

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON JUNE 5, 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
Gwen Washington
Vacant seat
Vacant seat
Daniel Taber, Town Manager
Christine Sanders, Town Attorney

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

There were no minutes available for approval.

IN RE: ADOPTION OF THE AGENDA

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

IN RE: APPROVAL OF THE CONSENT AGENDA

Mr. Toney moved, seconded by Ms. Washington, that the Consent Agenda be adopted as presented. The motion carried and the following resolution was approved by the following roll call vote: Ms. Barr, absent; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat; vacant seat.

**INVOCATION POLICY FOR THE TOWN COUNCIL
MEETINGS FOR THE TOWN OF DUMFRIES**

WHEREAS, the Town Council desires to be open and respectful and create an environment that is open and welcoming of all visitors, residents and business owners; and

WHEREAS, the Town Council does not wish to have the effect of affiliating the government of the Town of Dumfries with any particular faith, belief, creed, or religion.

Nor does the Town Council wish to express any preference for or against, any faith or religion or religious organization; and

WHEREAS, the Town Council acknowledges and expresses its respect for the diversity of religious denominations, faiths and creeds represented and practiced among the citizens of the Town of Dumfries; and

WHEREAS, the Town Council wishes to solemnize the proceedings of the Dumfries Town Council meetings; and

WHEREAS, the Town Council adopted a resolution on September 21, 2010 setting an invocation policy that Council wishes to rescind.

NOW, THEREFORE, BE IT RESOLVED by the Dumfries Town Council that the Town of Dumfries does hereby adopt the following invocation policy for Town Council meetings:

- The Invocation Policy adopted September 21, 2010 by Town Council is hereby rescinded; and
- The Invocation Policy consisting of a moment of silent prayer and reflection will be at the beginning of the agenda at a time certain so that anyone desiring to do so may avoid the Invocation; and
- No elected official, Town employee nor anyone at the meeting shall be required to or encouraged to participate in the Invocation; and
- In order to meet the needs of all Town residents and attendees at Town Council meetings, the Invocation will henceforth be known as a “Moment of Silent Prayer and Reflection” so that all persons who wish to do so may pray and reflect silently.

IN RE: CITIZEN COMMENT PERIOD

There were no citizen comments made.

IN RE: MAYOR’S COMMENTS

Mayor Foreman announced the following.

- June 6, 1944, D’Day.
- June 14, 2012, Historic Dumfries Virginia (HDV) annual meeting, 7:30 p.m. in the Community Center.
- June 16, 2012, Sarah May’s 90th Birthday, 12:00 p.m., at the First United Methodist Church.

A closed session is scheduled to select two individuals to serve as interim Council members until the November 6, 2012 election. The two individuals selected tonight, as well as Willie Toney, Helen Reynolds, and Charles Brewer, will have their Swearing-In Ceremony on

June 19 at 6:00 p.m. at Town Hall. The Swearing-In Ceremony is a formality that is performed prior to any Council member taking his/her seat; however, please note that the newly elected officials, Helen Reynolds and Charles Brewer, will not start serving their terms until July 1, 2012. While the two individuals selected tonight will assume their duties effective June 19 and serve as interim Council members until the November 6, 2012 election.

Those individuals seeking candidacy on the November 6, 2012 ballot are required to file paperwork that includes having 125 signatures for the Petition of Qualified Voters turned into Prince William County Voter Registration at the Elections Office no later than August 17, 2012. That means you need to start getting your 125 signatures now. There is an election November 6, as soon as the votes are verified, which is usually within four working days after the election, the winners will be sworn in and seated. Their terms will be from November 2012 to June 30, 2014. The passing out of plaques and mementoes to outgoing Council members Dorothea Barr and Interim Mayor Nancy West will be at the first Council meeting on July 3.

IN RE: PRESENTATIONS

There were no presentations scheduled.

IN RE: STAFF COMMENTS

A. TOWN MANAGER – DAN TABER

Mr. Taber reported the following items.

- He has been working on end of fiscal year issues along with reviewing the accomplishments of the previous year.
- He requested that any Council member who wishes to place a matter on the agenda, that is not discussed during a meeting, to email him 8 days before the meeting in order to place it on the agenda and get the appropriate information to other Council members.

Mayor Foreman noted that Council orientation is currently being set up for Saturday, June 23. If there are subjects that Council feels need to be addressed please provide the subjects and recommended talking points to the Town Manager. There will be another Council orientation held in November, after the elections, for the two newly elected Council members. The Council orientations are open to the public and he encouraged any candidate that would be running for Council to attend.

B. CHIEF OF POLICE – ROBERT FORKER

Chief Forker reported the following items.

- The Rolling Thunder event held on May 27 was a success.
- The 2nd Annual Kids Academy are scheduled for July 16 – 17 and August 22 -23, from 7:30 a.m. to 5:00 p.m. at the Community Center. He encouraged 5th graders rising to 6th grade to get an application in.

Mr. Toney asked what the status was concerning the nuisance complaints received about the car wash.

Chief Forker spoke with the owner and the manager of the car wash and Officers are checking on a routine basis.

Mr. Toney was visiting a neighbor who made it clear that the late night activity was still occurring. He thought there was a manager and an attendant who handle the car wash.

Chief Forker noted the manager and the attendant are really the same and is not there full time or in the evenings.

Mr. Toney was told that there was an agreement made with the owner about what he was going to do to try to reduce the noise.

Chief Forker noted that the owner spoke about plans to turn off the lights in the back area after 9:00 p.m. where the vacuums are, which appears to be the genesis of the complaint. The vacuums are turned on and people turn up their radios to hear over the vacuum. The owner also plans to place plaques with the noise ordinance listing the punishment in the different bays. In addition, the owner indicated he was going to put up a chain or gate to prevent people from getting back to the pumps.

Ms. Barr joined the meeting.

C. DIRECTOR OF PUBLIC WORKS – GREG TKAC

Mr. Tkac reported the following items.

- Received 16 occupancy permit requests.
- Worked on site plans for McDonalds and Grace Church.
- Efforts have been centered on high grass and blight and nuisance violations.
- A meeting was held with Rinker Design Associates (RDA) on the Tripoli Boulevard Project, there have been some communication problems between the designer and one of the utilities that has put the project behind schedule.

Mayor Foreman asked if the house on Main Street, which has previously been discussed because a driveway was put in and the garage had an address, could be looked at for high grass along the fences.

Mr. Tkac noted he would.

Mr. Toney asked if anything could be done about the high grass at the vacant house on Main Street that is located on the left hand side just past the Action in Community Through Service of Prince William, Inc. (ACTS) building.

Mr. Tkac noted that he would follow up on the two matters. He will include an update in the email being sent out later this week to Council regarding the right-of-way on Tripoli Boulevard.

Mr. Toney asked what the status was for the plans that were mentioned at previous meetings regarding Garrison Park.

Mr. Tkac informed Council that Garrison Park is a man made park. The area was backfilled in the early 70's in a floodplain, which should never have been allowed. Staff is trying to recreate a resource protection area (RPA), a restricted buffer zone, to keep contaminants from entering the creek. Staff is developing a comprehensive plan for the area that will include recreating wetland type vegetation, not cutting the grass, planting trees, and creating a walking trail. Signs have been ordered explaining what a buffer area is that will be posted sometime in the next couple of weeks. This is where the port was. Market Street was the area where the ships came in. The intent is to tell the story of what the area once was, how it got to where it is today, and what the intent is for the future.

Mr. Toney understood that there would be no moving of land or altering the space.

Mr. Tkac explained that there is no intent to alter the land in any way. The land was backfilled but it would be wrong to take out the backfill. He noted that more would be coming to Council later on the matter.

Mr. Toney noted that there are several activities being planned and wanted to make sure that the park will be available to be used for those activities.

Mr. Tkac explained that the park does not look like it is being maintained; however, there are stakes marking the 100-foot buffer. The area will be trimmed for ample area to accommodate the event occurring this weekend.

Mr. Toney asked if the park was 200 feet wide.

Mr. Tkac noted the park is approximately 150 feet and up to 200 feet in some areas.

Mr. Toney felt that was a significant alteration.

Mr. Tkac explained it would be a different type of park.

Mr. Toney will eagerly be watching what takes place.

Mr. Taber explained that the vision includes a walking path, benches, and picnic areas. He noted that it is to minimize the intrusion of the area while maintaining the integrity of it. An open green area is a better description of what it will look like. He noted it would occur over the next two to five years. He felt Council would get a better feel for it once the Capital Improvement Plan (CIP) is presented, which will address these issues.

Mr. Toney noted that the park was contributed and named after a resident of the Town. He hoped the resident would continue to be honored for the contribution.

Ms. Washington was also concerned with what was going to be done with the park. She was impressed with the Multicultural Festival that was held at the park; however, she was not impressed with the area and the high grass, which has been explained. She also felt there was a safety concern with the holes. She was not sure if the matter should be taken up with the Community Services Director, but perhaps until this area is completed future events should be held somewhere else. She understood the reason events are held at this location is to recognize the area as the Town Center. She felt the Town needed to do something like Occoquan does and shuttle people to events. She mentioned using Merchants Park.

Mayor Foreman suggested that with next year's budget cycle discussion about the vision for each park be discussed along with the goals for the year.

Mr. Tkac noted he would do that next year.

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

Ms. Sandlin reported the following items.

- The Economic Development Advisory Group (EDAG) gathered information collected for the Economic Development Strategic Plan (EDSP) and identified the common threads to develop goals and objectives.
- The Quantico Base Marine Corps Base extended an invitation to attend the Quantico Growth Alliance and she made a presentation at a monthly mandatory Welcome Brief.

Ms. Barr asked if the new businesses issued licenses in April were provided with a welcome letter as discussed previously.

Ms. Sandlin noted that they did.

Ms. Barr asked if staff followed up on the Mobile Boost business that no one knows anything about.

Ms. Sandlin indicated that staff had not.

Ms. Barr asked Ms. Sandlin if she could follow up on the matter.

Ms. Sandlin indicated she would.

E. DIRECTOR OF COMMUNITY SERVICES – CYDNY NEVILLE

Mr. Taber advised that Ms. Neville was unable to attend the meeting this evening and provided the following report.

- On June 9, at 7:00 p.m., at Garrison Park, Pillar Church and the Town are co-hosting a movie night with “The Muppets”.
- Farmers Market will begin on July 14 and end October 27 on Saturdays from 8:00 a.m. to Noon in the Town Hall parking lot. There will not be a Farmers Market Day on September 8.

IN RE:

ACTION ITEMS

A. DISCUSSION CAPITAL IMPROVEMENT PLAN (CIP) CAPITAL PROJECTS – GREG TKAC

Mr. Tkac reminded Council that the Town has entered into a contract with The Berkley Group. The Berkley Group will be meeting with the Department Heads to create a CIP that is functional, used as a precursor to the budget, and all-inclusive. He noted that the current projects have not been presented in the format Council has been looking for, so it has been provided in a different format, and would like to post it to the website if there are no changes.

Ms. Barr thanked Mr. Tkac for bringing forward the new format, was pleased to hear that it would be available on the website, and was exactly what she was looking for.

B. BUDGET FY13 – PUBLIC HEARING – DAN TABER

Mr. Taber noted that this is the public hearing for the introduction of the FY13 Budget to hear citizen comments.

The public hearing was opened to public comments.

Rosalie Dancause and her husband have lived in Prince William Estates for eighteen years; have paid the Town and County taxes every year, but before paying their taxes today, they looked

back through their records. In 2008, the County assessed their home and land at \$420,000 and paid \$634.68 in Town taxes. In 2012, the County assessed their home and land at \$199,000 and will pay \$691.60 in Town taxes if the two installments are the same. Her husband is almost 75 years old and cannot afford to quit working. She asked what was wrong with this picture.

There being no further comments the public hearing was closed.

Mr. Foreman noted there was discussion a few years ago about the equalization rate and Council new that the property taxes being reduced would be done incrementally. This budget may not address everything, but due diligence was done by the entire Council. Is the tax rate as low as Council would like to see it? No, but Council will work on getting it lower next year.

Mr. Toney made the motion, seconded by Ms. Washington, to introduce the ordinance adopting the FY13 budget and the appropriation of funds. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat; vacant seat.

**C. AMENDMENTS TO THE NOISE ORDINANCE – PUBLIC HEARING
– CHIEF FORKER**

Chief Forker noted the ordinance was back before Council after being re-advertised with the penalty being changed to a Class 2 misdemeanor and the removal of having to issue a warning. A warning provision will be placed in the general orders and come before Council later.

The public hearing was opened to public comments.

There being no comments the public hearing was closed.

Ms. Washington made the motion, seconded by Ms. Barr, to introduce the ordinance to amend the noise ordinance, Sections 26-60 thru 26-66. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, no; Ms. Washington, yes; vacant seat; vacant seat.

**D. DISCUSSION/DECISION ON A RESOLUTION PROVIDING FOR
THE REFUNDING OF GENERAL OBLIGATION PUBLIC
IMPROVEMENT BOND, SERIES OF 2003 – DAN TABER**

Mr. Taber explained that the Town has the opportunity because of numerous jurisdictions getting together and positioning themselves in the best market position to seek refunding of existing bonds. The final amount will not be determined until closing on the refunding of the bond; however, as it looks right now the Town would be in a position to save approximately \$4,000 a year in debt service. The bond expires in 2028 and this refunding would actually have

the bond expiring two months earlier with a savings, over the life of the bond, of approximately \$100,000. He strongly recommends approval of the resolution, which does not commit the Town. A commitment does not occur until the final closing. The market will continue to be watched and Council will be updated as appropriate.

Ms. Barr made the motion, seconded by Mr. Toney, to approve the resolution providing for the refunding of general obligation public improvement bond, series 2003. The motion carried and the following resolution was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat; vacant seat.

RESOLUTION PROVIDING FOR THE REFUNDING OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES OF 2003

WHEREAS, on May 21, 2003, the Town of Dumfries, Virginia (the "Local Government") issued its General Obligation Public Improvement Bond, Series of 2003 (the "Original Local Bond"), and sold the Original Local Bond to the Virginia Resources Authority ("VRA") pursuant to a Financing Agreement dated as of May 1, 2003, between VRA and the Local Government (the "Original Financing Agreement"); and

WHEREAS, VRA purchased the Original Local Bond with a portion of the proceeds of one of the series of VRA's Pooled Loan Bond Program Bonds (the "VRA PLBP Bonds"); and

WHEREAS, VRA has advised the Local Government that the credit markets are currently favorable for the refunding of the VRA PLBP Bonds (the "Refunding Transaction"), which may enable VRA to pass on annual debt service savings to the Local Government; and

WHEREAS, VRA will effect the Refunding Transaction through the issuance and sale of a series of refunding bonds issued under VRA's Virginia Pooled Financing Program (the "VRA Refunding Bonds"); and

WHEREAS, VRA has indicated that if the Local Government participates in the Refunding Transaction the most significant modifications required to the terms of the Original Local Bond and the Original Financing Agreement will be to reconcile the debt service payment and redemption provisions of the Original Local Bond with those of the VRA Refunding Bonds and such modifications will be embodied in amendments to the Original Local Bond and the Original Financing Agreement or in replacements thereof (the "Local Refunding Documents"); and

WHEREAS, unless otherwise defined each capitalized term used in this Resolution shall have the meaning given it in the Original Financing Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Dumfries:

1. Agreement to Participate. The Local Government's participation in the Refunding Transaction is hereby approved provided that (i) the minimum savings threshold to be realized by the Local Government shall be not less than three percent (3%) savings on a present value basis compared to the existing debt service on the outstanding Original Local Bond or portion thereof to be refunded and (ii) the final maturity of the Original Local Bond as amended or replaced in the Refunding Transaction shall not be extended past the end of the fiscal year in which occurs the current final maturity of the Original Local Bond.

2. Authorization of Local Refunding Documents. Each of the Local Government's Mayor or Vice Mayor (each a "Local Representative") is authorized to execute and deliver the Local Refunding Documents in such form as will reflect and facilitate the Refunding Transaction within the parameters and intent of this Resolution. The Town Clerk is authorized to affix the Local Government's seal on any such documents and attest or counter-sign the same.

3. Official Statement. The Local Government authorizes and consents to the inclusion of information with respect to the Local Government in VRA's Preliminary Official Statement and Official Statement, both to be prepared in connection with the sale of the VRA Refunding Bonds.

4. Other Actions. Each Local Representative is authorized to execute and deliver all certificates, documents, agreements and instruments and to take all such further action as they may consider necessary and desirable in connection with the refunding of all or a portion of the Original Local Bond and the consummation of the Refunding Transaction, including the execution and delivery of such documents and the making of such elections as may be reasonably requested by VRA to maintain or establish a tax-favored status for the VRA Refunding Bonds.

5. Effective Date. This Resolution shall take effect immediately.

IN RE: INFORMATION ITEMS (NONE)

IN RE: DISCUSSION ITEMS (NONE)

IN RE: COUNCIL MEMBER COMMENTS

There were no Council Member comments.

IN RE: CLOSED SESSION

Mr. Toney made the motion, seconded by Ms. Forrester, to convene into closed session. The motion carried and the following resolution was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat; vacant seat.

WHEREAS, the Dumfries Town Council desires to discuss a particular subject in Closed Session during the course of its meeting of June 5, 2012; and

WHEREAS, the nature of the subject is the discussion of personnel matters. The discussion of same in Closed Meeting is expressly permitted by Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

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

Mr. Toney made the motion, seconded by Ms. Forrester, to reconvene into open session. The motion carried and the following resolution was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat; vacant seat.

WHEREAS, the Town Council of Dumfries has completed its discussion in Closed Session, and now desires to continue its meeting in Open Session; and

WHEREAS, each and every member of this said Council who votes affirmatively for the adoption of this Resolution does thereby certify that, to the best of his/her knowledge, only public business matters lawfully exempted from Open Session were heard, discussed, or considered during the Closed Session, and that the only subjects heard, discussed, or considered in said Closed Session were the matters identified in the Resolution by which it was convened.

NOW, THEREFORE, BE IT RESOLVED that the Town of Dumfries does hereby reconvene in Open Session at its meeting of June 5, 2012 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

Ms. Forrester made the motion, seconded by Mr. Toney, to appoint Lou Praino to serve on Council to fill the vacant seat of Gerald Foreman until the November 2012 election. The motion carried and the following resolution was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat; vacant seat.

**RESOLUTION TO APPOINT A COUNCIL MEMBER
UNTIL A SPECIAL ELECTION CAN BE HELD**

WHEREAS, in May of 2010, Fred Yohey was reelected as Mayor for the Town of Dumfries; and

WHEREAS, Mayor Yohey passed away on November 6, 2011, leaving vacant the Mayor seat for the Town of Dumfries; and

WHEREAS, Nancy H. West was appointed interim Mayor by Town Council on November 15, 2011, until a special election could be held; and

WHEREAS, a special election to fill the unexpired mayoral term was held on May 1, 2012 and Council member Gerald M. Foreman II, won that special election leaving the remainder of his unexpired term as a council member vacant; and

WHEREAS, Council member Foreman's term was not due to expire until June 30, 2014; and

WHEREAS, Section 3.05 of the Dumfries Town Charter states *inter alia* , "[v]acancies on the council . . . shall be filled by a majority vote of the members of the council by appointment of an elector of the Town of Dumfries"; and

WHEREAS, Virginia Code § 24.2-228(A) requires that a vacancy on the Town Council should be filled by appointment by the remaining members of the Council within 45 days and the person so appointed shall hold office only until the qualified voters may fill the vacancy by special election; and

WHEREAS, the Town Council wishes to appoint a council member in conformance with its Town Charter (*infra.*) and Virginia Code § 24.2-228 *et seq.*

NOW THEREFORE, BE IT RESOLVED that the Town Council hereby appoints Louis Praino as council member until a special election may be held in November 2012 to fill the unexpired council term of Gerald M. Foreman, II.

Mr. Toney made the motion, seconded by Ms. Barr, to appoint Gwen Washington to serve on Council to fill the vacant seat of Michele Jurgensen until the November 2012 election. The motion carried and the following resolution was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Toney, yes; Ms. Washington, yes; vacant seat; vacant seat.

**RESOLUTION TO APPOINT A COUNCIL MEMBER
UNTIL A SPECIAL ELECTION CAN BE HELD**

WHEREAS, Council Lady Michele D. Jurgensen resigned her seat on the Dumfries Town Council effective May 24, 2012 due to her family's relocation to San Antonio, Texas, leaving her seat vacant; and

WHEREAS, Council member Jurgensen's term was not due to expire until June 30, 2014; and

WHEREAS, Section 3.05 of the Dumfries Town Charter states *inter alia* , "[v]acancies on the council . . . shall be filled by a majority vote of the members of the council by appointment of an elector of the Town of Dumfries"; and

WHEREAS, Virginia Code § 24.2-228(A) requires that a vacancy on the Town Council should be filled by appointment by the remaining members of the Council within 45

days and the person so appointed shall hold office only until the qualified voters may fill the vacancy by special election; and

WHEREAS, the Town Council wishes to appoint a council member in conformance with its Town Charter (*infra.*) and Virginia Code § 24.2-228 *et seq.*

NOW THEREFORE, BE IT RESOLVED that the Town Council hereby appoint Gwendolyn Washington as a council member until a special election may be held in November 2012 to fill the unexpired term of Michele D. Jurgensen.

Mayor Foreman noted there were individuals who were not chosen to fill one of the vacant seats and encouraged those individuals to run in the special election in November.

IN RE: ADJOURNMENT

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

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Gerald M. Foreman
Mayor