

**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON MAY 8, 2012, AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:**

**THERE WERE PRESENT:** Mayor Gerald Foreman  
Vice-Mayor Willie Toney  
Dorothea Barr (arrived after roll call)  
Kristin Forrester  
Michele Jurgensen  
Gwen Washington  
Daniel Taber, Town Manager  
Christine Sanders, Town Attorney

**THERE WERE ABSENT:** Vacant seat

**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 SILENCE AND PLEDGE OF ALLEGIANCE**

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

**IN RE: APPROVAL OF THE MINUTES**

Ms. Forrester moved, seconded by Mr. Toney, to approve the minutes from the February 7, 2012, February 21, 2012, and February 22, 2012 work session minutes as presented. The motion carried and was approved by the following roll call vote: Ms. Barr, absent; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat.

**IN RE: ADOPTION OF THE AGENDA**

Mr. Taber noted an amendment to the agenda to remove the closed session was needed.

Mr. Toney moved, seconded by Ms. Forrester, to adopt the agenda as amended by removing the closed session. The motion carried by the following roll call vote: Ms. Barr, absent; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat.

**IN RE: APPROVAL OF THE CONSENT AGENDA**

Ms. Forrester moved, seconded by Mr. Toney, that the Consent Agenda be adopted as amended to include the words featuring “Dumfries has Talent” to the resolution commending Michele Jurgensen’s service. The motion carried and the following resolution as amended was approved by the following roll call vote: Ms. Barr, absent; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat.

**RESOLUTION TO COMMEND THE SERVICE OF  
MICHELE JURGENSEN AS A COUNCIL MEMBER OF THE TOWN OF DUMFRIES**

WHEREAS, Michele Jurgensen will have served with distinction as a Council Member of the Town of Dumfries from July 2010 to May 2012 , and

**MAY 8, 2012 COUNCIL MEETING MINUTES**

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WHEREAS, Ms. Jurgensen attended the Virginia Municipal League's (VML) Conference for Newly Elected Officials and served as the Town's representative on the 2011 VML Policy Committee for Community and Economic Development; and

WHEREAS, in serving the Town of Dumfries, she has continually been dedicated, committed, and a strong advocate for our children, public safety, economic development, and moving the community forward; and

WHEREAS, in acknowledging the importance of participation as a Council Member, Ms. Jurgensen has served on the Web Site Design, Economic Development Advisory Group, Newsletter Committee and the Multicultural and Fall Festival Committee's; and

WHEREAS, she was instrumental in reshaping the Town's Annual Fall Festival featuring "Dumfries has Talent", the 2011 Multicultural Festival, and the planning, coordination, and execution of the first "Government Contractors/Technology" Job Expo; and

WHEREAS, she initiated the development of a "New Resident's Welcome Guide" accessible on the Town's website; and

WHEREAS, she seized the opportunity to appoint June Forte as the Town's Ambassador during a trip made to Dumfries, Scotland; and

WHEREAS, throughout her tenure she has deeply demonstrated her sincere willingness to serve her constituents with an untiring dedication to improving the quality of life; and

WHEREAS, Ms. Jurgensen tendered her resignation effective May 24, 2012 due to her husband being reassigned.

NOW, THEREFORE BE IT RESOLVED, that the gratitude and best wishes of the Town Council, the Town staff, and the citizens of the Town of Dumfries, are hereby extended to Ms. Jurgensen, her husband Eric, and their family, Ethan, Evan, and Katherine, for continued good health, good fortune, and happiness in all future endeavors.

**IN RE: CITIZEN COMMENT PERIOD**

Sue Cornell congratulated the Mayor and commended the other Council Members that ran for Council for a very truthful, honest, clean campaign. She congratulated and welcomed the new Council Members Helen Reynolds and Charles Brewer who will be seated next month.

Derrick Wood wanted to remind Council about the temporary food service establishments since it is the beginning of the season and he has several locations that he has gotten permission to set up at. He noted that the Board of Health regulates them under section 32. He mentioned that the Multicultural Festival was a grand time.

Mayor Foreman noted that when the Economic Development Director gave her report he was going to bring it up to move it along.

**IN RE: MAYOR'S COMMENTS**

Mayor Foreman brought up the following dates.

- 5-7-1945 - Germany surrendered to the United States
- 5-8-1945 - Victory in Europe Day
- 5-10-1908 - The first Mother's Day observation that took place in West Virginia and Pennsylvania
- 5-9-2012 is the Memorial and Tribute Day for Fallen Officers that will be held at the Dr. A. J. Ferlazzo Building at 7 p.m.
- He thanked the Public Works Department on the Quantico Creek Clean up
- The Multicultural Festival was a great event with wonderful community involvement
- May 12, 2012 - Charter Day from 10 a.m. to 5 p.m.

**IN RE: PRESENTATIONS (none scheduled)**

**IN RE: STAFF COMMENTS**

**A. TOWN MANAGER – DAN TABER**

Mr. Taber reported the following items.

- Work continues on the FY13 budget
- Bids have been opened for the Ginn Memorial Park Phase I, once approved construction will begin immediately
- No odor related complaints have come in for the month of April for the Potomac Landfill
- Litter pick up around the community is improving
- An opportunity has come up to refund a 2003 Bond that will save the Town about \$67,000 over the life of the Bond without extending the length of the Bond

Ms. Forrester asked where staff was with scheduling another meeting with the Potomac Landfill.

Mr. Taber noted staff had additional questions and will let Council know as it moves forward.

Ms. Barr joined the meeting at this time.

Ms. Jurgensen noted she complained earlier this month about the odor after smelling it one morning at 3:00 a.m. She noted that the Potomac Landfill has a person who comes in her neighborhood to monitor usually after 8 a.m. that she reported it to as well.

**B. CHIEF OF POLICE – ROBERT FORKER**

Chief Forker reported the following items.

- Acknowledged and congratulated Officer Renee Moody on graduating as a Crime Scene Technician
- Officers conducted 48.45 hours of foot patrols last month

Mr. Foreman read the following statement.

**“The Prince William County Police Department’s Crime Prevention Unit met with Town officers to discuss security for the new Ginn Park. The Crime Prevention Unit conducted a security assessment of the park and has provided a written report. This report will be forwarded to members of the Ginn Park Committee.”**

He asked if the report referenced could be provided to the entire Town Council. He questioned whether Council should be provided a copy of all crime reports or an assessment be provided.

Ms. Barr explained that this particular report is more for lighting and camera vision, and was not giving crime statistics for the zone.

Chief Forker noted the report is crime prevention through environmental design that discusses the lighting, cameras, and shrubbery that could be provided to Council.

Ms. Barr explained it was in response to the concerns expressed by citizens over safety and security in the park.

Mr. Foreman noted that if it had said environmental it would not have concerned him. He thought it was giving statistics about the area.

Mr. Toney mentioned that Chief Forker had recommended having the Prince William County Crime Prevention Group look at the park moving forward to provide technical assistance in order to be as safe as possible with the construction of the park and the way it is organized.

Mr. Foreman noted he did not need a copy.

**C. DIRECTOR OF PUBLIC WORKS – GREG TKAC**

Mr. Taber reported the following in Mr. Tkac's absence and offered to answer any questions Council may have.

- Approval for the Ginn Memorial Park parameters will come before Council at the next meeting when Mr. Tkac would be available.

Ms. Barr mentioned that some citizens in the Knolls of Dumfries would like to bike to work and Quantico if there were some way for the Town to provide sidewalks, in conjunction with the roadwork being done in the area, from Dumfries to Triangle. This would be a great benefit.

Mr. Taber advised the matter would be looked into.

**D. DIRECTOR OF COMMUNITY & ECONOMIC DEVELOPMENT – DEBI SANDLIN**

Ms. Sandlin reported the following items.

- Two Strategic Plan focus groups were held with 10 community members and 22 businesses participating
- Sixty-nine surveys have been collected
- A 10-minute presentation was done on May 16 at Quantico during a Welcome Aboard meeting and surveys were handed out
- Attended a community expo at Quantico and handed out information about the Town
- Debbie Jones, Vice President of the Prince William Chamber of Commerce, has agreed to partner with and invite Town businesses over the next few months to participate in free networking events normally open only to Chamber members, they will host an after-hours business event to learn about the day-to-day challenges Town businesses are facing, and businesses will be able to attend Chamber events that have fees at the same rate Chamber members are offered instead of the non-chamber member rate

Mr. Toney recommended creating Dee Thomas a resolution commending her for her service on the Architectural Review Board.

Ms. Sandlin agreed.

Ms. Barr commended Ms. Sandlin on holding the focus groups.

Mr. Toney asked if an individual who serves on a Board or Commission has been found guilty of malfeasance could or would be removed from the Board or Commission.

Ms. Sanders needed more details to be able to answer that question.

Mr. Toney stated he would discuss it with her later.

Mr. Foreman noted that the Town does not have a business license for roaming eateries or a category; however, there are a couple that it could vaguely fall under. He wanted to know if this could be looked at and rectified.

Ms. Sandlin noted that has been looked at and currently code does not allow for this type of business, roadside vendor. If it were a private event, the vendor would fall under the umbrella of the permitted event. The Planning Commission (PC) is looking at the matter now.

Mr. Foreman mentioned that would be a couple months from now. He understood that there are rules that apply to events; however, these vendors are trying to comply. He asked if what was being said was that a vendor could do a barbeque every weekend until this was straightened out.

Ms. Sandlin explained that a food vendor could take part in an event as part of the establishment or organization. Setting up on their own on the weekend is not allowed.

Ms. Forrester felt there had to be a resolution to the problem temporarily. That something could be put in place to allow food vendors to operate until this was explored. The Town is losing money because they are going to another locality and setting up.

Ms. Barr mentioned the request was forwarded to the PC on a separate motion with the thought this would move the process along faster.

Ms. Sandlin advised it would be placed on the next PC agenda to have the dialogue started.

Mr. Toney asked if Council could place a temporary reprieve to allow these businesses to function in lieu of going through the bureaucracy.

Ms. Sandlin was not aware of any enabling legislation that would allow creating a new zoning classification or business use without going through the bureaucratic and democratic process. She explained there are many things to consider such as safety, the public, and zoning classification issues with these types of businesses.

Mr. Foreman asked that a report be given on it at the next Council meeting to allow the businesses to know that it is being worked on.

Ms. Washington asked that Ms. Sandlin get with Ms. Sanders to expedite the areas of concern.

**E. DIRECTOR OF COMMUNITY SERVICES – CYDNY NEVILLE**

Ms. Neville reported the following items.

- Events Committee will be meeting tomorrow to establish the dates for all the major events for next year
- The Community Center will be a pit stop for “Bike to School Day” tomorrow from 3:00 p.m. to 4:30 p.m. and next Wednesday will be “Bike to Work Day” from 12 p.m. to 1:30 p.m.
- A self-defense classes is being offered through the Police Department on May 24
- The next Senior Luncheon is May 18 with bingo
- Pillar Church will be holding movies on the lawn in Garrison Park at dusk on June 9
- She thanked the Summer Employment Selection Committee for their help with the program
- She thanked the Events Committee for its help with the Multicultural Festival, the volunteers, the festival participants, and all the vendors

Ms. Barr recommended the self-defense class for anyone who has not taken it before.

Ms. Washington mentioned checking with the Prince William County School System to see if they would allow the Town to advertise its events to get more participation from the kids. She volunteered to assist with handing out the flyers.

Ms. Neville wanted to do a community partnership between the Town and Dumfries Elementary. She noted that each school handles things differently.

Ms. Jurgensen suggested contacting the Parent Teacher Associations to see if they would publish the events in their newsletter.

Ms. Barr asked if Emoni’s was still a community partner since she has stopped by numerous times and no one has been there.

Ms. Neville noted she would look into it and if Emoni’s was no longer in business, she would remove them from her report.

Mr. Toney recalled that Ms. Neville had indicated the Town needed to be known for something. He thanked Mr. Wood for the idea of having a barbeque battle and understood that this was the first of the battles. He noted that Frank Zirkle of Frank’s Barbeque won the battle.

**IN RE: ACTION ITEMS**

**A. FEE SCHEDULE FOR SITE PLAN REVIEW, ZONING APPLICATIONS, BUILDING INSPECTIONS, AND LABOR/EQUIPMENT RATES - PUBLIC HEARING – MORGAN BRIM**

Mr. Brim commended the Council for taking a 27-page convoluted document down to a four-page manageable document. In becoming more business friendly this helps and it helps staff to keep from making calculating errors and reduces the amount of time it takes to process an application. He explained that the fees were derived by looking at a combination of what the cost is to the Town to provide the services and doing a comparison of the fees for Stafford and Prince William County to keep the Town’s fees the same as or less than.

The public hearing was opened to public comments.

There being no comments the public hearing was closed.

Ms. Forrester asked if the request she made about addressing the charge of an additional fee for a rejected inspection, sign, etc was addressed.

Mr. Brim explained that typically staff works with the applicant and allows them to resubmit.

Ms. Sanders explained that there are major land use decisions that State statute precludes an applicant to come back and apply once Council has denied the application.

Ms. Forrester noted she was not talking about items that Council would review.

Ms. Forrester made the motion, seconded by Ms. Washington, to introduce an ordinance to amend the fee schedule.

Mr. Foreman agreed with Ms. Forrester. He explained that an assumption is being made that when the fee is being paid it includes the different committees helping. He understood that when it came to Council rejecting an application is different.

Mr. Toney asked if an appeal was made to the Board of Zoning Appeals for a denial if there would be another fee.

Ms. Sanders explained an appeal made to the Circuit Court would require paying for filing fees.

The motion to introduce the ordinance to adopt the fee schedule carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat.

**B. DISCUSSION/DECISION ON ISSUING TASK ORDER THREE TO PREPARE A CAPITAL IMPROVEMENT PLAN – DAN TABER**

Mr. Taber noted the Capital Improvement Plan (CIP) plays a vital role in the development of the Town. This document is referred to when talking about the budget, visions, and goals. The last time the CIP was discussed was back in 2009. Since that time, there have been some dramatic changes in the vision of what the Town is going to look like in the future. With the limited staff and capabilities, he felt that using the Town's on call contractor would be in the best interest of the Town and asked that the Council issue task order three to allow the contractor to meet with staff and the various committees to work through a proposed CIP that will be presented and approved by Council. The cost will be approximately \$18,000 that can be paid for with the proceeds of some surplus that was sold at auction.

Mr. Foreman asked if the funds were coming from the fiscal year 2012 budget.

Mr. Taber stated that they would.

Ms. Barr noted the budget was altered to include a capital improvement budget in addition to the general fund, which makes it easier for the citizens to see which portion they are paying for versus the additional resources the Town is getting, for its major improvements around Town. She saw the CIP going hand in hand with the capital improvement budget.

Ms. Barr made the motion, seconded by Ms. Washington, to adopt the resolution awarding task order three to revise and update the CIP. The motion carried and the following resolution was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat.

**RESOLUTION TO AWARD TASK ORDER THREE TO THE BERKLEY GROUP TO REVISE AND UPDATE THE TOWN'S CAPITAL IMPROVEMENT PLAN**

WHEREAS, the Town entered into contract DPW-11-05 with the Berkley Group for on-call Engineering, Project Management and Transportation Planning Services on January 2, 2012; and

WHEREAS, the Town last adopted a Capital Improvement Plan in March of 2009; and,

WHEREAS, the Town has an identified need to revise and update the Town's Capital Improvement Plan; and

WHEREAS, the Town has a budget allocation set aside for the revision and update of the Town's Capital Improvement Plan; and

WHEREAS, the Berkley Group is professionally engaged in planning services; and

WHEREAS, the Town has approved the Berkley Groups hourly wage rates; and

WHEREAS, the total time and man hour efforts for task order three have been negotiated by Town staff; and

WHEREAS, the negotiated fee for task order three is \$18,000.

NOW, THEREFORE BE IT RESOLVED the Dumfries Town Council on this 8th day of May, 2012 issues to the Berkley Group task order three in the amount of \$18,000 for the revision and update of the Town's Capital Improvement Plan.

**C. DISCUSSION/DECISION ON HOLDING A PUBLIC HEARING TO AMEND THE NOISE ORDINANCE – CHIEF FORKER**

Chief Forker explained that upon review of the noise ordinance there were words being used such as unreasonably loud and unreasonably disturbs. What is unreasonable to one person may not be unreasonable to another. In 2009, the Supreme Court case Tanner v. City of Virginia Beach held that noise provisions are unconstitutionally vague and could not be enforced. An ad hoc committee was developed through the Local Government Attorneys of Virginia LLC to review ordinances throughout the State. The ordinance being presented for consideration is what the committee developed and has been reviewed by the Town Attorney, Will Jarvis the Assistant Commonwealth Attorney, and Jeff Notz a Prince William County Attorney. Prince William County has adopted the ordinance almost word for word. The recommendation is taking the penalty from a Class 3 misdemeanor to a Class 2 misdemeanor, which takes the fine from up to \$500 with no jail time to up to \$1,000 and/or up to six months in jail. Prior to 2007 the Town's code included decibel readings and for

some reason they were removed. The reading levels are the same for the daytime; however, it is proposed to increase the nighttime levels, which will be the same as Prince William County's for consistency between the two.

Ms. Jurgensen asked if sounding a horn or other signaling device included car alarms that are at a dealership.

Chief Forker noted there is a specific section that covers a burglar alarm or motor vehicle alarm that sounds off for more than 15 minutes.

Ms. Jurgensen asked if the penalty would include the owner going to jail.

Chief Forker noted that would be up to the judge.

Ms. Jurgensen asked how it would work if the noise was being heard from the back of a house and not the front because of being in a gully.

Chief Forker explained that the decibel levels would be measured from the edge of the property of the complainant.

Ms. Washington asked if there was a warning with this violation. She used the example of a couple of houses in her neighborhood that have alarm systems that have gone off while the owner is at work that have stayed on for hours.

Chief Forker noted that as with any violation, it is at the Officer's discretion. He pointed out that there is the occasional neighborhood party but there are businesses that create noise and continue to create noise.

Mr. Toney wanted a clause in there that states a warning would be given for violating the law.

Chief Forker advised that Council could direct staff to include a warning. He asked how often, how long before waiting to give another warning, if it occurs today what about tomorrow, etc.

Mr. Toney felt that could all be worked out and a warning should be given the first time. He could understand if it is a reoccurring event that the individual go to jail.

Ms. Sanders clarified that a Police Officer cannot immediately lock an individual up for violating the noise ordinance. A citation would be issued requiring the individual to go to court and the judge decides what the appropriate penalty would be.

Chief Forker noted that the judge is the one who determines the penalty.

Mr. Toney heard that the officer has the discretion to lock an individual up.

Ms. Sanders explained it is the range of the penalty a judge can give.

Chief Forker noted that an Officer does have that discretion. The Officer has the discretion to warn, write a summons, or arrest on any offense; however, that has not been the practice.

Mr. Toney was hearing that with a Class 2 misdemeanor that an Officer has the discretion to arrest the individual without a warning.

Chief Forker agreed that was correct.

Mr. Taber explained that what generally happens is a Police Officer responds, asks the individual to cut the noise down, shut the party down, and takes down the name and information of the person in charge. If the party continues and an Officer comes back, he will issue a summons for the violation and ask them to shut the party down again. He noted that if the individual refuses this might lead to a summons being issued before a warning. Discretion is a major role of a Police Officer every day and it is difficult to write a law that would cover every possible situation.

Ms. Forrester wanted to leave the violation as a Class 3 misdemeanor. She did not feel the change fit Dumfries.

Mr. Foreman pointed out that usually laws are written for habitual offenders. He mentioned that sound rises and asked if a decibel level reading would be taken from the third floor and whether a Class 2 misdemeanor was the same as PWC.

Chief Forker noted that readings would be taken from different places on the property. He confirmed that the penalty would be the same as PWC with a Class 2. He mentioned that a PWC Officer cannot come into the Town and enforce a Town ordinance.

Mr. Foreman asked about jake braking.

Chief Forker mentioned that there has been a problem with jake braking. It was not included in the ordinance and is more of a traffic enforcement issue. He noted there are other issues to consider like the cost associated with having to put up signage.

Mr. Foreman asked what the sound levels were for the residents around the car wash on Main Street. He explained that it was not the vacuums at the car wash but the radios being played over the sound of the vacuums.

Chief Forker mentioned there were no incidences during the two-week period, 97 visits, to get any readings.

Mr. Foreman asked what the readings were over on Possum Point Road by the Campbell property.

Chief Forker noted there were readings that went up to 70; however, this was not a violation since there is a separate section that looks at trucks when operating above 35 miles per hour and below 35 miles per hour. Readings were taken on Twist Court and although the trucks could be heard, they were not over the decibel levels. Two businesses were spoken to about the jake braking and since that time, there have not been any more complaints.

Ms. Barr asked if the equipment being used was the same as what she used to test the noise levels at the Knolls of Dumfries.

Chief Forker noted that new equipment was purchased.

Mr. Toney asked that jake braking be explained.

Chief Forker explained that jake braking is an engine brake. In order to keep from burning up the brakes rather than using the brakes the jake brake is used which puts the engine into reverse.

Ms. Washington asked if a statement could be included, that explains what Mr. Taber was saying about the discretion of the Officer, and that it is normal practice for a warning to be issued first.

Chief Forker noted it could be incorporated in the ordinance or made part of a policy.

Ms. Forrester made the motion, seconded by Ms. Barr, to move the ordinance forward to a public hearing keeping the penalty as a Class 3 misdemeanor with wording crafted that a warning will be issued. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat.

**D. DISCUSSION/DECISION ON ADOPTING A RESOLUTION TO RESCIND THE PREVIOUS INVOCATION POLICY AND ADOPT A NEW POLICY – CHRISTINE SANDERS**

Ms. Sanders reminded Council that at the April 17, 2012 meeting an ad committee was formed that met on April 25. At the meeting, it was decided that to accommodate persons of all faiths, a moment of silence is the best way, which will allow each individual to pray according to each individual's faith or beliefs. A resolution was crafted to rescind the prior invocation policy and implement a moment of silence.

Ms. Forrester asked that the item be placed on hold. She recalled the motion was to have the ad hoc committee meet to discuss the matter and two Council members were going to do some research and provide some guidance.

Mr. Foreman had no problem with putting the matter on hold until the next Council meeting to allow any Council Member to make comments.

Mr. Toney hoped he would be allowed to pray to his God before the meetings.

Ms. Forrester made the motion, seconded by Mr. Toney, to place the matter on hold until the May 22, 2012 meeting. The motion carried by the following roll call vote: Ms. Barr, abstain; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, no; Mr. Toney, yes; Ms. Washington, yes; vacant seat.

**E. DISCUSSION OF POTENTIAL COST FOR HISTORICAL MARKERS – DAN TABER**

Mr. Taber reminded Council that at a previous meeting he was directed to explore the costs involved in establishing a Historical Marker Program for the Town. Without knowing the actual type of marker design and specific content or wording, it is estimated that the approximate cost per marker would be \$2,000. He suggested that if the Council decides to implement the program that it be budgeted for two markers a year. This will allow a committee to be formed by next year and the exact cost will be known then.

Ms. Barr mentioned that her family owns a piece of property on Route 1 that has three markers that basically cover the entire front of the property. They are in the wrong place and getting those markers moved is,

short of an act of Congress, impossible. She was concerned that once a government entity places the marker it will never be moved. She noted that there are unobtrusive ways to do markers such as plaques in the sidewalk in front of the property. She hoped that if this was going to be done that it would be done in a way that is unobtrusive, especially on private property, and hopes that the ones that are currently obtrusive can be moved.

Mr. Foreman agreed with Ms. Barr's concerns. The intention is to promote walkability and promote the Town's historical past. No marker would be placed on private property without the consent of the property owner. The markers would be placed where there are known historical sites in the Town. A committee would be formed. He liked the idea of them being placed incrementally to allow everyone the opportunity to be involved. If a property owner does not want a marker, there does not have to be one and it can still be listed in the brochure. The key is to promote tourism, walkability, and put the Town of Dumfries on the map.

#### **F. CONTINUED DISCUSSION ON FY13 BUDGET – DAN TABER**

Mr. Taber stated an updated budget was provided for Council's review. He noted that this was the time for Council to ask questions of the Department Heads and discuss any recommendations for allocating funds. He went over the following changes that were made to the budget.

- Administration budget – ordinance review was increased from \$1,500 to \$6,000
- Economic Development budget – travel/training reduced by \$600, meetings/events reduced by \$950, and tradeshow/conferences reduced by \$200 for a combined reduction of \$1,750
- Public Works budget – Quantico Creek clean up was removed from Community Services budget and was neglected to be placed into the Public Works budget – Quantico Creek clean up added with a budget of \$1,500
- Community Services budget – Dumfries will be hosting the CivMil Meeting in FY13 – budgeted \$1,500
- This leaves a surplus of approximately \$10,000

Mr. Foreman noted that the public hearing is scheduled for the next Council meeting; however, Council has the ability to hold off until June 5 to hold the public hearing, which will allow for any additional questions, comments, or changes to the budget prior to adoption.

Ms. Barr expressed concern over not saving for a rainy day since no funds were being allocated to savings. She mentioned that at the last work session Council was told that a capital improvements budget spreadsheet would be provided. She asked for that to be supplied with a narrative.

Mr. Taber noted Public Works would put that together and he would get it to Council.

Mr. Foreman asked when taxes would be collected again for real estate.

Retta Ladd, Treasurer, stated taxes are due June 5.

Mr. Foreman asked what a business license, wholesale, other line item was.

Ms. Ladd noted that would include government research and development, contractors, vendors, and solicitors.

Mr. Foreman asked how the figure to be collected is determined.

Ms. Ladd explained the figure used was the unaudited amount collected for the previous fiscal year.

Mr. Foreman asked what the \$14,000 for DMV grants consisted of.

Ms. Ladd explained that was reimbursements for the Smooth Operator Program the Police Department receives.

Mr. Foreman asked what the other category in the Governing Body budget was.

Mr. Taber explained that would cover any item not listed in the delineated sub-object code.

Mr. Foreman asked if there were any election costs expected.

Mr. Taber noted that would cover the costs of holding a special election.

Mr. Foreman asked if there was a way that the Town could include in the Economic Development budget a line item to provide a plaque to businesses that have grand openings. He read an excerpt from the following letter.



DUMFRIES, VIRGINIA  
Virginia's Oldest Continuously Chartered Town  
CHARTERED 1749 INCORPORATED 1961

17755 Main Street  
Dumfries, Virginia 22026-2386  
Tel: 703-221-3400/Fax: 703-221-3544  
www.DumfriesVirginia.org

To: Daniel Tabor  
Town Manager

From: Gerald M. Foreman II  
Mayor  
17583 Summer Duck Drive  
Dumfries, VA. 22026

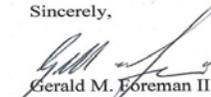
May 8<sup>th</sup>, 2012

Dear Mr. Taber,

For the remainder of FY12 (May and June 2012) I am surrendering my salary back to the budget as Mayor. When planning for the FY13 Town of Dumfries Operating Budget, I am surrendering my annual salary for the period of 1 July 2012 through 30 June 2013. I will not accept a salary while performing my duties and responsibilities as Mayor on the Town Council.

As in FY11 & FY12 when returning my salary to the Town, I remain committed to lowering taxes levied against the businesses and citizens, having a viable plan and partitioning monies for the Town's future development, and there is financial security in resources so that our Town employees do not have to be furloughed in order to meet budgetary requirements; I cannot in good conscience accept a salary.

Sincerely,

  
Gerald M. Foreman II  
Mayor  
Town of Dumfries

Mr. Foreman noted the following items he would like to discuss being included in the budget.

- ✓ \$1,000 placed in the Economic Development budget for plaques to be presented at grand openings
- ✓ \$4,000 placed into the budget for a historic markers program

Mr. Taber mentioned the Architectural Review Board requested funds to hire a consultant to help develop design standard guidelines for the historical district of \$7,500.

Mr. Taber determined that with including the Mayor's action to return his salary there would be \$21,485 unencumbered funds, which after deducting the \$7,500 for the consultant to develop design standards, the \$1,000 for the plaque program, and the \$4,000 for the historical marker program being discussed there would be \$12,500 left over. He suggested the remaining funds be placed in savings.

Mr. Foreman asked if the remaining funds in the FY12 budget would go into savings.

Ms. Ladd noted leftover funds would go into the general fund.

Mr. Taber mentioned that the Council could by resolution move any leftover funds from FY12 to savings.

Ms. Forrester was not completely sold on the committee idea for the historical markers program. She did not see a benefit to the taxpayers for providing a plaque to new businesses. She asked if there was any way to earmark any unrealized or uncollected revenues to go directly into the savings.

Mr. Taber asked what funds were being discussed.

Ms. Forrester mentioned anything that is collected that was not anticipated. For example, back taxes that were collected that the Town has been unable to collect.

Ms. Barr asked how that would affect the capital improvement budget.

Mr. Taber understood Ms. Barr's concern about all the funding going straight to savings and restricting the use. He noted that would be a reason for using the midyear review process to determine where those unanticipated funds would go.

Mr. Foreman made the motion, seconded by Ms. Barr, to allocate \$7,500 in the Economic Development budget for a professional consultant to develop design guidelines for the historical district. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat.

Mr. Foreman made the motion, seconded by Ms. Forrester, to set aside \$4,000 for historical markers. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, no; Mr. Toney, no; Ms. Washington, yes; vacant seat.

Mr. Foreman made the motion, seconded by Ms. Barr, to set aside \$1,000 for plaques to be presented to businesses at their grand openings.

Ms. Barr was initially not going to support this; however, she came across a plaque that her brother received, some time ago, for a family business from a beautification program. She felt this would be a good thing to do in order to instill some pride in Dumfries.

Mr. Toney asked if this would be a part of the welcoming package.

Mr. Foreman saw this as the first step. The Town wants businesses to open here. This would market the Town as being business friendly. Her saw it as part of the welcoming packet.

Mr. Toney felt this would be part of the Economic Development Department responsibilities.

Ms. Jurgensen appreciates the whole welcoming and plaque. She believed the Dumfries Business Association (DBA) should be more supportive in supporting other businesses, should be more involved with the success of other businesses, and that perhaps the money should come from the DBA and not the taxpayer.

Mr. Foreman noted there are businesses that are not members of the DBA.

Ms. Forrester is supportive in the businesses; however, the Town is not where it needs to be with lowering the tax rate, the park project, etc. and this does not encourage businesses to come or attract new businesses.

Ms. Washington mentioned that if the plaque cannot be done then a certificate presented in a nice frame would serve the same purpose.

Mr. Foreman noted this is a recommendation.

The motion to set aside \$1,000 for plaques to be presented to businesses at their grand openings failed by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, no; Ms. Jurgensen, no; Mr. Toney, no; Ms. Washington, no; vacant seat.

Ms. Washington made the motion, seconded by Ms. Forrester, that a certificate be provided to new businesses. Mr. Toney made the friendly amendment that the Economic Development Director be charged with including a certificate in the welcoming packet to all incoming businesses which was accepted. The motion as amended carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat.

Ms. Forrester made the motion, seconded by Ms. Jurgensen, that unrealized budgeted revenues be held aside until mid-year budget review at which time it will be determined whether to move the funds to the local government investment pool (LGIP) fund or if there are other immediate needs for the funds at that time.

Mr. Foreman asked if the funds were held until the mid-year review whether that would impede on the Capital Improvement Plan (CIP).

Mr. Taber advised it would not.

The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat.

Ms. Barr made the motion, seconded by Ms. Forrester, that the residual amount in the current budget, in the amount of \$8,500, be moved to the LGIP fund. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat.

Ms. Forrester made the motion, seconded by Mr. Toney, to move the budget to a public hearing.

Ms. Barr requested that Council have the opportunity to look at the CIP spreadsheet and narrative prior to holding the public hearing.

Ms. Forrester amended the motion to hold the public hearing at the June 5, 2012 meeting, which was accepted.

The motion as amended carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat.

**IN RE: INFORMATION ITEMS (NONE)**

**IN RE: DISCUSSION ITEMS**

**A. DISCUSSIONS OF MOTIONS PASSED BY THE BOARD OF ZONING APPEALS REGARDING RECORDING AND BROADCASTING OF MEETINGS – ROBERT PRICE**

Mr. Price, Vice Chair, mentioned that at the Board of Zoning Appeals (BZA) meeting in April a discussion was had regarding the resolution that was passed by Council on February 7 about the recordation of meetings. At that meeting, the BZA passed the following motions with the thought that this would put the BZA more in line with the Architectural Review Board's (ARB) position with regard to broadcasting, recording, etc. of their meetings. This is being brought forward in the hopes that Council will consider amending the resolution that was passed.

Motion by Webb, seconded by Reynolds - all aye  
To record (tape) only cases

Motion by Webb, seconded by Reynolds - all aye  
To not record (tape) meetings without cases

Motion Price, seconded by Webb - all aye  
To not broadcast cases

Ms. Forrester pointed out that she was against the resolution. She mentioned that the matter was discussed numerous times. She did not understand why this was just becoming a concern now. She recalled that the resolution that was passed was that all meetings of the Planning Commission (PC), BZA, and ARB would be recorded and broadcast.

Mr. Price noted that the BZA did not have the actual resolution before them and had not had a meeting until April.

Mr. Foreman was concerned with a precedence being set with modifying what has been established. He asked if the BZA was stating that they would not abide by what the Council has passed.

Mr. Price explained that the BZA would aqueous to the Council’s direction. He explained that after discussing the matter the BZA felt it was necessary to ask for changes to how to go about doing business within the BZA’s viewing of appeal process.

Ms. Forrester asked if the BZA has an out because they are not appointees of the Council, but appointees of the Court.

Ms. Sanders noted that although the Court appoints them they still serve the Town and Town Council.

Ms. Forrester did not have the same understanding and thought that it could be looked into further to determine, because the BZA serves a qausi-judicial role, whether they are excluded.

Mr. Foreman noted the Council made the decision and gave direction to the Boards and Commissions. He asked that the matter be discussed between the BZA, the Town Attorney, and the Town Manager and then have it presented to Council.

**IN RE: COUNCIL MEMBER COMMENTS**

Ms. Jurgensen congratulated the candidates.

Mr. Toney thanked the citizens for reelecting him.

**IN RE: ~~CLOSED SESSION~~**

**IN RE: ADJOURNMENT**

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

Minutes submitted by

Approved by

\_\_\_\_\_  
Dawn Hobgood  
Town Clerk

\_\_\_\_\_  
Gerald M. Foreman  
Mayor