

**AT A WORK SESSION OF THE DUMFRIES TOWN COUNCIL, HELD ON JULY 22, 2014, AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:**

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

**THERE WERE ABSENT:** None

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

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

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

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

**IN RE: ADOPTION OF THE AGENDA**

Mayor Foreman requested amending the agenda to add a presentation by Ryan Gandy, Director of Community Services, Introduction of the 2014 Summer Interns.

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

**IN RE: CITIZEN COMMENT PERIOD**

Gregory Estes spoke to Council in April regarding a robbery at his residence. At that time, he requested additional foot patrols in the neighborhood. He has noticed more patrols in vehicles, but he nor his neighbors have observed a single foot patrol or bicycle patrol. He believes this area is very dangerous. There was another robbery in June on the street. Families are starting to move away. He questioned whether Council deserves to govern the Town because they are unable to provide basic safety services. People in the area have to pay additional money for security systems. Following the robbery in June, he sent an email to Council. Only Mayor Foreman responded to his email. He commented that citizens would not be willing to participate in a neighborhood watch because they do not want to be held liable. He feels the Town should find ways to bring in more money in order to hire more Police Officers. He wants to have an active discussion on how to make the Town safer.

Christy Hart, President of the Williamstown Homeowners' Association (HOA), noted that back in June there was an incident with a couple of residents who appeared at the Town Council meeting and lied about everything that happened. She called the Police Department. For somebody who volunteers to be called white trailer trash and every other name you can think of by residents and non-residents because a car was towed. She volunteers and passes out stickers. That is it. These residents never attended HOA meetings until a few weeks ago when they attended and threatened the HOA leadership. She noted it was nice to have a park in walking distance to her house. She was there a couple of weeks ago and there were beer bottles, drug paraphernalia, drug bags, and broken glass at the park. One of the residents in Williamstown has five dogs who bark whenever someone goes through the park. She would like the Town to monitor it. She thanked the Town for taking down the broken-down fence. She stated there is a lot of drug activity at the park and the Police Officers just drive down the main road. She asked if something could be done about the fire and rescue squad making music with their sirens at three in the morning. She appreciated Council's time.

**IN RE: PRESENTATIONS**

**A. INTRODUCTION OF 2014 SUMMER INTERNS**

Mr. Gandy noted the summer internship program has started. This year's interns include Mauricio Quiroga, Jordyn Beckford, Kristen Tubbs, Taijah Clements, Leticia Romero, and Fatima Kanwa who all attend Forest Park High School. They have been working with the Zoning Department and assisted with the Kids Academy at the Dumfries/Triangle Rescue Squad. They will be participating in a ride along with the Police Department.

**B. NEWSLETTER PRINTING, ADVERTISING AND MARKETING OPTIONS, RICK BOCKES, VIRGINIA NEWS GROUP ADVERTISING SALES MANAGER**

Mr. Bockes noted that about eleven years ago he started as a sales manager with Potomac News. Berkshire Hathaway purchased the paper in 2011 and in 2012 shut it down. Two weekly newspapers came up in its stead. The local newspapers still have a lot of presence since that is the one place that people can still get the local news. The company has a circulation of about 145,000. He went over some statistics on circulation and readership. The Gainesville Times has a circulation of 48,400 within the county. Of those, about 21,000 are circulated east of Manassas. When the News and Messenger shut down he spoke with the Prince William Times director and convinced him to start circulation in the eastern part of the county. Newspaper readership is still strong. About 75 percent of the readers, read the entire paper. Approximately seven out of ten adults read community newspapers. He would like to partner with the Town. They are very strong with the community paper. Sixty three (63) percent of people rely on and trust newspaper advertising. Newspapers are a better buy overall because the information is local. Advertisers have

indicated that they have gotten really good results from the paper. They have a big reach because they go into Fauquier and Loudon County. Throughout the year, they have special sections for different areas. In February, they realized that this area has more military families than anywhere else in the country so they developed a Patriot Times section for the paper. They also do business journals, which is a collaboration with several Chambers of Commerce. They offer guides, which allow people to discover different areas of the region. They are an evolving company and have an online presence. Many people like to use the website as opposed to the printed-paper. He mentioned that when the Town has an upcoming event they should contact Tara Donaldson. He can create a Dumfries Newsletter and circulate it throughout Prince William County (PWC). They have been giving the Town a 50 percent discount on advertising already.

Mayor Foreman asked that a copy of the presentation be given to Council.

**IN RE: DISCUSSION ITEMS**

**A. AMENDMENTS TO CHAPTER 70 - ZONING, ARTICLE III DISTRICTS, DIVISION 9, FLOODPLAIN DISTRICTS FP-1 – RICHARD WEST**

Mr. West indicated that last month Terry Myers, the Assistant Director, presented the proposed changes and Council had questions. He was there to answer those questions.

Mr. Brewer asked how often the Federal Emergency Management Agency (FEMA) amends the floodplain within the Town.

Mr. West indicated it has been somewhat irregularly in the past. Typically, minor changes are made each year. Anyone can submit for a conditional or a change in the flood zone to their property. FEMA has digitized the floodplain maps recently. A few more categories have been added too. There has been discussion also about minimum wave action after a flood He does not know when they will change the maps again.

Mr. Toney asked what changes the Council should be aware of.

Mr. West indicated that some of the major changes include:

- Expand the duties and responsibilities of the Floodplain Administrator,
- Requiring a more defined permitting, application, and review process,
- Added flood zones that have not existed before,
- And a more formalized process for obtaining variances and approval for construction.

Mr. Toney asked if these changes would impact any projects in the Town.

Mr. West mentioned there is one project that is going through a revision of the flood zone; however, the definition of and the elevation of the flood zone involved with that project have not changed.

Mayor Foreman questioned the Zoning Administrator being appointed as the Floodplain Administrator.

Mr. West explained the reason the Zoning Administrator of their designee was designated as the Floodplain Administrator is that the existing floodplain overlay district section is located under zoning. He believes that the intent is for the current Zoning Administrator is to make him the designee.

Mayor Foreman expressed concern over the Zoning Administrator being tasked with a lot and this may require the need for an assistant.

Ms. Forrester moved, seconded by Mr. Brewer, to move the resolution authorizing the Town Manager schedule a public hearing on the floodplain district ordinance change under the consent agenda for the August 6 meeting. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**B. QUANTICO CREEK UPDATE – RICHARD WEST**

Mr. West noted Council approved the assessment report provided by the consultant, so the next step is to pull estimates together to start implementing the phases of the plan. The plan divides Quantico Creek into four regions starting at I-95 at the upstream end down to Fraley Boulevard. The preliminary estimate for the first region of the Creek restoration came in at a cost of approximately \$300,000 for design and \$1,000,000 for construction. This does not include the permitting process. They are in the process of getting an independent estimate. He plans to work with the Center for Watershed Protection to see if they can validate the estimate. They would like to see what could be accomplished immediately with the current budget. They are looking for grants of a substantial nature to assist with moving the project forward.

Mayor Foreman stated Council has set aside \$40,000 last year. They need to look for every grant possible to move the project forward. Resident's properties are eroding. They need to talk with PWC and Prince William Forest. He keeps hearing how they are partnering with other entities and getting their creeks restored at a minimal cost. He asked that a status of the project be included in the monthly report.

Mr. Brewer asked if there were any State emergency funds that can be used to assist with restoration.

Mr. West would look into whether there are any funds available.

Mr. Brewer suggested looking at the Federal level too.

Mr. West commented that some Federal funding was acquired for the Dewey Run project.

Mr. Brewer asked if the Corp of Engineers have any grants.

Mr. West was not aware of any. He believes that there is some funding available from the U.S. Fish and Wildlife.

Ms. Washington expressed concern that the Town is not working closely with PWC. There may be things that they are doing that could adversely affect the Town. She wants staff to work with PWC staff as the plan is developed.

**C. RESOLUTION AUTHORIZING AWARD OF PURCHASE ORDER PW14-058 TO MOONLIGHT PAINTING – RICHARD WEST**

Mr. West indicated some curb painting in Williamstown on Old Triangle Road and Kearsarge Drive was done in the past. These are Town owned and maintained streets. They have not done any painting on Williamstown Drive. Painting is done for street parking and preservation of driveways and mailboxes. They have gotten three quotes back for painting the curbs. They received one bid that addressed all elements of the request for proposal (RFP). The cost is \$5,311 to complete the work.

Mr. Wood asked if this is in the current budget.

Mr. West confirmed it is part of the maintenance budget.

Mr. Wood moved, seconded by Ms. Washington, to move the resolution authorizing the award for curb painting be moved to the consent agenda for adoption at the August 6 meeting.

Mr. Brewer asked if the fire hydrants would be designated as well.

Mr. West would look into it to make sure. He noted this is for yellow painting and not red which is what is associated with fire hydrants.

Mr. Toney asked if the work would include painting the yellow areas on Old Triangle Road.

Mr. West stated it would include the full length of Old Triangle Road north of Graham Park Road.

Mr. Brewer asked for an amendment that the fire hydrants be marked as well.

Mr. Wood asked Mr. Taber if painting the hydrant areas are necessary.

Mr. Taber responded that State Code dictates that you cannot park “x” number of feet from a fire hydrant; however, painting, whether it be yellow or red, helps notify citizens to not park there. He commented that the additional cost may be minimal and there is enough money in the budget to cover the additional cost.

Mr. Wood accepted the amendment.

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

**D. CONDITIONAL USE PERMIT (CUP) DISCUSSION – COUNCILMAN BREWER**

Mr. Taber stated the reason this discussion was brought up was upon the request Mr. Brewer. He asked that Ms. O'Dell be allowed to brief Council on the current CUP process and how a CUP works.

Ms. O'Dell informed Council that each district, except the residential district, there are businesses that are allowed by-right and there are uses that are prohibited but allowed by a CUP. A permitted use means that a use can operate by-right without getting approval from the Council. A conditional use is a use that requires review and a public hearing by the Planning Commission (PC), who makes a recommendation to Council, and then Council holds a public hearing and makes the final decision on whether or not to grant the CUP. Council can deny a CUP for any reason.

Mr. Brewer asked where businesses that have to apply for a CUP allowed.

Ms. O'Dell asked if the question was where businesses would go if they did not have to apply for a CUP.

Mr. Brewer asked where it was not applicable with a CUP.

Ms. O'Dell used the example of car dealerships not being allowed in any district without a CUP and the FB/O-1 district, which is not a desirable district for retail.

Mr. Brewer used the example of churches. He commented there are at least 26 churches in the Town and none of those are a by-right use. Churches are called an assembly in other jurisdictions, which require a significant amount of square footage and a certain amount of parking.

Ms. O'Dell stated the building code designates churches as an assembly use but not every locality has an assembly use in the zoning ordinance. Some localities designate churches as a place of worship.

Mr. Brewer stated that one has to correlate with the other, building code and zoning. He noted that Council is handing out CUP's like nobody's business. He asked why the PC is looking at these and giving approval on these CUP's when they do not belong in that particular district.

Ms. O'Dell clarified that the PC is not giving approval. The PC recommends approval. She noted that the only way that they can be denied is by Council. If Council denies the CUP there has to be a reason for the denial. Churches are only allowed as a by-right use in the residential district.

Mr. Brewer used the example of the parking at Grace Church. The parking was not adequate before the building was built. He asked why the Building Department or the Zoning Department put an asterisk by to note that there was not enough parking for the number of people allowed to be in the building. He mentioned that they are using several locations to shuttle people in. He asked what the occupancy was for the building.

Ms. O'Dell did not know the occupancy permitted. She noted that building and fire code regulate that. She indicated that would be up to the Building Official who can go in and measure the square footage to determine the occupancy permitted.

Mr. Brewer questioned that the calculation should have already been done. He noted the point being made is that the building is approved and there is not adequate parking. The building site plan should not have been approved.

Ms. O'Dell could not confirm whether the calculation was done and agreed with Mr. Brewer. She mentioned that the parking went into the existing resource protection area (RPA) as well for that site.

Mr. Brewer asked how that was overlooked. He understood that Council gives final approval; however, they are not the experts.

Ms. O'Dell noted Council would depend on staff to provide the proper report and documentation.

Mr. Brewer asked what department that would fall under.

Ms. O'Dell clarified the parking would fall under zoning and occupancy would fall under building.

Mr. Brewer commented that Council is getting ready to see the biggest project the Town has seen. He did not think that staff was ready, even though staff may think they are. There is a lot of work to do to get prepared. He noted that this ultimately falls on the Town Manager and is something that really needs to be looked at. A lot of stuff is falling through the cracks here. CUP's is something that really needs to be looked at that are being recommended to Council. He thought that maybe further discussion was needed on it. He noted that Council can pass whatever codes it wants; however, if it is not enforced it is like blowing in the wind.

Mayor Foreman indicated the Town needs a clear way forward and the focus of this term is going to be on economic development. He believes the CUP application is vague and not well written. The CUP process allows anyone to come in and apply. To him it seems as if it is disengaged from the property owner. He noted that is a big problem for businesses that are submitting applications. He read the following from Stafford County's CUP application, **"Conditional Use Permits may be approved upon a finding by the Board of Supervisors that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purpose and intent of the zoning ordinance."** It further states, **"The applicant is required to attend this public hearing."** As well as, **"If the applicant is not the property owner, attach a notarized letter of consent from the property owner authorizing the applicant to act as the owner's agent for the application."** Businesses come in for a CUP and the first that is said from the applicant is that they signed a lease. He faults the property owner for getting them into a lease, but our application does not state that the property owner is involved at all. The surrounding property owners need to receive notice.

Ms. O'Dell responded that is required by State Law and that she notifies the adjacent property owners.

Mayor Foreman stated it needs to be in the application. He mentioned that impact studies need to be submitted, which some of that is done. In other localities, a meeting prior to submitting the application is required, which has been discussed. He went over several elements of other localities that require the property owner be involved and this is applicable to the Town. He wants the CUP process part of doing business in the Town. He recommends two types of CUP's. The CUP's are forever. When an applicant comes before Council, the applicant should be pleading their case to do business at that location and for how long. The CUP's should not be permanent. He felt timeframes should be looked into.

Mr. Taber explained that staff needs the opportunity to review the State Statute. He agrees that the information should be included in the instructions and it needs to be enforced. If it is a local ordinance then the Town needs a local ordinance to give the authority to do that. He would work with the Town Attorney and the Zoning Administrator and work toward getting that implemented.

Mayor Foreman asked that Council receive a standardized package to include what the PC's recommendation is and a clear-cut recommendation for the Zoning Administrator.

Mr. Wood recommended that the Town Manager follow up on this, have staff work out the details, and bring the item back to a work session further discussion.

Mr. Brewer advised if direction is being given to the Town Manager that it needs to be done in a motion.

Mr. Wood moved, seconded by Ms. Washington, that staff look at the CUP policies and procedures and come back to Council at a work session with a complete package.

Ms. Washington asked for a friendly amendment that the uses policies be looked at period. She felt the property owner should be notified of any infringements on the property.

Ms. O'Dell indicated that she does notify the property owner.

Ms. Washington explained that in the past there were times that she was not notified.

It was clarified that the motion was for the Town Manager to work with the Zoning Administrator to review the CUP policies and come back to Council with recommendations.

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

**E. DISCUSSION CONCERNING THE 2014 FALL FESTIVAL – “DUMFRIES HAS TALENT” COMPONENT – COUNCILMAN BREWER**

Mr. Brewer did not want anyone to take this the wrong way, but when he learned that cash prizes were being given out at these events, he felt the intent was good. He felt ribbons or trophies would suffice in lieu of cash prizes. It seems a little bit intimidating. For the very young that are participating he thinks that would be good. He indicated the Town is not a bank.

Mr. Taber stated that last year there were two categories, adult and youth. In the adult category, the first place award was \$500 and for second place, there was a \$300 prize. In the youth category, the first place award was \$300 and for second place, there was a \$200 prize. The purpose of the agenda item is to discuss alternatives. He has spoken with the Director of Community Services and the suggested alternative to that would be a trophy, plaque, a reduction in the amount of the cash prizes or gift cards to go along with a trophy or plaque.

Mayor Foreman stated this was started under Debi Sandlin to get people to come out. He asked what PWC gives for their fair prizes.

Mr. Taber did not know.

Mayor Foreman suggested working with local businesses in the Town, the Prince William Chamber of Commerce of the Dumfries Business Association to see if they would be willing to donate prizes. He noted that last year there was a woman who did baton twirling and for two years running came in fourth place and she did not win. It broke her heart because she did not even get a ribbon. He would like staff to look at other options. He recalled that one year the winner came and sang at several of the Town's events, which was nice.

Mr. Taber explained the event was advertised in general about the prizes and there was no mention of a cash prize. He would look into what PWC does, look at some of the other suggestions, and get back to Council at the next meeting with some recommendations.

Mayor Foreman responded that the money is in the budget this year. The focus of his comments were that if the Council was going to plan for next year's budget that this is something that there is time to think about and staff can come back with information and provide other options. He is not looking to compete he was looking for new ideas.

Ms. Washington agreed that the Town is giving out too much money. This is supposed to be about hometown pride. She believes that if they get on stage with the talent that they should get something even if it nothing more than a certificate of participation or ribbon. People take these events very serious. She recalled the young lady that won and sang at all of the Town events and felt that was a wonderful prize. To be able to be the reigning talent queen whether the youth or senior winner.

Mr. Toney pointed out that it was indicated that the money is in the budget and he hoped that it would move forward. Look at the conversation and look at making some changes in the future. He thought the Mayor was signing some kind of certificate for participating. He thought that was a standard procedure.

Mayor Foreman noted that he did not send anything out for the talent at the festivals. He explained that letters are sent out if a list of names is provided.

Mr. Toney was part of the planning of the event and he thought that was part of the discussions and standard operating procedure. A lot of things have fallen through the cracks over the subsequent years. The goal is to magnify the Town as best Council can. He thinks that some people have made some good points about funds and the expenditures of it, but at this point, he thinks it should move forward and look at making some changes in FY15. The money is already budgeted. Suddenly it is now an issue with someone and Council is going to start picking apart everything that has been accomplished, all because someone feels a certain way. He disagrees with that process. Council can look at making changes next year.

Ms. Washington indicated that even though the money has been budgeting the money could be utilized and redistributed in a different way.

Mr. Taber noted that he would come back with a proposal at the next meeting incorporating the comments that have made by Council.

Mr. Toney asked if there would be a group or committee working with the Community Services Director putting events together.

Mr. Taber was under the impression that Council did away with that committee this year and the committee structure does not exist anymore. He noted that staff is open to any input from Council.

Mr. Toney commented that the responsibility lies with the Town Manager and Community Services Director.

**F. PARKS AND RECREATION COMMUNITY USE POLICY – COUNCILMAN WOOD**

Mr. Wood stated the Parks and Recreation Commission has spent the majority of their first year in existence working and developing a policy regarding the use of the parks which currently include Ginn Memorial Park, Garrison Park and Merchant Park. The request is that Council provide input for the Commission to go back and look at it.

Mayor Foreman asked how this agreement affects Merchant Park scheduling. Currently Historic Dumfries does all the scheduling for Merchants Park.

Mr. Wood responded the agreement is in line with the one page application that Joanne Barron currently uses. The fee structure they have in place has not been touched.

Mayor Foreman asked how many athletic fields there are between Garrison, Ginn Memorial Park, and Merchants Park. Well the answer is one. The policy talks about athletic fields, so this policy is only applicable to Ginn Memorial Park.

Mr. Wood indicated that one of the things the Commission wanted to include is, and the Commission was not sure how to do it, the Comprehensive Plan (CP) states on the parks and attach it to the Community Use Policy.

Mayor Foreman pointed out that the policy states, the procedures for scheduling enables the largest number of residents to have access to public athletic fields. The majority of the document talks about athletic fields, there is only one athletic field, and there will only be one. Garrison Park will have an amphitheater and walking trails. Merchant Park does not have an athletic field. This document is written for Ginn Memorial Park.

Mr. Wood indicated not necessarily. He asked what the recommendation was.

Mayor Foreman indicated the document needs to be reviewed and talk about anything other than the athletic fields.

Mr. Wood stated the agenda item is to review the document and give input.

Mayor Foreman noted the document goes back and forth between Parks and Recreation Commission and just Commission. There should be a parenthesis after the first Parks and Recreation Commission that states, herein to referred to as Commission. The Parks and Recreation Commission is not chartered and the bylaws do not allow the Parks and Recreation Commission to form advisory groups. It states in the policy that the Commission will organize community sports groups into sports advisory councils. The bylaws will have to be amended or the paragraph needs to be stricken. He indicated that pretty much the whole document came from PWC. The best form of a compliment is plagiarism, so the public athletic fields comment is apparently an oversight in this. He continued that under the authority/scope of authority section it includes the statement that Council has established the Parks and Recreation Commission as an advisory. This is an incomplete thought and needs to be finished. He recommended that group be placed on the end. It further states the Commission shall implement the policy. The Commission does not implement policy. The Commission is not chartered and your bylaws do not allow the Commission to implement policy only to provide workable recreational programs and services. There is language that refers to complying with these regulations and providing equal access to these parks per the requirements of the allocation priority policy. He asked what the allocation priority policy was. He has read the whole document and it does not talk about this policy anywhere else. He asked if that was just a cut and paste from the PWC policy.

Mr. Wood responded that more than likely it was and to scratch that line.

Mayor Foreman noted the document states the Commission is authorized to grant approval for usage and to schedule athletic fields. He pointed out the Commission only meets once a month. He did not think the Commission could schedule the athletic fields especially since later on in the policy there

are 15 day and 75 day requirements. The Commission could review a 75 day requirement, but a 15 day requirement when the Commission only meets once a month. That was not what the Commission was chartered for. The Commission does not reserve fields and that should be left to the staff. Under permissible activities, the first sentence needs to be verbatim to the policy section. It currently reads, "The use of public properties by for profit organizations must be specifically approved by the Town Council." However, it stated under the policy section, "The use of public properties by For Profit organizations must be specifically approved by the Town Council on a recommendation from Park and Recreation Commission and Town Manager." He did not think that the Town had a park use permit. Under the park use permits section it refers to one.

Mr. Wood explained that was what this policy was to establish. He noted there were several people who wanted to use the park, so this community use policy was in essence going to be a park use permit.

Mayor Foreman indicated that is not what it says anywhere until this section. A park use permit needs to be attached to the policy or strike this language and call it what it is.

Mr. Wood questioned if it was community use policy.

Mayor Foreman noted that Mr. Wood is the Chair, to take it back to the Commission.

Mr. Wood reiterated that it was here for Council to give comments, input, and direction.

Mayor Foreman stated to come up with a park use permit, use the language appropriately. It states confirmable by a park use permit. Either design a park use permit and submit it to Council for approval or strike the language. He thinks what is trying to be said is the park use agreement that is at the back of the document.

Ms. Forrester respectfully requested that the comments be gathered and sent to Council. Certainly some of the things that are being said she would like to look into. She would like to have some time for Council to discuss this further. She thinks that Council will be here all night if we just go one item at a time. She did not know why this was not done in advance.

Mayor Foreman did not know why either. The agenda item form states Council review and make recommendations. What he has brought forward are items that need to be clarified or corrected. Asking one person for a recommendation does not hold the levy of the Council. This was a cut and paste.

Ms. Forrester clarified that this Council has set a strong precedence of doing. She does not know how many times she has sat there and said we do not have to follow the drum of everybody around us, but every time the Council wants to do something, the suggestion from the Council has been to look at what everybody else is doing. She thinks that Mr. Wood has done an admirable job of putting a starting point together and she did not think it was right for the Council or any one member to sit up here and beat on him. She thinks this is inappropriate. She wanted Council to look at it off line send suggestions, get the

Attorney's input into what is an accurate understanding, what is an inaccurate understanding, and this can be hashed out in a different way.

Mayor Foreman responded that he did not ask for this agenda item. He did not like doing this.

Ms. Forrester clarified that the Mayor did ask for a policy to be brought forward.

Mayor Foreman clarified that this should have gone through the Town Attorney and Town Manager review and comments. He noted it needs to be rewritten and he would send his comments to Council. He did not want to see what happened with the community garden information that is on the Town's website and did not come before Council at all. There has to be a way that it is being reviewed by staff and the Town Attorney prior to coming to Council. Some of the things that are here are not achievable.

Mr. Taber suggested that all comments from Council be sent to him and the Town Attorney.

Mayor Foreman clarified that comments should go to the Parks and Recreation Commission.

Mr. Wood questioned if the Commission is only supposed to be doing recreational programming then there needs to be a point of clarity on the charter. The do's and do not's of the Commission.

Mayor Foreman suggested an agenda item form be submitted for a discussion after the Commission reviews their bylaws.

Mayor Foreman read the following from the bylaws. "Commission Focus: To offer recreation and programs designed to meet the needs and interest of patrons of all ages..." and "Commission Mission: The Commission will provide workable recreational programs and services..." He suggested amending the bylaws to include policies.

**G. POLICY TO ALLOW PRAYER AT COUNCIL MEETINGS – COUNCILMAN WOOD**

Mr. Wood stated that in light of the Town of Greece v. Galloway legislative prayers do not need have be religiously neutral. One of his desires was to invite the faith based non-profit churches to the Council meetings to offer open prayer or any citizen that wishes to come forth. He wanted to have a conversation about this on the dais today. He asked the Town Attorney to provide an update on the law surrounding this issue.

Mr. Simmons responded the Town of Greece case is very interesting because it addressed prayers at council meetings that are being offered by volunteers who offer to give prayers. In the Greece case, the supervisor was asking people from the community, local churches, and what not, to come in and offer prayers. The concern of the citizens in that case was the majority of the prayers being offered were Christen based. They were praying in Jesus name and praying with the Holy Spirit in mind, and those sorts of things. Some members of the community were concerned and offended by that. That is what started the

lawsuit. What the Supreme Court ruled on was essentially that prior to council meetings before legislative business begins volunteers are able to come forward in front of council and offer a prayer. The prayer does not need to be nonsectarian. It can be a Christian prayer. It can be a prayer where they are asking you all to work together during the course of council meetings. The Supreme Courts primary concern about was that they did not want council members or legislative bodies to begin to discriminate against other certain religions. What the Supreme Court said essentially is that these sort of prayers are authorized, but if it gets to the point where we feel that legislative bodies are being discriminatory then we are going to have to change, that may affect our opinion about the prayers that are being offered at these legislative meetings. At this point in time, legislative law simply says that people can come in and offer prayers prior to council meetings begin. It is actually authorized by the town of Greece. If you have any questions about that, he is happy to answer any questions.

Mr. Wood thought the invocation is a great part of the ceremonial process. He noted that it is done at military ceremonies and a lot of other ceremonies. He thought taking the invocation out that it should be brought back.

Mayor Foreman indicated the Town had a policy prior to April 2012, which was in place for years. A Council Member would give the invocation if a church was not available. Some Council Members were against this practice. Then for some reason it became the Council should get churches, so the Town Clerk sent invitations to all of the churches. A couple churches came and when a church was not present, a Council Member would be asked to do the invocation. It got to the point where Ms. Barr and Ms. Jurgenson, former Council Members, would walk away from the dais when a Council Member was giving the prayer. It was discussed at two meetings in April and in May the Town Attorney came back with the her rendering on the discussion. Ms. Forrester then had an agenda item in May about research on the invocation and legislative bodies. Council came out of a closed session and a policy was implemented of having a moment of silent prayer and reflection followed by the pledge of allegiance. The requested action is for Council to direct staff to draft a resolution for the August 6 consent agenda to add prayer back on the agendas inviting churches and faith based organizations to council meetings to pray. He feels this should not be moved to the consent agenda. If Council wants to further discuss it, absolutely, but let Council talk about a policy. If we go back to that way the issue will be inclusion and exclusion again. He does not think there will be a problem with getting churches to participate, but what happens when there is no church to participate. Is a Council Member going to be asked to do it again? Then what happens when Council Members walk away from the dais when another Council Member is giving a non-denominational prayer. He recommended the Attorney go back to what was discussed previously and come back with a recommendation.

Ms. Forrester explained the reason Council decided to go with the silent prayer and reflection was because the American Civil Liberties Union (ACLU) was threatening to file a lawsuit against the Town and the Town felt they did not have the resources to fight it. She stated the reason Council went into closed session is that she brought in outside legal counsel who believed that the Town could win that lawsuit. There was also the issue of how to decline participation It was decided it was easier to go with a moment of silent policy. This is now the time to bring this issue back up because the Supreme Court has ruled on this. She felt that this does not solve the how to respectfully decline to participate part. She did not know it was worth the Counsels effort when there already is time set aside for prayer. She thought it was worthy of continuing the discussion, but she wanted to add in what she thought were couple of important points.

Mr. Brewer stated the current policy is pretty open and does not specify any specific religion and encompasses everyone without offending any type of religious group. He is in favor of what Council is doing now.

Mr. Toney moved, seconded by Mr. Wood, to return the previous policy and provide invocation prior to the start of the Council meeting.

Mayor Foreman pointed out again that this is the first time it is being discussed and a motion is being made to amend a policy. He asked staff to go back draft a policy to discuss. He asked if the motion is to not set a policy but just have invocation. He asked what churches are being invited, who is inviting them, if there is no church providing the invocation who is giving the invocation, the Mayor or will it be rotated amongst the Council. These things were talked about at the meetings he mentioned. The staff or the Council needs to be advised, educated, and everybody brought up to the same knowledge base. If Council is asking staff to find the churches to participate then the staff is being tasked with additional responsibilities and the Town Manager should come back with a list.

Mr. Toney stated his motion was to return to that process of having invocation prior to each Council meeting.

Mayor Foreman asked if they needed a policy or was that the policy.

Mr. Toney stated that there was a policy in place. Staff was sending out notices inviting all the faith-based organizations in the community to come provide an invocation.

Mr. Wood asked if the current policy was being rescinded and Council was reverting back to the previous policy.

Ms. Forrester thought the motion needs to revoke the current policy and readopt the old policy.

Mayor Foreman read the following bullets from the previous prayer policy.

- **The Invocation will be at the beginning of the agenda at a time certain so that anyone desiring to do so may avoid the invocation;**

- No elected official, Town employee or anyone at the meeting shall be required to or encouraged to participate in the prayer;
- The Town Clerk will compile a database of all congregations within 10 miles of the Town of Dumfries— and any Town resident who attends a legitimate, tax-exempt church or place of worship outside of the Town of Dumfries may request that his or her place of worship be added to the list;
- The Town Clerk will mail a letter once a year to the religious leader of every congregation in the database, inviting them to pray on a rotating basis;
- No religious leader will be permitted to offer a prayer for two consecutive months or more than four times per year;
- In the event that no religious leader is available for a Town Council meeting, a Town Council member may fill in for religious leaders;
- Town officials are prohibited from asking about, reviewing or having any involvement in the content of any prayer offered, unless he/she is giving the prayer themselves;
- It is acceptable to mention "*God*" in generic prayers recited during invocations, but it is not permissible to mention a specific God or religion by name;
- Neutral, "civil religion" terms such as "God," "Almighty God," "Creator," "Providence," and "Heaven" are acceptable in the prayers offered;
- No prayer is permitted that can be construed to advance or disparage any particular faith, sect, or creed;
- It is acceptable to pray for wisdom, unity, and/or blessings of peace and prosperity;
- It is not acceptable to lead a prayer that would call for audience participation.

He asked the Town Attorney if this policy is in total compliance with the ruling.

Mr. Simmons responded this policy complies with the ruling for a variety of reasons. It states that prayers should not be disparaging to other religions and mentions that you are able to pray in the name of God.

Mayor Foreman asked if at the end of the prayer you could say "In Jesus name, Amen."

Mr. Simmons responded that the policy restricts what can be said, whereas the ruling provides more latitude on what can be said.

Mayor Foreman commented this is what he was asking staff to do. Review the policy and present another one that complies with the new law.

Mr. Toney amended his motion to have the Town Attorney revise the old policy to make it more in line, provide for the latitude presented by the new ruling, and bring it back.

Mayor Foreman asked if it was being brought back to Council to look at the language.

Mr. Toney personally felt the Town Attorney would know if the language was in line and did not think it needed to come back to Council for further discussion.

It was clarified that it would be brought back to Council to discuss and adopt.

Ms. Washington wants to see the new policy and would not vote for it if she did not see it. Pastors in the past turned the Town down because they were not allowed to pray in the name of Jesus. She would

like to have a way for a Council Member to respectfully refuse to participate. That does not mean walk out, it means to sit quietly and listen.

Ms. Forrester stated that if a person is praying and their prayer is not in line with a Council Member's religious beliefs, then the Council Member should simply sit quietly and not participate in the prayer. She pointed that the worst-case scenario would be that the policy was written and placed under the consent agenda. She reminded Council that anyone can remove an item from the consent agenda for further discussion and a vote.

Mr. Simmons commented he would look at the case and write the policy to be in line with the case.

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

Mr. Taber asked if Council wants this brought back to a work session or a completed item under the consent agenda.

Mayor Foreman responded it needs to come to a work session.

#### **H. PARKS AND RECREATION CONCERT SERIES UPDATE – COUNCILMAN WOOD**

Mr. Wood stated the Commission is in the process of the planning the event. They will be bringing back Tony Craddock, Jr. for the next concert. He provided Council with a preliminary timeline of the activities. The timeline was pushed back because the stage will not get there until 2:00 p.m. All of the volunteers will be required to fill out the volunteer application. There will be a kid's zone. Vendors are being invited now. There will not be a beer and wine garden.

Mr. Taber clarified the music has not been set. He has one contract that is being reviewed by the Town Attorney for the main event. He understands that there will be a second contract for the opening act. The date the contracts and purchase orders need to be in by is two weeks out. The contract being reviewed for the main act is for \$1,700 and the second act is proposed to be \$500, and they will bringing their own public address (PA) system to cut costs.

Mr. Wood indicated that replaces the disc jockey. He noted that as more details become available he will provide an update.

Ms. Reynolds asked for clarification regarding the very important person (VIP) lounge.

Mr. Wood stated it is a tent area for the artists and entertainers to set up and interact.

Mayor Foreman asked why the same artist was being used again. He thought the performers were going to be mixed up. He asked if the Commission made this decision. The brief Council got last month was that there would be something other than jazz done this year.

Mr. Wood stated he did not know that the Commission was supposed to get approval by the Council. It is planned to have diversity on the concerts and this is the first one. He noted the opening act is someone different and he is not a jazz artist.

Mayor Foreman responded that Council should be briefed by giving a general idea of what each venue will include prior to decisions being made.

Mayor Foreman asked again if the Commission made the decision.

Mr. Wood noted that tasks are assigned to each Commissioner. He explained that they are working on a committee structure with someone working on the community garden, another person on the 3-on-3 Basketball Tournament.

Mayor Foreman stated those sub-committees need to come back and report to the Commission, the Commission then votes on it, and then that comes to Council.

Mr. Wood asked if that was a policy the Mayor was making, or is that a policy the Commission is making.

Mr. Brewer pointed out that the Commission is advisory.

Mr. Wood stated that was not voted on.

Mayor Foreman asked Council if a sub-committee is making decisions and not reporting back to the Commission for an overall approval, nor the Council. He asked if the Parks and Recreation should be conducting business this way.

Mr. Brewer said no. He noted the Commission is an advisory committee to Council. Council should be making the final decision.

Mr. Toney stated what he has observed is that each individual focuses on a main activity and then the entire Commission agrees and makes a decision as a whole.

Mr. Wood stated that discussion was had at the last Commission meeting.

Ms. Washington commented the Council needs to decide how this is done. The Council needs to decide if the Council is the final decision maker after the Commission as a group votes on something. She felt that it is being said that things are not being correctly; however, no provisions are being put in place to make sure that they are done right.

Mr. Wood stated the Council only elected in the budget cycle to only have the Commission meet once a month for four, five, or six hours at a time to really have these discussions. The issue is the Commission is a group of volunteers who only one meet once a month to make decisions and has to come back and forth each and every time to have this conversation. The challenge is comes the timeframe in the meeting. Once a month you are only meeting 12 times a year. How do you get anything done as a Commission as a group of volunteers unless you direct staff or create a department to create this

atmosphere. You put a lot of pressure on a group of volunteers, who meet once a month, to be micromanaged over and over and again. To actually have all of this oversight when you are saying as a Council, you do not even really trust the advisory board that you appointed to do the job in the position that you are doing. It does not make sense unless you are going to direct and put a department with some people that are going to handle this.

Mr. Brewer stated the Commission is not a department. The Council is in charge of the people's money here. We want to see how the money is being spent and what it is spent on. This is an advisory committee. In his opinion, this should fall under Community Services, which is what it was before. Any event like this fell under Community Services. Now this is an independent Commission and with that being the case it falls under the purview of the Council. Yes, you only meet 12 times a year, but there are other boards and commissions that meet the same amount of time and they seem to get things done too. He does not see what the issue is here. Yes, you have to bring it back to Council, but when you bring it to Council, make sure you have everything in place so we are not going back and forth. He understands the time delay there and he understands the frustration; however, if you bring something forward that is complete and concise there should not be an issue.

Ms. Washington commented that when the new Community Services Director was discussed she felt that individual should be an integral part of the Commission. The Commission needs staff support.

Mayor Foreman commented he is an advocate of the Parks and Recreation Commission. There are bylaws that state what can and cannot be done. He has said from the very beginning that this is a quasi-events committee. You have a lot of events and you are meeting only once a month. He has asked numerous times whether the Commission was doing too much. The Commission met twice a month all of last year and there were events that had to be slid off the table because they could not get done. The same amount of events are back on this year and only meeting once a month. The Parks and Recreation is a Commission not a department. If the committees are reporting back to the Commission and the Commission is making the decision a jazz player is the way to go it should be reflected in the minutes. There should not be a problem because Council would be able to see the minutes during the monthly report. He stated that no one is micromanaging anything. Commission's do not function independently of the staff and Council. That is just the way it is. He does not know of a Commission that goes out, does things, and does not report back to Council. The reason the events are reported 30, 60, 90, and 120 days out is because things were happening, Council would show up and look at the Town Manager asking if this was what was briefed.

Mr. Taber stated the Director of Community Services is involved to the extent that the Parks and Recreation Commission has asked him to be involved. He is involved to the extent that he has been asked

to be involved. Events should be planned and started on six months in advance working up to the event. The Commission has the option to meet several times and get input from Council. For whatever reason, these two concerts were set back to back with a very short prep time and he believes that is what is causing these problems. The intent is there to do a good job to present these things. This is a very aggressive schedule of what the Commission wants to accomplish and he thinks for future reference he would strongly suggest thinking about that issue of giving enough time to plan. He commented that if Council wants the events to be managed by the Director of Community Services, he is open to do this, but the number of events would need to be scaled down. He would rather not do an event than do an event poorly.

Mayor Foreman asked if the Town was trying to make profits from the events.

Mr. Wood stated that they do not want to make profits. Discussions have been about how to generate funds so that the Parks and Recreation programs can start to be self-sufficient.

Mr. Brewer suggested the Commission limit the number of events to two a year. The Christmas Parade takes about eight months to plan.

**I. RESOLUTION TO AUTHORIZE TOWN MANAGER ADVERTISE A PUBLIC HEARING FOR AN ORDINANCE AMENDMENT TO REQUEST THE GENERAL ASSEMBLY AMEND ARTICLE III, SECTION 3.01(B) BY MOVING TOWN ELECTIONS FROM MAY TO NOVEMBER – OLAUN SIMMONS**

Mr. Simmons submitted a resolution to authorize the Town Manager to advertise for a public hearing on an ordinance to request the General Assembly amend Article 3, Section 3.01(B) of the Town Charter. This will begin the process of amending the Town Charter to move the election schedule from May to November.

Mr. Toney moved, seconded by Ms. Reynolds, to move the resolution authorizing the Town Manager scheduled a public hearing to the consent agenda for August 6.

Mr. Wood asked if Council had already done this.

Mr. Simmons stated citizen input was sought to see if Council should initiate the process.

Mayor Foreman stated that if a Council Member does not win re-election or chooses not to run the Council Member will be sitting on the Council for seven months before the new Council Member takes their place, as opposed to just three months.

Mr. Brewer stated that this is a process; however, it is also an opportunity for the citizens of the Town to come out and tell Council whether they want to make this change.

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

**J. RESOLUTION ADOPTING THE TOWN COUNCIL PUBLIC COMMENTS POLICY FOR TOWN MEETINGS – OLAUN SIMMONS**

Mr. Simmons explained the policy is more of an informative policy as opposed to a regulatory policy. It provides citizens guidance on how to make comments. He would like their recommendation of any proposed changes. The policy tells you basic information that citizens should give, how long they can speak, to state your name and address, you will not be allowed to be repetitious, be respectful, and that Council will not respond to citizens during citizen comment time. It tells the citizen that if they are hostile or threatening that the Chair or Council may be in a position to have them removed from the meeting.

Mr. Brewer asked who requested the policy.

Mr. Simmons received the request from several Council Members.

Mr. Brewer asked if a vote was taken on the dais.

Mr. Simmons noted that it was not.

Mr. Brewer reminded Council that Council Members does not direct staff individually. It is done from the dais if Council wants staff to carry out some sort of procedure. If that was the case Council would have the Town Manager going seven different ways on things. Things need to be happening on the dais not over the telephone.

Ms. Forrester responded that an email was sent out asking of Council would be interested in having something drafted to review. The Mayor stated that if four responses of yes were received to draft move forward with drafting something to review. She is assuming that because it is here, since she does not reply to all, that four yes answers were received.

Ms. Forrester moved, seconded by Mr. Wood, to move the policy to the consent agenda for adoption at the August 6 meeting.

Mayor Foreman mentioned that Council should discuss policies before moving them to the consent agenda. This is the second time during this meeting that this happened. He indicated he could read his recommendations or they can be sent to the Town Attorney to be incorporated, but then Council would not see the recommended changes. That does not matter because he can pull it from the consent agenda for discussion with the recommended language. This is the first time that Council is seeing this. He provided the following comments:

- The public comment section of the meeting agenda shall be limited to thirty (30) minutes in duration. He recommended it be changed to 30 minutes on any one subject.
- The policy does not clarify that citizens get five minutes to speak and businesses and organizations get eight minutes to speak. This is clearly stated on the agenda. The language in the policy needs to reflect the same.

- He believes Council Members should not provide comments to citizens even during Council Member Comments time. It is for the Town Manager to collect the information from the comment being made and get it back to Council to address it as a whole or individually. He wants that clearly stated.
- The policy states that comments or language of a lewd, insulting, or provocative nature shall not be permitted. He mentioned that Council Members use insults all the time and the first and fourth amendment allow a Council Member the freedom to say what he/she wants.
- He suggested that bullet nine and eleven be combined into one.
- It states that the Council has the right to remove anyone, which goes against Robert's Rule of Order.

Mr. Simmons responded it is very clear that Council Members will not respond to comments from the public. He suggested taking out the word, necessarily. Guidance is provided to citizens of what the Council's expectations are. Robert's Rules of Order does state the Chair can remove; however, Council Members can raise the question of privilege. It is then up to the Chair to accept or deny the request; however, if it is denied the Council can vote as a body to remove the person.

Mayor Foreman responded that needs to be eluded to in the policy.

Mr. Brewer commented that he does not vote in email. In the policy it states that there shall be a maximum of ten (10) speakers in any public comment period. When there is a hot topic, you will not be able to stop people from making comments. He suggested the language be stricken from the policy. He does not want to give Council the authority to limit the number of people who can speak.

Mayor Foreman asked Mr. Brewer if his request was to remove the ten speaker maximum and the limiting comments to 30 minutes.

Mr. Brewer responded he wanted both items removed.

Ms. Forrester agreed to the amendments.

Mr. Wood asked about the comment regarding Council Members not responding to citizen comments during Council Member Comments. He was not aware of this policy.

Mayor Foreman asked Council if Council should be allowed to respond to citizen comments.

It was the consensus that Council Members could.

Mr. Simmons responded that Council could respond during Council Members Comment time but not during the citizen comment period.

Ms. Forrester understood that Council could talk about anything except for items on the agenda.

Mayor Foreman responded that Council Members could speak about anything they want.

Ms. Forrester accepted the following amendments to her motion.

- The addition of the five and eight minute speaker time period.
- The compliance with Robert's Rules of Order.
- The removal of the time limit for the public comment period.
- Remove the limit to the number of speakers.

Ms. Reynolds believes the language regarding respectful comments should be kept in the policy and that the removal of a citizen can be done by the Council if the Chair does not.

Mr. Simmons overviewed the proposed changes suggested by Council.

Mr. Wood agreed with the changes.

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

**K. PROPOSED REVISION(S) TO TOWN CODE – OLAUN SIMMONS**

Mr. Simmons stated this item is for informational purposes only. Outside counsel did a review of the Town's Code and came back with some recommended changes. He will review the recommendations and bring them back piecemealed to Council for further consideration. He asked if there were items the Council would like prioritized.

There was none.

Mayor Foreman commented that if there are any suggestions from Council those can be made at the first meeting of the month.

**L. GINN MEMORIAL PARK STORMWATER MANAGEMENT AND INFRASTRUCTURE – MAYOR FOREMAN**

Mayor Foreman reminded Council that during the recent storms July 9<sup>th</sup> through the 15<sup>th</sup> it was determined that the Ginn Memorial Park grading was causing some flooding issues. Port-o-Dumfries called and showed him a video of water flowing from the Park into their stormwater system, which overflowed into the cul-de-sac. The Town's stormwater runoff is causing conflict with Port-o-Dumfries stormwater system. That stormwater system is not the Town's. He believes the Town needs to properly install a stormwater management system to flow into the public drain that is located in the Dumfries-Triangle Volunteer Fire Department property. He is requesting that Council hold off on the \$40,000 put aside for the Park and have staff look at this issue and come up with a plan and potential costs for the project.

Mr. Wood stated that when the Park was being constructed Mr. Toney argued with the then Public Works Director about the grading of the field and it not being level. The Commission has discussed how un-level that field is and the danger it presents.

Mr. Brewer commented that Wendy Pope from the homeowners' association (HOA) called him and showed him a video of three feet of water running between the back of the Fire Department and the townhouses going all of the way to the mailboxes because the HOA's stormwater management system could not handle it. He believes this is another instance of poor planning. There is no stormwater management in the Park. The only thing there are slopes. The stormwater not only affects the HOA's stormwater system but it affects three adjacent townhouses. The water flowed onto their decks and up to their back doors. They were very lucky that the water did not enter the townhouses because the Town would have been liable. He noted that Olde Towne Landscaping has been looking at the problem; however, they are not a stormwater management company. He stated that someone needs to look at the problem and come back with a plan to fix it. They also need to look at the opposite side of the Park as well.

Mr. Toney believes that the Town should do what is necessary to resolve the issue.

Mr. Toney moved, seconded by Ms. Reynolds, that the Town Manager use the existing stormwater management fund and work with the Public Works Director to identify what is necessary to rectify the problem.

Mayor Foreman wanted to hold off on the \$40,000 for the Ginn Memorial Park walking trails, etc. and use the money for the maintenance of the Park and the stormwater management.

Ms. Reynolds asked if during the development of the Park there was a phase for the stormwater management.

Mr. Taber understood that there was no plan for stormwater management. He understood that when the plans were being made for the filed the then Public Works Director did a stormwater flow calculation and the recommendation to Council at the time was that the existing drainage would handle the water flow. He mentioned that as future development of the Park occurs it needs to be considered; however, he believes the issue is that it was not done properly to begin with.

Ms. Reynolds mentioned the emergency fund that she has brought up several times. She thinks this is an emergency.

Mr. Toney stated that during the design of the Park stormwater was a strong consideration. This was the first time he heard the term cistern used. The then committee discussed using a cistern, but due to flow charts, it was determined that it was not necessary at that point. A trench and some piping were placed around the perimeter of the Park to help divert the flow. He would like to see the video.

Mr. Brewer responded that Ms. Pope has the video. He is not in favor of using the stormwater management funds for the Park because it has already been allocated to other places. The money allocated for Ginn Memorial Park needs to be spent on maintaining the park. The stormwater management funds have already been allocated elsewhere.

Ms. Washington stated the problem has to be fixed. As for the money, she thinks staff should come up with a plan and propose where the funding should come from. She pointed out there are several places in the Town that have stormwater issues. She wants to make sure the Town is very careful when reviewing the First Town Center project and ensure that stormwater requirements are reviewed. She is concerned that since the Town skipped a step in building the Park that Council does not have anyone to hold accountable.

Ms. Forrester asked Mr. Taber if he is comfortable with the motion on the floor.

Mr. Taber responded that he would get the project completed; however, where the money is taken from is up to Council.

Mayor Foreman pointed out the Town has spent over \$300,000 on Ginn Memorial Park and Quantico Creek has only been allocated a total of \$40,000. People's backyards are eroding away. The Park is functioning and the money set aside for the Park should be used for the project. He will be voting no.

Mr. Brewer agreed that Council should have had professionals build the Park. He has said that from the beginning. He will be voting no.

Ms. Forrester responded that the budget for stormwater management should be used on projects like this.

Ms. Reynolds stated that there needs to be an emergency fund and now there is a problem that an emergency fund could be used toward. The Council cut taxes and that money could have been used toward emergencies. She asked if money is available to pay for this project without taking it from other projects.

Mr. Taber responded when Council changed the system for collecting money for stormwater management there was a pot of money set aside in a separate fund, separate from the budget, for stormwater management issues. In the past, Council has been asked to transfer money to cover anything that is in excess of what was budgeted for stormwater management. There is a pot of money out there that could be used if the Town goes over the amount of money budgeted for stormwater management. It is entirely possible that the cost of this will not go over what has been budgeted in that line item; however, if it does, there is a mechanism in place to garner additional funds that were collected in the past and designated for stormwater management. Where the funding comes from is up to Council. He has to fix the problem. This is a liability for the Town.

Ms. Reynolds asked if this project qualified as a stormwater management emergency.

Mr. Taber indicated that it appeared to be an emergency, but the money does not need to be spent on emergencies only. It can be spent on anything related to stormwater management.

Ms. Reynolds asked what this has to do with the budget for Ginn Memorial Park.

Mr. Taber stated that depends on who the question is being directed to.

Ms. Reynolds stated it appears that Council is mixing apples and oranges.

Mayor Foreman stated that when a facility is constructed the initial funds are used to construct facility which includes stormwater facilities. This was never done for the Park. Once the stormwater facilities are constructed then the stormwater management funds can be used to maintain that facility. He stated that if this is an emergency then the situation regarding the properties on Cameron Street are in a worse situation because they are losing their backyards to erosion caused by stormwater.

Mr. Toney noted that the Mayor has a big advantage. He can talk whenever he likes, make comments, be that right or wrong, and make it sound like money is being taken from one issue and being placed on another.

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

Mr. Toney reiterated that the motion was to direct the Town Manager to use existing stormwater management funds to identify and rectify the problem. The motion carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman, no; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**M. RESOLUTION RECOGNIZING NATIONAL PAYROLL WEEK – DAN TABER**

Mr. Taber explained that in the past years the Town has recognized those that do professional payroll and accounting. He is asking Council to pass the resolution.

Mr. Wood moved, seconded by Mr. Toney, to move the resolution to the consent agenda for adoption at the August 6 meeting. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**N. RESOLUTION AUTHORIZING THE TOWN MANAGER ADVERTISE FOR A PUBLIC HEARING FOR AN ORDINANCE TO MAKE ADDITIONAL APPROPRIATIONS FOR FY 2014-2015 – DAN TABER**

Mr. Taber noted at the end of the previous fiscal year it was anticipated that the Town would have spent all of the funds provided by the Virginia Department of Transportation (VDOT) for road maintenance. Purchase orders were issued and work was to be under way; however, due to conditions beyond staffs control the contractor was under able to complete the work. VDOT requires these funds be used only for highway projects and any money not used should roll over into the new fiscal year.

Unfortunately, staff did not know the money was not going to be used until after Council passed the budget. The request is to move the money forward into this fiscal year. The second part of the request is to approve the addition of money received from a grant for the Police Department to purchase bikes.

Ms. Forrester moved, seconded by Mr. Brewer, to move the resolution authorizing a public hearing to the consent agenda for adoption at the August 6 meeting. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**O. LEASE FOR POLICE DEPARTMENT AT TRIANGLE SHOPPING CENTER  
– DAN TABER**

Mr. Taber reminded Council that the Police Department was relocated from the basement of Town Hall to the Triangle Shopping Center. The Council approved budgeting in the capital improvement program (CIP) a new free standing Police Department. The current lease is expiring in the Fall. This request is for Council to extend the lease for a three-year period providing the Police Department a place to be until the new Police Department is completed. One of the concerns brought up in the past was in regards to the heating, ventilation, and air conditioning (HVAC) unit not being covered under the lease. He was able to negotiate an upgrade to the HVAC system if the lease is extended. He needs authority to sign the intent to extend the lease. He noted the Town Attorney would review the lease to ensure that the Town is not subject to any maintenance costs that would normally be considered the concern of the individual who controls the building.

Mr. Wood asked what the plan is, if any, for the shopping center to do any re-facing or developing of the rest of the center.

Mr. Taber understood that as new tenants come in work would be done on the HVAC systems, re-facing of the building, and putting in sprinkler systems where they are not currently at. Property owners on Route 1 are reluctant to undertake any major additions until VDOT has determined where the centerline, of the road widening, will be located.

Mr. Wood commented that the large pothole at the entrance of the shopping center should be fixed.

Mr. Taber would discuss this improvement during the negotiations of the new lease.

Mr. Wood requested they present their future plans to Council.

Mr. Taber indicated would speak to them, but that issue is not related to the agenda topic.

Ms. Washington moved, seconded by Mr. Toney, to authorize the Town Manager sign the intent to lease. The motion carried by the following roll call vote: Mr. Brewer, absent; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**IN RE:           CLOSED SESSION**

**A. CLOSED SESSION UNDER VIRGINIA CODE SECTION 2.2-3711(A)(7) (LITIGATION) AND CODE SECTION 2.2-3711(A)(1) (PERSONNEL)**

Mr. Wood moved, seconded by Ms. Forrester, to go into closed session. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**WHEREAS, the Dumfries Town Council desires to discuss particular subjects in Closed Session during the course of its meeting of July 22, 2014; and**

**WHEREAS, the nature of the subject is the discussion and consultation with legal counsel pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body and the discussion of a performance evaluation. The discussion of same in Closed Meeting is expressly permitted by Section 2.2-3711(A)(1) and 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended.**

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

Mr. Wood moved, seconded by Mr. Foreman, to reconvene into open session. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

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

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

**NOW, THEREFORE, BE IT RESOLVED that the Town Council of Dumfries does hereby reconvene in Open Session at its meeting of July 22, 2014 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.**

Mr. Wood moved, seconded by Ms. Forrester, that the Town Manager move forward with the request for proposal for a temporary zoning administrator. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**IN RE: ADJOURNMENT**

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

Minutes submitted by

Approved by

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Dawn Hobgood  
Town Clerk

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Gerald M. Foreman  
Mayor