes loss of beneficial fungi and ability of soil to hold air and water. “Double dig” once adding compost
- Rototilling, fertilizers, fungicides destroy beneficial soil organisms.
- Avoid walking on double dug beds; make permanent paths (mulch or pea gravel)
- Soil test
- Small, manageable plots, intensively gardened
- Rotate vegetable families
- Scout/handpick for insects
- Use cover crops

Soil is Job #1

Soil is not just dirt, not just a place to plant vegetables



A community – A complex system of living and non-living things

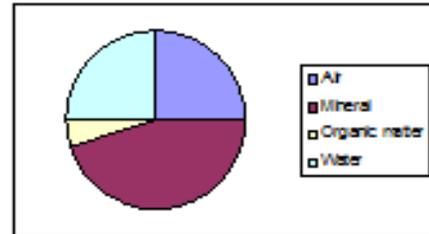
1. Inorganic particles of sand, silt and clay
2. Macro and trace minerals
3. Microorganisms: bacteria, algae, fungi, and protozoa
4. Insects
5. Plant roots
6. Soil organic matter

Job 1: Feed the soil to feed the plant by increasing soil organic matter, increasing biological activity and providing nutrients.

Ideal Composition of Garden Soil

- **50 % Fluids - Pore Space**
 - 20 to 30 % air
 - 20 to 30 % water

- **50 % Soil Solids**
 - 45 % inorganic minerals
 - Sand, clay, silt; good mix is loam
 - Macro minerals: N,P,K
 - Micro minerals: Ca, Mg, S, Fe, Cu, Mn, Zn, B, Cl, Mo
 - 5 % soil organic matter: the remains of plants and animals



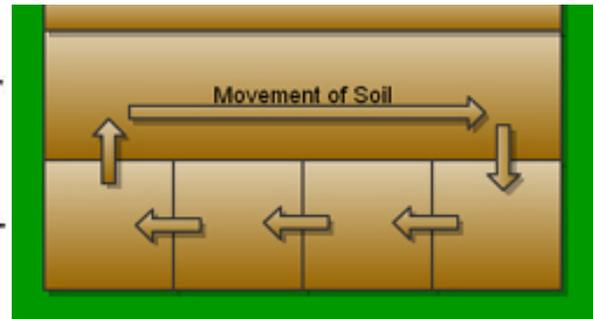
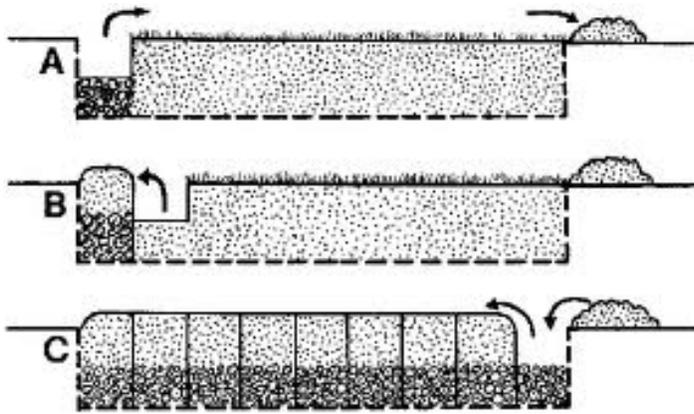
32

Typical Unimproved Soil

- Covered with mix of grass and weeds
- Heavily compacted naturally, from home-building, or foot traffic. Heavy clay with shale.
- Majority of dirt is inorganic soil solids: clay, sand, silt, Minerals there but not available.
- Soil organic matter is less than 1 percent, only in top couple inches; Top soil is very thin
- No sign of earthworms or organic life
- Limited pore space for air / water, Water runs off, not in
- **97% soil solids / 2% pore space for air and water / 1% organic matter**

31

Garden beds will be marked out. Double Dig Sequence.



Planting Calendar (partial)

P = plant in garden: seeds or seedlings*

Month	March				April			May			June		
	1	11	21	31	10	20	30	10	20	30	9	19	29
Crop													
Turnips	P				H								
Potatoes		P									H		
Beets			P						H				
Cabbage*			P						H				
Carrots			P						H				
Lettuce, bibb			P							H			
Lettuce, leaf			P					H					
Broccoli*				P							H		
Brussels sprouts*				P								H	
Cauliflower*				P					H				
Beans, bush						P					P&H		
Beans, pole						P							
Corn, sweet						P							P&H
Cucumbers							P					P&H	
Eggplant*							P						

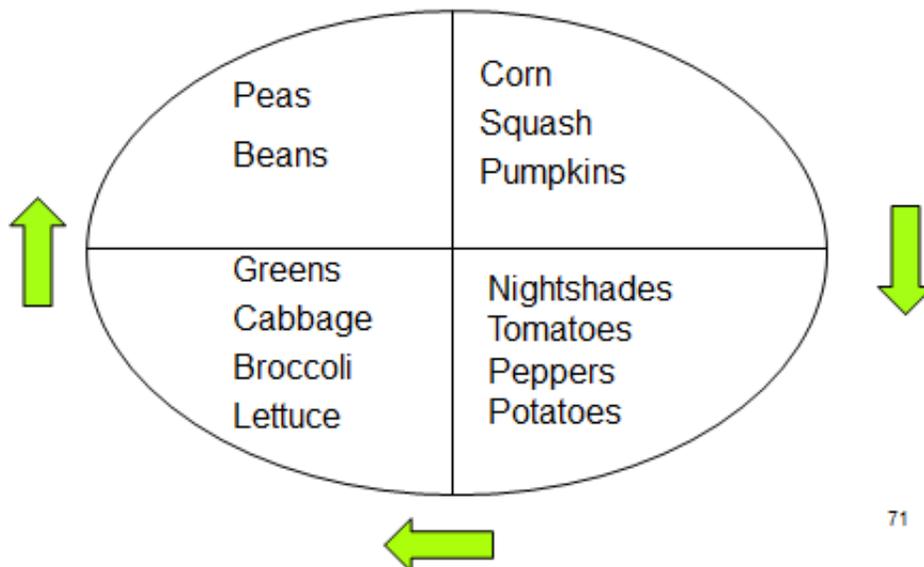
Cover Crops – enriching the soil during the winter months

Cover crops – note additional biomass

March 30, 2013 – 5 weeks later



Penn State Rotation



71

She recommended extending the season with tunnels.

Tunnel



Challenges Ahead for Ginn Memorial Park Community Gardens

- Leadership
- Community Involvement
- Designate garden problem solver – ombudsman
- No water on site – cistern?
- Homeowners' contract, agreements and enforcement
- Garden rules – signs
- Theft – human and critters - fencing options
- Scheduling informal garden centered classes for residents with VCE – Prince William – May, July, late August

The Role of Master Gardener Volunteers and VCE Staff

- Educators/demonstrator on scheduled occasions – 1-3 month notice required
- Resource consultants – Extension Horticulture Help Desk
- All garden promotion and management must be handled by staff from the town of Dumfries

Mr. Wood thanked Ms. Berlin for her time and education. A lot of the HOA's were able to hear from her and can now promote the events. They have now made certain plots handicapped accessible.

IN RE: BOARDS & COMMISSIONS

A. ARCHITECTURAL REVIEW BOARD (ARB)

James Ksanznak, Chairman, gave the following report.

- Reviewed a certificate of appropriateness to replace the exterior of the Dumfries Elementary School sign with an electronic message sign. They will install a new masonry

base. Shelly Claybourn, Project Manager, for PWC schools is the applicant. The ARB approved the base and the reinstallation of the existing sign, but did not approve the electronic message sign. The ARB Guidelines state that flashing and internally illuminated signs are not permitted.

- Received an application for the First Town Center project regarding the demolition of existing structures for construction of the new project. The applicant is Pete Singh. The ARB decided not to vote until a phase one archeology study was completed. They have now received a scope of work for said study.

Mr. Wood asked for details regarding the electronic sign that the school district was proposing.

Mr. Ksanznak remarked that the school was proposing a scrolling electronic sign. This sign type is in conflict with the ARB guidelines and the zoning ordinance.

Ms. Washington asked if they could revisit the sign ordinance because the school is looking for signage that can be controlled with a computer inside of the building.

Mr. Ksanznak stated Ms. O'Dell is the person to answer that question.

Ms. Washington indicated that Ms. O'Dell could address her question when she gave her report.

B. BOARD OF ZONING APPEALS (BZA)

There was no report.

C. HISTORIC DUMFRIES

Joann Barron gave the following report.

- Charter Day is May 10 and the US Army Drum Corp will be there to perform a 20-minute program starting at 12:00 p.m.
- PWC Community Expo on May 10 behind the McCourt Building. A representative will be there to get the summer camp information out to the public.
- On June 14, Spirited History will be at the Weems-Botts Museum to do a fundraising event. They will do all of the solicitation for the program.
- Kids Summer Colonial Camp will be July 7 through 11 from 7:00 a.m. - 2:00 p.m. They have more volunteers than they did last year. Children have been stopping by for applications. They try to not turn any child away. The fee is \$100 for the week.
- She thanked the Mayor for putting her application in with Discover PWC. On Friday, Ms. Barron will be presented with the 2014 tourism leadership award.

Mayor Foreman requested that the flyer for the summer camp be sent to all of the HOA's. He noted the Police Department also holds a kids academy for the children.

Mr. Wood stated that her award was well deserved.

Ms. Washington thanked her for trying to have the African American Cultural Round Table. It has been re-scheduled to May 19.

Ms. Barron has a meeting with Norma with the NAACP and they were trying to come up with a way to make it more enticing. On July 1, a Victorian tea party will be held at the gazebo.

Ms. Reynolds congratulated her for her hard work.

D. PLANNING COMMISSION (PC)

John Webb, Chairman, gave the following report.

Work Session

- Discussed and reviewed the 2014 Comprehensive Plan.
- Discussed and reviewed a conditional use permit (CUP) for the First Town Center (CUP 2014-001).

Public Hearings & Regular Meeting

- Voted unanimously to recommend Council approve the 2014 Comprehensive Plan.
- Vote was 4-3 to approve CUP 2014-001 First Town Center. The First Town Center project includes residential above commercial and allowances to exceed the height limit of 55 feet. A condition was added that the RPA not be disturbed. The three no votes were based on the height of the building. One commissioner felt that number of multifamily units would have a negative impact on Main Street traffic. The traffic study showed that traffic impacts would be minimal.

IN RE: COUNCIL REPORTS

A. BOYS AND GIRLS CLUB

Ms. Reynolds asked if there was any questions.

There were no questions.

B. PARKS AND RECREATION COMMISSION

Anansa Prince, Secretary, gave the following report.

- Discussions were held on Phase III for Ginn Memorial Park. The discussion included expanding the walking trails around the multipurpose field. Adding a bicycle rack and an exercise station, which will include pull-up and sit-up bars, a push-up and stretching station. The Commission is considering expanding the playground equipment in collaboration with the Kiwanis Club who will do a 50/50 match. William O'Kelly Russell is coordinating this effort. A proposal was made to relocate the rocking horses and benches in order to make room for the pavilion. Two additional grills and benches are being added

to the existing picnic area. The Commission would like to start laying the electrical and plumbing for the pavilion. The Commission voted 5 to 1 in favor of the changes discussed for Phase III.

- There are four remaining events scheduled for FY15 and training with the Virginia Association for Park and Recreation.
- In FY14, the remaining events are the 3-on-3 basketball tournament and the Annual 5k family walk/run scholarship.
- The Commission would like to change the May 17 date for the 3-on-3 Basketball Tournament to May 31 to eliminate conflicts.
- The Inspiration Festival went well. They heard about the complaints from the neighbors about the noise. This issue was addressed with the DJ and steps have been taken to insure noise is not an issue in the future.
- Reviewed the Community Use Policy was discussed.
- The first dig for the Community Garden, with Ms. Berlin, Master Gardener, will be held on May 17.

Mr. Wood pointed out the motion the Commission made was to forward to Council the recommended Phase III for Ginn Memorial Park to discuss. Mr. Russell is working on the drawings for Phase III. The basketball tournament needed another week to organize the teams. The flyer for the double dig is on the Town's television station and the website.

Mayor Foreman noted Council would need to make a motion to change the date for the 3-on-3 Basketball Tournament.

Ms. Reynolds asked if the noise was a one-time occurrence, or is associated with all the events.

Ms. Prince stated there were only complaints for this last event.

Mr. Reynolds inquired about whether advance notice was provided to the neighbors.

Ms. Prince responded there was. It was stated that the Commission would be more specific in the future and go knock on doors.

Ms. Reynolds thanked the Commission for the outstanding job. She has received a lot of positive feedback from the citizens.

Ms. Washington stated the music could be moved to the other side of the Park behind the basketball court and reducing the volume.

Mr. Brewer felt Council needed to talk about event noise at a work session and asked the Town Manager to place it on the next agenda.

Mr. Toney was surprised the Commission was moving into Phase III. There were reasons the Park was designed with a lot of open space and did not want the open space to be impeded. Visibility was a big concern and large trees and bushes were not included in the design for this reason. He applauded the Commission for looking at Phase III. It is an important element of the Park plan. He stated when the Park was being planned, the neighbors were consulted, and efforts have been made to address concerns.

Ms. Prince indicated the Plan is to keep the Park as open as possible. The walking trails will promote healthy living. The exercise equipment will be placed around the walking trail by the field.

Mayor Foreman pointed out that he has asked for the list of volunteers to send out thank you letters, which he has not received. In addition, he asked if the budget has been submitted for the Parks and Recreation Commission.

Mr. Taber responded he had not been provided the final budget.

Mr. Wood stated the Commission needed to vote on it first.

Mayor Foreman inquired about the costs incurred for the Inspirational Festival.

Mr. Wood stated the expenses could be provided.

Mr. Taber noted a spreadsheet would be provided for the Inspirational and Multicultural Festival at the work session.

Mayor Foreman asked how volunteers are selected and that they should be screened.

Mr. Taber indicated there are two types of volunteers. Volunteers that work closely with children on a one-on-one basis who have background checks. The second group of volunteers are established through the Commission brought in through the event capacity. He noted a policy to run background checks on all volunteers that work with children.

Sean Peet stated most the volunteers are U.S. Marines from Quantico.

Mayor Foreman stated one of the volunteers was a homeless gentleman and he has been trying to connect him with the Streetlight Program to obtain a job and get him off the streets. He asked if background checks are being done.

Mr. Peet responded background checks are not being done.

Mayor Foreman wanted background checks done for all volunteers. He expressed that the Town has three parks and holding events in all three parks. Garrison Park is the more appropriate Park for loud noise. He suggested the Commission speak with Ms. Barron about having events at Merchants Park, which is in a residential neighborhood; however, Ms. Barron has had a multitude of events with bands. Noise abatement needs to be considered for all events. The residents were there first.

Mr. Peet only heard of one complaint and other neighbors told him that they loved the music.

Mayor Foreman advised that this is not a debate and these are concerns not complaints. He asked the Commission to consider noise mitigation. A citizen brought in a letter with 12 signatures. This is about quality of life. He directed the Commission to create a checklist of items regarding noise issues.

Ms. Reynolds thanked all of the volunteers for their help. Volunteers do not need a home to volunteer.

Mr. Toney explained the Commission has not yet had a full year of planning events and the Commission will learn from the issues that come up and the Commission deals with. Any complaints are a concern and require a response from the Council. Events are planned for Ginn Memorial Park to provide the children in the townhouse communities an opportunity to benefit from these events.

Mr. Brewer echoed the Mayor's comments regarding the Park. He plans to invite the HOA's to the work session when this is being discussed further and everyone should be prepared to handle the issue.

Mayor Foreman stated there is no requirement to have a home to volunteer. It is important to keep track of the volunteers to provide awards. The Town needs to have a list of the volunteers.

Mr. Wood noted a need to get addresses from each of the volunteers. It has been difficult to get their addresses. They have email addresses. A complaint came in about the fence in the Park and plans are being made to fix it.

Mr. Wood moved, seconded by Ms. Reynolds, to change the date for the 3-on-3 Basketball Tournament from May 17 to May 31.

Mr. Brewer asked if any music would be played at the event.

Ms. Prince responded there would be.

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

C. NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

Mayor Foreman noted the meeting was pretty standard. He mentioned that he was going to try to set up a brief from the NVRC about the energy efficient program.

Mr. Brewer asked if the Town was still involved with the Northern Virginia Transportation Authority (NVTA).

Mayor Foreman responded the position has changed to Leesburg. They have restarted the Planning Coordination Advisory Committee (PCAC), which is the working group under the NVTA. The Mayors of the NVRC are on this. Richard West works the local level on this.

Mr. West stated the monthly meeting he attends is the Jurisdiction and Agency Coordinating Committee (JACC). Members of all of the agencies that are involved in the NVTA. The Committee talks about current issues like house bills, the Virginia Department of Transportation (VDOT) six-year

improvement plan, and upcoming transportation bills. Two elected officials have been asked to serve from each jurisdiction on the PCAC or the Technical Advisory Committee (TAC).

Ms. Reynolds asked if they have a timeline for the person from NVRC coming to the Town.

Mayor Foreman stated that Purcellville was the first locality south that they have gone to with the home performance energy star program. He needs to get them scheduled for a work session set up. The earliest would be next month.

Ms. Reynolds asked if they would learn about the impact and the cost to the Town involved.

Mayor Foreman stated the cost would be borne to the developer on new homes. They would need to install the new boxes.

D. PLANNING COORDINATION ADVISORY COMMITTEE (PCAC)

Mr. Taber stated the Committee meets on a monthly basis. The Committee discussed the Multicultural Festival. The initial interviews have been completed for the vacant position. He has narrowed it down to two individuals.

Mayor Foreman asked that Council discuss what staff's role is on the Committee. The Council can then make a decision.

Mr. Taber clarified that this report should be the PCAC report not the Events Committee report.

Ms. Washington stated that there were some problems before when the previous staff member was assigned to work with the Parks and Recreation Commission and wanted to know if the candidates were being made aware that this would be one of their responsibilities.

Mr. Taber stated he has; however, this position has only so many hours in a day and this person will be expected to do more than in the past as far as the Parks and Recreation Commission goes that here will be a saturation point. The Council will eventually have to address whether or not to invest resources toward a part-time employee.

Ms. Washington explained she was looking at the number of events that the Town sponsors under the Community Services Director and felt the number of events the Parks and Recreation Commission have would easily fit under this position.

E. NORTHERN VIRGINIA CIGARETTE TAX BOARD

There was no report

IN RE: STAFF COMMENTS

A. DIRECTOR OF COMMUNITY SERVICES

There was no report.

B. PLANNER/ZONING ADMINISTRATOR – LAURA O'DELL

Ms. O'Dell noted that Ms. Bolles from Project Mend-A-House provided her with brochures that will be placed at the front counter. There is an application process for the citizens to go through and she plans to help citizens through the process.

Mayor Foreman pointed out the recommendation made by Ms. O'Dell about community groups being formed that can help repair homes of the elderly and low-income residents. This is an outstanding recommendation and asked Ms. O'Dell to follow up on this. Churches are a great resource as well as the Boys Scouts. Several complaints have been received about vending at the corner of Acts Lane and Main Street. The vendors will not be legally allowed to return to the location in the future. If the yard sale ordinance is passed this can be used to enforce vendors who apply to sell household goods and will be used to prevent businesses from having outdoor displays. He wanted a definition on a professional merchant displaying their wares and classifying that as a yard sale ordinance and a yard sale, which is a non-professional. He understands what the intent is, but he did not think that merchants should be mixed in with yard sale.

Ms. O'Dell stated it is the outside display and selling of wares. So, the definition may need to be altered. She pointed out that this would allow any business to put anything outside along Route 1, Fraley Boulevard, and Route 234, which is what the Council was trying to prevent with the yard sale ordinance. It would be defeating the purpose of the ordinance if Council went that route.

Mayor Foreman clarified when talking about professional merchants, storefronts, what they can and cannot do, he does not want to have to refer to a yard sale, which is more of a home base, nonprofit, laissez-faire let us put this out, and do this. If you are going to talk about wares and display of wares there should be an instruction or there should be in the instructions what a merchant can and cannot do.

Ms. O'Dell had previously suggested in the yard sale ordinance not allowing yard sales in non-residential districts to try to curb everything along Route 1, Fraley Boulevard, Graham Park Road, and Route 234. There are no residential homes on Fraley Boulevard or Route 234, but she would have to look into it further.

Mr. Toney asked for elaboration on the training Ms. O'Dell attended in Richmond on cluster development.

Ms. O'Dell explained cluster developments are grouping homes with a network of roads that are easily accessible to get to high volumes of people for emergency services and school buses. It is all about keeping a community intact and close together so that everything you need is right there hence eliminate the traffic coming and going in and out of towns, eliminating the need for a far stretch of services with everything condensed and confined which creates a more organized traffic pattern.

Mr. Toney indicated the same description given now was what was around when he was on the PC and it was called planned neighborhood development. The Wegmans development is a planned neighborhood with a town center. The Town considered a planned neighborhood development near Graham Park Road that would be a self-contained community. He asked how it is relevant to Dumfries.

Ms. O'Dell explained Dumfries does not have a lot of land area for new development. She cited the Town Center being proposed by Pete Singh is similar to what these designs are made out to do.

Mr. Brewer asked the Mayor if he was the Zoning Administrator to create an amendment to address the issue he brought up.

Mayor Foreman asked for clarification on whether businesses were allowed to display their wares on the sidewalk.

Ms. O'Dell responded Town Code currently does not allow it, but also does not prohibit it. It is not addressed in the Code and the Code in this instance leaves it up to the Zoning Administrator to make a determination on whether it fits the intent of the district or not.

Mr. Brewer asked if language could be crafted so that it does not leave the determination up to the Zoning Administrator. He noted that is the main problem with every code written. It is up to interpretation. If you make it clear then no one has to guess.

Ms. Washington felt this needs to be kept simple. Yard sales and businesses should be separated. She asked about electronic message signs. She felt the Town should consider signage that can be used that does not necessarily scroll or blink, but should be able to be managed from a computer.

Mr. Taber noted if the desire of the Council is for staff to come up with a proposed ordinance and provide the pros and cons it can be looked at. The issue is allowing electronic signage for a certain type of use such as schools and then prohibiting them for other businesses. The issue is with Route 1 having electronic signage.

Ms. Washington asked staff to provide her with options.

Ms. O'Dell discussed signage with the Commission about giving leniency to governmental and civic organizations; however, the Commission did not want to make any changes at this point. She indicated the applicant could appeal the ARB's decision.

Ms. Washington suggested staff check with other towns in Virginia.

Mr. Wood asked for a copy of the ordinance and the date it was adopted. In addition, he wanted to know the purpose and history of the ordinance. He asked how often the Commission shoots down an ordinance change that Council does not hear about.

Ms. O'Dell noted it was not often. She thought Council was made aware of it because it had to do with banners being hung for Town events while property owners were not allowed to hang banners.

Mr. Brewer explained that this is a unique situation because the school is in a residential neighborhood. He asked who is handling this for the school and who attended the meeting.

Ms. O'Dell stated they were representatives for the School Board.

Ms. Forrester was not in favor of the government being able to do something that citizens were not allowed to do.

C. DIRECTOR OF PUBLIC WORKS – RICHARD WEST

Mr. West asked if Council had any questions.

Mayor Foreman stated that citizens were asking him when the Graham Park Road and Curtis Drive intersection would be started and completed. He asked why the Town could not cut off the access on Graham Park Road to the shopping center and require people to enter further to the south.

Mr. West stated staff would look at this. The former Police Chief had concerns regarding egress from an emergency point of view.

Mr. Taber stated there are issues regarding Route 1, which is controlled by VDOT and VDOT, determines whether a curb cut is provided. There may also be some property right issues with the owners of the shopping center. He will come back to Council with more information and options.

Mr. Brewer inquired if liquidated damages were included in the bid.

Mr. West stated liquidated damages clause that relates to the VDOT regulations schedule.

Mr. Brewer stated the schedule shows Council approval of the bid June 17, 2014 with completion in the Winter of 2014.

Mr. West explained this is dependent on the weather.

Mr. Brewer pointed out that on the corner of Wilson Street there is a light pole, in front of Forrester's residence, that points into her yard and wanted to know if they can turn it around to face the street.

Mr. West would look into re-orientating toward the street.

Mr. Toney indicated it is a big issue using the Main Street and Graham Park Road intersection and hopes the lights can be synchronized.

Mr. West explained the lights are on two different systems and would require VDOT synchronize them. The plan is to put the lights on one system. The plan is to create a right turn lane (northbound) for citizens living in the Knolls of Dumfries to turn right towards Main Street. This will occur in October 2016.

Mr. Toney pointed out the intersection on Fraley Boulevard between Williamstown Drive and Possum Point Road has increased in traffic and speed. The children at the Boys and Girls Club use this intersection and there is a need for lights.

Mr. West has identified four locations that need lights and he has been in touch with PWC. He will have to work with the County Supervisor on this.

Mr. Taber noted staff is working with the electric company too. The town does not control the process and it will require setting up a meeting with the County Supervisor.

Mayor Foreman stated the Town pays for the streetlight and PWC pays for the power. He explained that Supervisor Caddigan needs to be made aware of this; however, it is up to the Town to submit the paper work and let the County know it is a priority.

Ms. Forrester stated whatever is decided regarding her streetlight it fine. She explained the Town used to allow property owners to purchase streetlights for their property. The streetlight was out and she asked the Town to replace it. She was told the Town would not pay for a private streetlight so she replaced it. She needs to know if there is a different determination made and before work is done on her property.

Mr. Brewer asked how much a streetlight cost.

Mayor Foreman stated it was around \$8,000. The lowest was \$5,000. When the freeway project was completed and the sound wall was installed, VDOT told him the tree program was still available to all the residents. He asked that VDOT be contacted and the information placed on the website to allow citizens to apply. He asked Mr. West to work with the homeowners on Orange Street where the new homes are being built. The builders installed silt fence that is not working. The homeowners have installed man made curbs to divert the water, but the water is just going over the curb. He mentioned there was a ditch and asked if it could be cleaned. He stated the fence between Ginn Memorial Park and Williamstown HOA needs to be settled. The fence has started to fall over, has become unsightly, and needs to be removed.

Mr. West stated portions of the fence that were on Town property were removed.

Mr. Wood responded that Commissioner Russell has a copy of the survey and the fence is on the Town's property.

D. CHIEF OF POLICE – REBECCA EDWARDS

Chief Edwards announced the kids academy is scheduled for July 15 and 16 at the Jeff Simpson Community and Cultural Arts Center. It is open to all rising 5th graders in Dumfries. Reminder that Rolling Thunder is May 25.

Mayor Foreman complimented the Police Department on the 36 hours of foot patrol and the 392 calls for service of which Dumfries responded to 84 percent, 328, of them. He congratulated Officer Garcia for completing his field training. People living on Cameron Street would like the speed limit to be 15 miles per hour (MPH).

Chief Edwards stated the speed limit is regulated by the State. She would look into what it takes to get the speed limit reduced.

Mayor Foreman asked about the School Resource Officer (SRO) duties and whether critiques are being provided by the school. Is the SRO actively involved with providing presentations on substance abuse, curfews, shoplifting, runaway prevention, suicide prevention, child abuse, etc.?

Chief Edwards stated the main program that was to be implemented was the Drug Abuse Resistance Education (D.A.R.E.) program. She is working with the Principal to set aside time for the course to be taught.

Mayor Foreman stated the memorandum of understanding (MOU) needs to be fulfilled. He stated it was important for the SRO to get feedback from the Principal and the Chief for evaluation purposes and that a service is being provided by educating the children. Not just being a security guard or a contact.

Mr. Wood asked if any complaints regarding noise were received.

Chief Edwards stated dispatch received one complaint. The complainant did not want to see an Officer. The Officer, in order to determine whether the noise is in violation of the ordinance, has to stand in the location where the complainant is standing to measure the decibels.

Mr. Wood inquired about when the Officers will start riding their bikes through the neighborhoods to be more visible.

Chief Edwards stated they are meeting tomorrow at 5:00 p.m. to discuss bike patrols. The plan is to buy the bikes soon. The Officers do foot patrols and last month the Officers performed 36 hours. The goal is for the Officers to walk at least one hour a shift.

Mr. Wood mentioned a shop owner telling him that he does not see Officers in the shopping centers.

Chief Edwards stated the Officers drive through the shopping centers as well as foot patrols.

Mr. Toney ran into a woman who has cameras in her home that captured people stealing from her property. He wanted to know if Chief Edwards was aware of that call.

Chief Edwards stated she was not, but would look into it.

Mr. Toney would like someone to follow up with her to address her concerns. When Ginn Memorial Park was being designed, the citizens asked for frequent police presence. This Park is open from dawn to dusk and no citizen should be there once it gets dark.

Ms. Washington asked, if possible, to add to the work session a discussion item to determine a way to share individual citizen concerns rather than bringing them to the regular meeting. She believed the citizens that came to the meetings or watched them on television were doing so to hear about things that concern the entire Town. She has emailed things to Mr. Taber, who in turn provides them to staff, a

response is provided, and then she can follow up with the citizen. This will cut down on the length of the meetings.

Mr. Wood asked about the gang response meeting the Chief attended. He asked if there was any evidence of new gangs in the Town.

Chief Edwards stated she did not attend those meetings. Captain Robinson attended the meetings. She noted the focus of those meetings are about creating activities for children to get involved in rather than gang activity. They do not talk about gang activity.

Mr. Toney expressed a desire to be involved with the group and attend the meetings as a citizen. Intervention and prevention programs are critical.

Chief Edwards advised she would forward the coordinator his contact information.

Mayor Foreman stated it is fine for Council Members to participate, but decisions or direction have to be made by the whole Council. He asked what the alternate date is for the budget.

Mr. Taber was hoping to get an idea of which avenue Council will be taking on the budget in order to advertise for the public hearing needs to be advertised. He reminded Council that the other alternate date was done away with, so the next opportunity would be the work session.

E. TOWN ATTORNEY – OLAUN SIMMONS

Mr. Simmons asked if Council has any questions.

There was none.

F. TOWN MANAGER – DAN TABER

Mr. Taber pointed out that a concerted effort is being made by staff to make sure all businesses that are required to have a business license are obtaining one. A second batch of notices will go out Friday morning. There was an individual that came in because of the business license not being valid and it was determined that the individual owed \$4,000 in real estate taxes, which were collected, and the individual applied for a business license.

Mayor Foreman asked if a list could be provided to Council of all vendors currently under contract by department to include the name, address, amount of the contract, type of service provided, and when the contract expires. The 2020 Vision Statement was going to be reviewed to determine what could be done, what should be done, and what has been completed.

Mr. Taber would have that report at the next work session.

Ms. Washington thanked Mr. Taber for the aggressive way he is dealing with businesses that do have a business license. She thought it was far overdue. The citizens in Town are concerned that a lot of the ordinances in place do not have teeth. She noted the need to look at ways to aggressively look at persons with property issues.

Mr. Wood added the aggressiveness gets the attention of the business owners.

**IN RE: COUNCIL REPORT ON MEETINGS WITH ELECTED OFFICIALS
PERTAINING TO THE TOWN**

There were no meetings reported.

IN RE: ACTION ITEMS

**A. PUBLIC HEARING FOUNTAIN GATE CHAPEL CONDITIONAL USE
PERMIT (CUP) - CUP 2014-003**

Ms. O'Dell reminded Council that the application was reviewed at the last work session. The applicant is proposing to locate in the Dumfries Shopping Plaza. The hours of operation would be Sundays and Fridays from 10:00 a.m. to 1:00 p.m. and 7:30 p.m. to 9:30 p.m. Staff is proposing that the parking be located at the end of the shopping center along Graham Park Road.

The public hearing was opened to public comments.

Mr. Caldwell stated the Dumfries Business Association (DBA) recommends that Council deny the CUP. A CUP is an exception in the B-1 zoning. A prominent minister in the Town told him, that there are already 28 places of worship. This is in a Town that consists of 1,024 acres. He is sure the Town is only aware of a few of these nonprofit organizations since most of them do not report themselves to the Town and the landlords are not required to tell the Town who their tenants are. Most of the Town's churches are nondenominational, claim to be involved in the Dumfries-Triangle community, even though the congregation comes from Stafford, Woodbridge, Manassas, and other localities. There currently are a number of existing nondenominational churches that already exist in the Town that the local citizens can attend. Why is the church not locating where the parishioners live. Maybe because they cannot get a permit and it is known throughout the area that you can come to the Town and be granted a CUP anytime. The Town needs more retail not more nondenominational churches. There is already an over saturation of these type of institutions in the Town. He asked the Council to deny the CUP request.

There being no further comments the public hearing was closed.

Mr. Brewer agreed with Mr. Caldwell and would not be voting to approve the CUP.

Ms. Forrester moved, seconded by Ms. Reynolds, to approve the Fountain Gate Chapels application for a CUP.

Mayor Foreman reminded Council that he did not vote in favor of the last CUP for a church because the property owner would not work with the Town and tell the Town what businesses were located on their property. That was wrong of them. In this situation, the property owner contacted the Town and provided the Town with all the information needed.

Ms. Washington asked how long the property had been vacant.

Mayor Foreman stated it had been longer than 90 days or six months.

Ms. Washington replied that shopping centers should be retail, but since no one else was knocking on the door, Council should allow the church.

The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**RESOLUTION TO APPROVE CONDITIONAL USE PERMIT TO ALLOW
FOUNTAIN GATE CHAPEL TO OPERATE AT 18037 DUMFRIES SHOPPING
PLAZA**

WHEREAS, the Town of Dumfries has received a conditional use permit application to allow for a place of worship, namely Fountain Gate Chapel, to operate in the B-1 General Business Zoning District located at 18037 Dumfries Shopping Plaza; and

WHEREAS, the Planning Commission reviewed the application February 10, 2014, making the condition that church members park in the parking spaces adjacent to Rite Aid and Graham Park Road; and

WHEREAS, on March 10, 2014, the Planning Commission held a public hearing and voted to move the application forward to Town Council for review with the recommendation to approve with the condition that all vehicles be parked in the parking spaces adjacent to Rite Aid and Graham Park Road; and

WHEREAS, the Town Council reviewed the application at the March 18, 2014 work session, and held a public hearing on May 7, 2014.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the conditional use permit, CUP #2014-003, for Fountain Gate Chapel to be located at 18037 Dumfries Shopping Plaza be approved with the condition that all vehicles be parked in the parking spaces adjacent to Rite Aid and Graham Park Road.

**B. PUBLIC HEARING AMENDMENT TO THE TEMPORARY USE SECTION
70-22, BY ADDING SUBSECTION 3, YARD SALES – LAURA O’DELL**

Ms. O'Dell reminded Council that the proposed text amendment was reviewed at the last work session.

The public hearing was opened to public comments.

Mr. Caldwell stated a yard sale by definition is a sale of used household belongings typically held outdoors at a home of the seller. The DBA agrees with this ordinance in that the residential homes should not display household belongings on Route 1 (Main Street), Fraley Boulevard, Graham Park Road, and Route 234. Businesses are not residential homes and are excluded from this ordinance and may still display their wares and services in front of their business establishment. The displays placed outside these

businesses help promote products and services which in turn enhances the desirability to come and shop in the Town. If this ordinance is an attempt to prevent businesses from displaying their products and services in front of their businesses then the DBA believes that this is a misinterpretation of yard sale. The DBA would welcome to work with Laura O'Dell in writing an ordinance for businesses in the Town that everyone would be amicable to.

There being no further comments the public hearing was closed.

Mayor Foreman asked if the amendment, as written, would apply to businesses.

Ms. O'Dell stated it would be imposed on anyone who wants to sell household goods and personal items along Route 1, Graham Park Road, Fraley Boulevard, and Route 234.

Mayor Foreman stated again that he would like yard sales to apply to residences and that there should be a separate ordinance for businesses.

Ms. O'Dell stated the text could be amended to not apply to businesses.

Ms. Forrester did not agree with Ms. O'Dell. She was going to make a motion to adopt the proposed language to exclude brick and mortar businesses.

Mayor Foreman reiterated that businesses that display wares is not conducting a yard sale.

Ms. Forrester moved, seconded by Mr. Wood, to introduce the ordinance with the clarification that yard sale does not apply to businesses, with adoption on June 3 under the consent agenda.

Mayor Foreman asked if the motion could include businesses licensed in the Town.

Ms. Washington was thoroughly confused. She asked when Council will decide on how to deal with the brick and mortar businesses. She is not in favor of anybody selling outside of their business. There needs to be an ordinance for the yard sale and then a list of things that Council is allowing businesses to do outside.

Mr. Brewer asked if the ordinance is referencing commercial or residential.

Ms. O'Dell stated the ordinance, as it is written, includes both residential and commercial.

Mr. Brewer stated that yard sales should be for only residential and not commercial. He noted that Council can create all the ordinances in the world, but the question is who is enforcing them.

Mr. Taber stated there is a Public Works employee that works one Saturday a month right now looking for violations.

Mr. Brewer asked if the Town had a Code Enforcer on staff.

Mr. Taber indicated there was not; however, if it is a code the Police Department can enforce, they will do that.

Ms. Reynolds indicated the ordinance did not make sense to her. She read from the ordinance that yard sale is the sale of used or unwanted household goods. She asked whether new household items and

ones that she wants to keep still be considered a yard sale. She was hearing two or three things and it is not making any sense to her.

Mayor Foreman stated the ordinance should not include businesses. Businesses should be addressed in another section of the ordinance.

Ms. O'Dell stated that there is no clear definition of a yard sale in the code.

Ms. Forrester explained that Council, in the past, has adopted something with a specific intent and then staff often interprets it differently.

Mayor Foreman recommended that the ordinance be relooked at by staff and be redrafted to include the Council's comments before bringing it back. The amended draft should be specific for residential and a list for businesses.

Ms. Forrester withdrew her motion.

**C. PUBLIC HEARING EXTENSION OF THE UNION STREET VACATION –
OLAUN SIMMONS**

Mr. Simmons advised that on August 18, 2009 the Council passed an ordinance to vacate the Union Street property on the condition that the development was to commence within three years of the vacation. The developer failed to commence within the allotted time. Recently the developer has requested a five-year extension of the Union Street vacation. Council is considering amending the conditions of the ordinance in order to provide the developer with additional time to commence development, but at the April 1, 2014 meeting, Council was not able to determine how much additional time to provide the developer. Council requested the Town Manager advertise for a public hearing. The request is for Council determine how much additional time be granted to the developer.

Mr. Toney understood the property reverted to the Town. The Town should consider whether to vacate the property again. He pointed out that it was another Council that originally vacated the property. He would like to see a detailed plan from the applicant.

Ms. Forrester felt the Town should vacate the property and the applicant should not be required to bring plans back. The Town has no intent to use the property and Council wants to encourage development. It is expensive for a business to draw up plans and doing that not knowing whether or they will be able to use the property is a lot to ask.

Mayor Foreman explained when the applicant originally requested the extension Council walked the property. He is in favor of granting the vacation request. He did not want the applicant to come back in four or five years and ask for another extension. The applicant should bring back plans for their proposal. He felt Council should re-walk the property again because the applicant has completed some of the site work for the creek and grading.

Mr. Brewer inquired if the vacation can be transferred to another property owner.

Mr. Simmons was not sure about transferability and would need to check on that.

Mr. Brewer noted that until he has an answer he would not vote on the matter. He also wants to know what the ultimate plan is. He pointed out that if the property is sold the Council may not agree with what the new owner wants to do.

Ms. Reynolds noted Council was talking about property that was no longer owned by the applicant. She understood that in 2009, the applicant had years and if nothing was done, the property converted back. She will not agree to give an extension unless she gets clarification on what is being requested.

Mr. Brewer stated a plan was brought to Council in the past; however, it was never executed.

Mayor Foreman stated the improvements to the property have not been completed. The applicant should provide Council the original plans and what their current vision is for the property and a site visit should be provided to Council.

Ms. Reynolds is concerned that this is Town owned property and she does not know what the applicant wants to do with the property. She wants the applicant to start breaking ground.

Mr. Toney was talking about the process. Council has not vacated the property yet.

Ms. Washington was in favor of vacating the property and Council can consider everything when an agreement is reached with the applicant. The original plan for the property has changed. The applicant should have to present to Council what they want to build and provide a time line for construction. It needs to be put in the agreement that if the property is sold, it reverts to the Town.

Mayor Foreman stated Council has changed the process for this application. Council would not take public comment at this meeting and would hear public comments when the applicant comes back.

Mr. Taber noted that staff would set up a site visit to walk the property. Staff would also research the transferability of the property to another owner if the applicant does not develop the property. Council will be provided an opportunity to review the old plans and discuss the new plans at a work session.

Mr. Toney stated the applicant needs to apply for a new vacation as the first step in the process.

Mr. Taber explained the applicant has applied to vacate the property. He will provide clarification to Council at the work session.

Mr. Simmons noted the ordinance does not have to be re-written; however, should be amended to clarify the conditions.

Mr. Wood asked what was included in the advertisement.

Mr. Simmons responded it was for an extension of time.

Ms. Reynolds wants a time frame for construction.

Mayor Foreman asked to sum up the council's request.

Mr. Taber indicated it comes down to legal terminology and the legal process. The confusion is in regards to the process, does the Council need to do a brand new vacation or does Council simply amend the existing ordinance. Currently the property is the Town's and the applicant cannot start construction until the Town approves the request.

D. PUBLIC HEARING ORDINANCE AMENDING TOWN CODE, SECTION 2-83, TOWN MANAGER, BY ADDING TO SECTION (b) SUBSECTION 19

Mr. Simmons reminded Council that on April 1, 2014 a public hearing was requested to address the proposed amendment to the Town Manager's duties and responsibilities.

The public hearing was opened to public comments.

Mr. Caldwell read the proposed amendment and suggested the portion regarding the Town Manager designating a qualified individual should be changed to the Council because it is the Council who is the representative body of the Town. If the Town Manager is incapacitated, the Council should make this determination.

There being no further comments the public hearing was closed.

Mayor Foreman explained the language was crafted to allow the Town Manager to designate his designee. If the Town Manager were incapacitated, by default, it would fall to the Council.

Mr. Toney moved, seconded by Mr. Wood, to introduce the ordinance and place it 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, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

E. DISCUSSION CONCERNING CHANGES COUNCIL HAS REQUESTED TO THE PROPOSED FY15 BUDGET – DAN TABER

Mr. Toney moved, seconded by Ms. Reynolds, to continue the FY15 proposed budget discussion to another meeting because this item will require a long discussion.

Mayor Foreman established the meeting would be continued to Tuesday, May 13, at 7:00 p.m.

There was a brief discussion about whether or not the Town could meet the advertising requirements for the FY15 budget. It was clarified that the advertising requirements will be met.

Mayor Foreman asked if the closed session could be done at another night.

Mr. Wood responded yes.

IN RE: CONTINUATION OF MEETING

Mr. Foreman moved, seconded by Ms. Reynolds, to continue the meeting to May 13 at 7 p.m. in Council Chambers. The motion carried by the following voice vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, absent; 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