

**AT A WORK SESSION OF THE DUMFRIES TOWN COUNCIL, HELD ON JULY 23, 2013, AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:**

**THERE WERE PRESENT:** Mayor Gerald Foreman  
Vice-Mayor Willie Toney  
Charles Brewer  
Kristin Forrester  
Helen Reynolds  
Gwen Washington (arrived after roll call)  
Derrick R. Wood  
Daniel Taber, Town Manager  
Christine Sanders, 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**

It was the consensus of Council to add Item M, Donations Associated with the Town's Summer Concert Series requested by Mr. Wood.

**IN RE: CITIZEN COMMENT PERIOD**

There were no citizen comments.

**IN RE: PRESENTATIONS**

None scheduled

**IN RE: INFORMATION ITEMS**

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

Mayor Foreman asked when Council would be provided the FY12 actuals.

Mr. Taber noted the final draft was emailed to him on Monday. He is reviewing the draft and Council should have them by the next Council meeting.

Mayor Foreman requested that Council be provided with the total amount collected for FY13 business/professional/occupational license tax.

Mr. Taber asked if Council wanted the amount provided on a monthly basis.

Mayor Foreman asked that the figure be placed on the bottom of the report so Council does not have to add individual line items together to come up with a total amount.

**B. TOWN ATTORNEY REPORT – CHRISTINE SANDERS**

Ms. Sanders was available to answer any questions Council may have.

Mayor Foreman mentioned meeting, with staff, and Herb Campbell. He noted there is a large truck depository there. He asked if staff knew how many vehicles operate out of that location.

Ms. Sanders noted staff was trying to get a sense of that when the property was walked, so staff has a snap shot for that day.

Mayor Foreman asked if there was a site plan for the businesses and vehicles that are located there.

Ms. Sanders was not aware of any site plan. She pointed out the uses on the property are non-conforming. She believes that staff is working with Mr. Campbell's son, who actively manages the property, to determine how many and the type of businesses being operated there. She noted staff is about 70 percent there; however, there is about 30 percent that staff is still trying to nail down.

Mayor Foreman believed the property has grown in size because of fill. He asked if there were any environmental concerns with the maintenance being done on the vehicles with fuel tanks and stuff being left out.

Ms. Sanders thought that was a fair question to ask.

Mr. Taber noted the extent of the issues on the Campbell property is so large that staff has taken the approach of picking out particular items and moving forward with those while digging deeper into the matter. For example, the focus now is on the buildup of tires. From an environmental standpoint, the number of tires stacked at that location creates a health issue with mosquito breeding, also a potential fire issue, so that is the primary thing staff is working with them on. Staff is diligently working with them on concerns over some movement of dirt in an area where no plan was submitted and no permit was obtained. In addition, staff is working closely with the Fire Marshall. The File Marshall is compiling a report of recommendations. Looking at past records, if we try to do too much at one time we end up, historically, not accomplishing anything. All of the things mentioned are certainly priority items, staff will continue to deal with them, and he will report on them in his monthly report.

Mayor Foreman suggested an option staff should propose to Council is designating the area around the Campbell property as wetlands. The area along the Campbell property, Possum Point Road, and Dewey's Run have turned into an estuary and is more conducive to being wetlands. If designated as wetlands there are grants available for cleanup and environmental protection.

Mr. Taber noted the preliminary report on Quantico Creek just came in. Staff is talking with the consultant to get information on grants specific to that location.

**IN RE: DISCUSSION ITEMS**

**A. UPDATE ON YOHEY MEMORIAL – WILLIAM O'KELLY RUSSELL**

Mr. Russell mentioned the project has been ongoing for a couple of months. Discussions have been held with Ms. West, the Yohey Family, and the Ginn Park Committee to determine an appropriate location for the memorial. The location decided on for the memorial was on the northwest side of the parking lot. During the discussions, consideration was taken for a location that would serve as a place of contemplation in a peaceful area that would not be right next to a lot of activity. A small buffer area consisting of plants will be placed between

the parking area and the interior walkway. The walkway is four feet wide. There will be gravel walking up to the memorial with a circular walkway of four feet for an overall width of 16 feet. On the upper side, there will be two park benches with three ornamental trees. The recommended trees are crepe myrtle with supplemental planting around them. The shrubs are to be low maintenance and no higher than 30 inches in height, but most of them will likely be 18 to 24. The Ginn Park Committee and the Chief of Police, keeping in mind safety and line of sight for the users of the park, made the decision on the shrubbery. The center will be made of concrete pavers or a stone dust trail. The trail is an extension of one that was already proposed. Family members and the community are donating most of the materials for the memorial.

Mr. Toney thanked Mr. Russell for his effort and volunteering his time to design the memorial.

Ms. Washington asked where the memorial plate or plaque would be placed.

Mr. Russell explained that the actual wording has not been determined; however, in the center of the circle there will be a small stone memorial marker with his name, etc.

Mayor Foreman acknowledged the terrific job that Mr. Russell has done on the various Boards and Commissions.

**B. ARCHITECTURAL REVIEW BOARD UPDATED DESIGN GUIDELINES – LAURA O'DELL**

Ms. O'Dell noted the ARB has met several times to discuss how the Historic District Design Guidelines could be changed to expedite the review process for applicants that are coming in that want to do projects. The changes include allowing the Zoning Administrator to review repainting the exterior of the structure, fencing of any height, and sheds or accessory structures of any height. This allows for the weekend project or anyone else doing small things around the house on their property the right to do that and move forward in a timely fashion.

Ms. Forrester asked about decks.

Ms. O'Dell explained a deck would be an addition to the house if it was located where people could see it passing the house and would have to go through the review process; however, if not the homeowner would only need to apply for a permit.

Staff will look into whether there needs to be another public hearing or if the Historic Design Guidelines can be placed under the consent agenda for adoption.

**C. SCHOOL RESOURCE OFFICER (SRO) MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE DUMFRIES POLICE DEPARTMENT AND PRINCE WILLIAM COUNTY PUBLIC SCHOOLS – CHIEF EDWARDS**

Chief Edwards reminded Council that on February 5, Council approved funding a full time School Resource Officer (SRO) at Dumfries Elementary School. Staff worked with school staff to create a Memorandum of Understanding (MOU). The school officials and Town staff have had an opportunity to review the MOU. The Superintendent of the PWC School District signed the MOU on May 30 and the School Board approved the MOU

on June 19. The MOU has been sent to the Town for the Mayor and the Town Manager to sign before becoming effective.

The MOU will be placed under the consent agenda for adoption at the August 7 meeting.

**D. PARKS AND RECREATION COMMISSION “MEET AND GREET” –  
COUNCILMAN WOOD**

Mr. Wood explained the Parks and Recreation Commission has met with the Ginn Park Committee two times. The Commission has discussed and desires to hold a Meet and Greet at the Park to let the citizens know they exist. This will give the Commission the opportunity to meet the kids and their parents and get feedback on what activities the kids would like to see. This would be held on a Saturday in the afternoon.

Ms. Washington thought it was a great idea and very important to get feedback from the youth.

Mr. Wood noted the Commission is looking at August 3 from Noon to 4:00 at Ginn Memorial Park. A form is being developed for parents to provide feedback on the types of sports their children are interested in, etc.

Mayor Foreman asked how it was going to be advertised.

Mr. Taber indicated local reporters would be contacted.

Mayor Foreman asked if there was a way to tie in distribution with Prince William County.

Mr. Taber would explore the options.

Mayor Foreman asked if flyers were going to be placed at the Boys & Girls Club.

Mr. Wood noted that was correct and the Commission members will be going door-to-door handing out flyers.

Mayor Foreman mentioned sending the flyer to the Homeowners’ Associations (HOA) as well.

**E. UPDATE ON PICCARD HOMES – RICHARD WEST**

Mr. West noted staff has been working with the developer of Piccard Homes and last Friday a meeting was held with a representative from the bonding company for Piccard Homes, Potomac Cove, Section 2 and the contractor. They are looking at the outstanding items in Section 2 that are needed for completion to come up with estimates of what they need to do. This will not change the amount being held on the bond. It was determined at this point that they are not the ones who bonded Section 3 so staff is working with the developer to determine who that is. He and the Town Attorney have looked into whether sidewalks are required by Town Code to be on every street. There is no requirement in the Code. Staff is looking at what the secondary system requirements are for the Virginia Department of Transportation (VDOT) since the Town will want that road accepted into the system in order to receive funding for maintenance.

Mayor Foreman asked what road was in Section 3.

Mr. West stated Section 3 is Tweezer Court and Section 2 is Twist Court.

Mayor Foreman asked if maintenance of the common areas was discussed because the homeowners are still mowing.

Mr. West noted the following items were discussed.

- Maintenance of the common areas
- Trees and shrubbery that need to be replaced or were never planted
- Sidewalks

Mayor Foreman reminded Mr. West about the street light.

Mr. West noted a streetlight at Twist and Tweezer Court.

Mayor Foreman knows that Piccard Homes signed an agreement with the current homeowners that has a stormwater management pond. He felt that needed to be checked.

Mr. West noted the easements were still outstanding and have not been recorded either.

Mayor Foreman feared having homeowners in a larger community with no common area maintaining a stormwater management pond, which the HOA is required to maintain the facility, have it inspected, and have money set aside in case of failure or an emergency.

Mr. Brewer noted there was a statement made that there was a question about the ordinance requiring sidewalks.

Mr. West agreed as far as Town Code goes.

Mr. Brewer recalled there was a motion made by Stephanie Bradley, seconded by Clyde Washington, on the sidewalk ordinance. This was brought up when David Faught was trying to build a development on Orange Street and Mr. Singh was putting in Pointe Center One. That was when Council took a vote to require sidewalks for any new residential or commercial development.

Ms. Washington recalled Council discussing requiring sidewalks with any new development.

Mr. Brewer asked staff, if staff is unable to locate the motion, to bring the matter back to Council.

Ms. Sanders noted that a rewrite of the subdivision ordinance was in order and on her to do list.

Mr. Toney thought this matter was also a discussion had by the Planning Commission several years ago, which included having installation of curb and gutter.

**F. UPDATE ON MULTIMODAL PROJECT (SIDEWALKS) – RICHARD WEST**

Mr. West was asked to look at installing a sidewalk along Fraley Boulevard between Graham Park Road and Possum Point Road. This is part of the overall multimodal plan, which would make the Town more walkable. It includes sidewalks along Route 234, down Route 1 to Main Street, and along Old Triangle Road south of Graham Park Road. Staff met with VDOT and the consultant at Williamstown Drive to look at providing a temporary sidewalk between Graham Park Road and Possum Point Road along Fraley Boulevard. Two alternatives were provided for the sidewalk to run parallel along Fraley Boulevard (Route 1). One of the alternatives would be to provide a pedestrian bridge, if possible, that would hang from the side of the existing bridge over Quantico Creek. The second alternative would be to narrow the travel lanes a little, again if VDOT would allow, in order to place a jersey wall type barrier to provide the sidewalk on the existing deck of the bridge.

The other two alternatives would trek along Route 1 coming across Williamstown Drive proceeding northward either along the existing utility power line right-of-way or going the rest of the way over to Old Triangle Road to the end of the cul-de-sac, where either one of the two locations would cross Quantico Creek and some wetlands while using Canal Road, which would need some improvements, to tie back over to Route 1.

Mr. Brewer's concern was with spending anywhere from \$400,000 to \$1.2 million on a sidewalk that will probably be torn down when Route 1 is expanded. That is a big waste of money and there are no assurances that VDOT will put back what it takes out. The last plan he saw from VDOT had a sidewalk on the opposite side of the road, which does not help the people from Williamstown or South Cove.

Mr. Wood asked if the consultant provided a visual diagram or a 3-D diagram.

Mr. West noted there were no 3-D diagrams. A map was included in the executive summary provided to Council; however, it is broken down a little bit further in the larger report, which is 15-pages. He would make copies of that report and place it in the Council Member's box.

Mr. Wood asked if a sidewalk was placed on the opposite side of the road whether it could be built far enough out of the way that it would not affect any widening projects coming through.

Mr. West thought that unless you drop over to either the power line right-of-way or Old Triangle Road that anything put in will be within the Route 1 right-of-way. Therefore, anything put in would be undone and redone with the Route 1 widening project.

Mr. Wood was hearing the recommendation being made was that it would not be cost effective for Council to put in a sidewalk.

Mr. West noted it would depend on the immediacy of the need and how often the sidewalk would be used. It is obvious that it is used enough that there is a footpath worn along the shoulder of the road. The cost is a minimum of about \$350,000 up to \$1.7 million that would be spent all over again. Any sidewalk put in now would be temporary in nature. The most expensive part, no matter how the sidewalk is installed, is getting across Quantico Creek. He mentioned speaking with VDOT about possibly having a pedestrian walkway on the side of the bridge. VDOT was going to look at it. If it were a steel deck, it would be more amenable to an addition. He is uncomfortable walking across the bridge. He would still be a bit uncomfortable if the drive lanes were narrowed and a wider walkway was there with a jersey barrier.

Mr. Wood asked if there was a safety study done or concerns with the flow of traffic and the way people are walking in the street now. He asked if the consultant took into consideration the safety of pedestrians.

Mr. West noted it was not looked at from a safety standpoint. He is not aware of any incidents occurring at the bridge.

Mr. Toney felt it was critical to put a sidewalk from Graham Park Road to Possum Point Road. He noted the Council is doing its due diligence to address the problem. He mentioned there are no lights in that area so it invites individuals to speed. He liked the recommendation that was being made.

Ms. Reynolds saw the matter as a safety issue. She noted Council needed to do whatever it took to put sidewalks in whether they are temporary or permanent. She is looking to staff to provide Council with the information needed to make a rational decision.

Mayor Foreman read the report from the Berkley Group. He assumed the material used is cement.

Mr. West explained the sidewalk along the road would be a macadam type knowing that in three, ten, twenty years the sidewalk will be replaced.

Mayor Foreman knows the recommendation is for option 1A, which is taking the jersey walls and placing them on the bridge. He noted traffic would be coming straight, jog slightly, and then go straight again.

Mr. West clarified the lanes would be a little narrower and traffic would shift just a little bit to the left and then back. No more than two feet.

Mayor Foreman noted the difference between option 1A and 1 is a monetary value of \$112,520. He did not understand why a wooden bridge could not be placed over there, knowing it would be temporary in nature. He preferred option 1 to 1A due to the jog and the jersey barriers.

Mr. Brewer pointed out the surrounding communities have been there since he has, which is 32 years, and there have not been any fatalities. There are not going to be any more fatalities than there already has been. Sensationalizing things is not going get to the sidewalk built. The Council needs to be prudent with the citizens' money so all of the alternatives need to be looked at. Council needs to look at the whole Town and not just from Williamstown. He noted Tripoli Boulevard to the Boys & Girls Club needs to be considered too.

Mr. West indicated one option that was not considered would be a bridge, independent to itself, that would stand further downstream of the Route 1 crossing.

Mr. Toney indicated safety was the number one concern. The key is to place a sidewalk in that is safe. He supported the recommendation the Mayor made. There is a need for more lighting in that area. The density in the Town is in the area of Williamstown and South Cove and is a prudent place to start.

Mr. Brewer asked if any type of activity on the creek would have to go through the Corps of Engineers.

Mr. West agreed that it would.

Mr. Brewer noted permits would have to be acquired. He asked what the easement was along the creek for the Corps of Engineers. He knew it was from the center of the creek.

Mr. West wanted to check on that before providing an answer. He indicated it would go to the high water mark since that is where it goes from tidal to non-tidal. The easement would go out as far as any associated wetlands.

Mr. Brewer wanted Council to know this would require going through the Corps of Engineers and they are a tough agency to deal with.

Mr. West knew the most critical portion of the project would be getting over the creek. He was going to look into what options could be done; keeping in mind what would be the fastest and most cost effective. He was hearing that Council would like speed to overtake cost, if it is reasonable.

Mayor Foreman felt that options 1 and 1A needed to be relooked at and brought back to Council with a new cost.

Mr. Taber commented this is exactly how a work session item is supposed to work. He mentioned that anytime staff can walk away with a new idea and getting a good reading on what Council feels about something propels the Town into the future.

Ms. Reynolds asked that donated concrete be factored into the cost too.

Mr. West explained he would proceed by coming up with the estimate, then find out how much of the material or work would be donated, and that would be backed out of the overall project cost.

Mr. Brewer asked procedurally wise, whether the Council was working on consensus or a vote. If this is what Council desires it needs to be brought forward for a vote at the next meeting or drop it. The consensus stuff that has been going on has led many people in the wrong direction and caused a lot of conflicts.

Ms. Washington asked when the last pedestrian study was done.

Mr. West did not know off hand.

Ms. Washington agreed that was something the Town needed. In her opinion, the project should not be stopped that was being worked on and was at the top of her list. She felt there were other areas in the Town that need to be looked at for pedestrian safety in order to address those issues.

Mayor Foreman asked the Parliamentarian to address the issue Mr. Brewer brought up.

Ms. Sanders thought a consensus vote could be used to give direction to staff since Council is not actually taking any official public action or adopting an ordinance. It is entirely appropriate to understand the consensus of Council so that staff can move the project forward.

Mayor Foreman asked where the final vote would be taken. What is the difference between a vote and consensus?

Ms. Sanders hated turning it right back to Council; however, in the past she has asked about policies and procedures that Council would like to adopt with regard to its meetings and work sessions. A consensus, in her mind, is a majority agreement on how to move forward. As she understands it, the consensus tonight is for the Director of Public Works to look at the options provided and bring back the cost to Council.

Mr. Brewer made the motion to move the matter to the next regular meeting for a vote.

Ms. Sanders noted if there was a consensus of the Council that a vote is needed at the next meeting then that is what Council does.

Mayor Foreman clarified that Council does not make motions at work sessions.

Mr. Brewer asked why Council was having a work session if no vote is being taken to move it to the next regular meeting. This is when the public's business is done and the public's business is voted on at a regular meeting. How are you moving the public's business from a work session to a regular meeting?

Ms. Sanders understood no funding was being committed at this point on an option. All Council is doing is asking staff to provide more specific information on the issue and once Council is ready to commit funds it would be appropriate to take a vote then.

Mr. Brewer pointed out that direction needs to be provided to staff as a body, which is done through a vote and not a consensus. A consensus means that some are and some are not agreeing.

Ms. Sanders suggested a straw poll.

Mr. Brewer asked what the difference was between a straw poll and a vote.

Mayor Foreman asked Mr. Brewer to repeat his motion.

Mr. Brewer repeated the motion was to move the issue to a regular meeting for a vote to have staff continue with what Council decided to do with the sidewalk project. He pointed out that staff has been provided with eight different directions. Council needs to work as one body to give the Town Manager one direction, so that he can provide that to his staff in order to come back to Council with a recommendation. It is a matter of procedure and the right thing to do. All of this got convoluted when Fred Yohey was in office. Before Mr. Yohey was in office, a motion was made, a vote was taken, it passed or failed, and then you moved on to the next item. Every Council Member is requesting staff and the Town Manager to do seven different things. This is a body and not seven different individuals.

The motion failed due to the lack of a second.

Ms. Washington thought, up until the voting part, this was one of the best work sessions Council has had because there was input and direction from staff to help Council make a decision. The difference between a consensus and a vote to her is two weeks. If Council waits to vote there will be no additional information provided by staff to allow Council to start making a decision. Council would have to wait two weeks to vote to have staff provide further information. She thought when Council votes it would be a matter of whether to spend the money and which option. She liked using the consensus. If a Council Member does not speak up or disagree with what is said, then you are for that, and want staff to move forward with what was asked.

Ms. Forrester thought it was clear a consensus has been voiced and it is just for information. Council does not want to set things back for two weeks and not allow the research to be done. She also agrees with Mr. Brewer about not being able to make motions. She was not a fan of eliminating votes from the work sessions even though it has been established in previous meetings that procedural votes could be taken. She thinks there needs to be consistency and she did not know why Council did not make motions at work sessions. She did not think it does anything except slow things down.

Ms. Sanders explained it is a rule that Council can change. She cautioned Council from adopting ordinances, holding public hearings, or take official action at a work session. For something like this, it does not make sense not to get a consensus or motion.

Mayor Foreman was all for making a motion during a work session. Discussing the item and taking a vote to move it forward for the final decision to be made at a regular meeting. He felt a consensus could be a dangerous thing. He noted there have been a few things that have moved forward that he did not feel there was a consensus.

Mr. Brewer advised the whole point was simply about procedures. He pointed out a sidewalk would not be installed in two weeks, so he did not see where delaying it for two weeks would do anything.

Ms. Reynolds recalled that several months ago the budget was worked on. During those discussions, money was set aside for sidewalks. She did not understand why certain people on Council act like this is something new. Discussions have been had on sidewalks since she has been on Council. This needs to move forward, the citizens need to be considered, and what was discussed several months ago needs to be done.

Ms. Forrester did not have a problem just voting on the matter; however, she was not going to vote on it to delay it for two weeks.

Mayor Foreman asked that a discussion be placed on the next work session in order to determine how business will be conducted whether by motions or consensus in order to set a policy. Unless a Council Member objects, staff is to come back to Council with further information on Option 1 and 1A.

#### **G. SUBMISSION OF PROJECT TO NVTA CONCERNING THE ROUTE 1 WIDENING IN THE TOWN OF DUMFRIES – RICHARD WEST**

Mr. West noted the Route 1 widening has been discussed a couple of times this evening. It has been a project of concern and deep expectations for the Town for a long time. Staff is working to move the project along with Prince William County (PWC) and the Virginia Department of Transportation (VDOT). Another avenue to help move the project ahead is with the Northern Virginia Transportation Authority (NVTA), which was set up through stage legislation. It directs some additional transportation funds to the Northern Virginia and Hampton Roads regions. Every year the NVTA develops a list of priorities of projects by counties and cities of the localities in Northern Virginia. The Town falls under PWC, which allows the Town to get some additional funding for projects. Selections for FY14 have already been made; however, he has gotten information on how the process works. The earliest the next selection process will occur is September 26. He was asking Council to allow staff to move forward with submitting the Route 1 widening project.

Mayor Foreman explained Council was provided with a copy of the project description form that needs to be filled out and projects will start being accepted September 1. He was expecting to have the form filled out prior to the meeting in order for Council to vote on it. The item will have to be placed on the agenda for the first meeting of the month filled out in order for Council to discuss and vote on the submission.

Mr. West explained the form might look simple enough; however, there is a whole lot more to it and the reason the form was not filled out.

Mayor Foreman explained the submission just gets it on the initial list of 26 projects, which has to be pared down to 13. It does not mean that it will be approved. He asked if the completed form would be presented to Council at the next meeting.

Mr. West indicated that was his intention. He has done some preliminary research to make sure that the project goes through the various tiers without being eliminated.

Mayor Foreman noted in discussions he has had with VDOT it is brought up that the plans have not been submitted to the NVTA. If it gets to the NVTA then the Northern Virginia Regional Commission (NVRC) can start talking about the project.

**H. CREATE A QUESTIONNAIRE FOR VACANCIES ON COMMITTEE/COMMISSION SEATS TO INCLUDE A BACKGROUND CHECK – COUNCILMAN BREWER**

Mr. Brewer asked that this matter be moved to the agenda for the next regular meeting.

**I. UPDATE ON TRANSPORTATION – DAN TABER**

Mr. Taber noted the Route 1 widening project remains a priority for the Town. Largely through Mayor Foreman’s initiative and discussions with elected officials at all levels of government it appears as if the project is moving in a manner that will allow for its completion sooner than otherwise might have been the case. He envisions this will occur several years sooner than it would have had the energy not been put in to move this project forward. As a reminder, 1.6 million dollars have been moved to the project and that is the estimated amount of money needed to complete the initial engineering phase, otherwise referred to as the 30 percent mark. When the initial engineering phase is completed, the actual centerline of the road will be established and all the needed right-of-way on both sides of the existing roadway will be identified. This is very important, as those results will allow for a more precise estimate of total cost of the remaining phases of the project. Acquisition can be a very costly endeavor as you move forward with road construction. The PWC Transportation Department will be managing the project for the Town, in that they have the staff and prior experience in road construction project management to complete the task in the most cost effective and efficient manner possible. VDOT has worked closely with them on previous projects and they feel very comfortable dealing with that. There are two people in Public Works right now and this is a major undertaking for the Town. It makes more sense to proceed that way. The Town is not giving up any rights to having input in this initial phase. There have been discussions about wanting people to know when they are entering the Town of Dumfries by creating a physical difference that can be seen. The Public Works staff is currently in discussions with the PWC Transportation Department to complete a memorandum of agreement for the County to manage the project. Some of the specifics are being worked out. Once that is completed, PWC and VDOT will then enter into a similar agreement that will specify the duties of

the PWC Transportation Department and VDOT as the project moves forward to the 30 percent mark. As the preliminary engineering proceeds, the Town will be able to look at a realistic timeline for completion of the project. The Town is fortunate that VDOT has already funded, separate from the 1.6 million dollars, the flyover, and mapping part of the project, which should be complete within 60 days. When it comes to the Potomac Shores Development and the proposed intersection at Route 1 and Route 234 a discussion was had with VDOT about the concerns and issues involved with the intersection, how Old Stage Coach Road was being handled, and the issues businesses have along Route 234 and Route 1. A follow up meeting was then had with VDOT and PWC where the same issues were addressed. There is a general consensus on the part of VDOT that there is certainly an understanding as to why Council, the Town, Public Works, and the Town Manager have concerns with the roadway. The final meeting was held with PWC, the Town, and the Developer. In that meeting everyone realizes and understands, even though there were some prior written statements that have said otherwise, the Town remains a player in that quadrant intersection with what lies within Town limits. The proper permits and approvals have to be applied for and received from Council. It is at that point things can be discussed such as proffers, etc. At the recent PWC Board of Supervisor's meeting, the rezoning application was approved. A vast majority of that application dealt with issues within the project. A piece of that did approve the intersection as was originally presented to VDOT. What was approved was a concept plan. It is still up to the Developer to do what is required under the law including having discussions with the Town about what that intersection is going to look like. VDOT has stated the concept of another entry point on Route 1 controlled by a signalized intersection makes perfect sense if Old Stage Coach Road is made a cul-de-sac. One of the things that occurred during the public hearing for the rezoning was the Director of Public Works delivered a letter from the Mayor and voiced concerns that Council had. Council obviously has no control over what the PWC Board of Supervisor's does; however, partially, because of the concern of the cul-de-sac without providing an access road to Route 1 there was a last minute amendment to include \$250,000 to be set aside to deal with issues like that. There is some positive movement. He wanted Council to understand that there will be several discussions and the process will take several years. In the meeting with the Developer, they agreed to come back to Council and present a better response to the questions asked by Council several months ago, and update Council on the changes that have taken place. He was looking at scheduling the meeting for the September or October work session. He announced the Town meets the criteria for the new transportation-funding bill that requires counties to provide a percentage of the money to towns within its jurisdiction. The issue right now is the funding formula used to determine the amount of funding that will be provided. It boils down to two different ways to determine the amount. One deals with the number of school age children that live within the Town and the other would be based on retail sales. PWC is gathering information to determine which way would be the way for the Town to go that would be most beneficial. He was unable to get an update since the PWC Deputy Executive, Susan Roltsch, was on vacation.

Mayor Foreman asked when the minutes would be available from the staff meeting held on July 11.

Mr. Taber stated the minutes were in draft form and will be sent to all of the participants for review. Within seven to ten days, depending on the comments, they will be finalized and provided to Council.

Mayor Foreman asked about the minutes from the PWC and Potomac Shores meeting on July 8.

Mr. Taber noted those minutes were being processed in the same manner.

Mayor Foreman mentioned Council needed a brief on proffers and a schedule developed. A copy of the Potomac Shores brief given to the PWC Planning Commission needs to be presented to Council. At that meeting, Potomac Shores provided an update on the Route 234 intersection that is not available online that Council needs, which was different from what was presented to Council.

Mr. Taber asked if Council received a forwarded email from Maria Sinner.

Mayor Foreman noted Council did not receive the email. Constant dialogue needs to take place with the businesses along Route 234 since they are the ones that will be affected the most with the proposed access road. It should not be a matter of not being able to get ahold of them and Council needs their input. The Town should correspond and get a written statement from them, especially if they are unable to attend the public meeting, as to whether they have any issues with the access road with specifics.

Mr. Taber would get in touch with the businesses; however, it is his understanding that the developer is doing public outreach. He will try to reach them personally and if unable to meet with them, he will send a letter and try to facilitate a meeting with the developer.

Mayor Foreman thought it needed to be one on one with Council or staff. He noted the developer on more than one occasion has made written statements that they need VDOT and/or PWC approval and there is no mention of the Town. There was mention of an intersection at Route 1 and Tripoli Boulevard. Staff needs to talk to the car dealership and get an understanding of any concerns they may have about an intersection and Old Stage Coach Road becoming a cul-de-sac. The car dealership sits right in the middle of the intersection on one side. He thought that a brief should be given initially quarterly by PWC if they have a memorandum of understanding (MOU) and are managing the program, then once every six months. He understands there are some short-term answers Council needs. If Potomac Shores and Eco-Energy/NuStar are going to give a brief, Council needs to understand and be on an even keel in order to ask the right questions for/from the constituents.

Mr. Brewer asked what the holdup was with the proffer schedule that he has asked for at least four times.

Mr. Taber noted the matter was being scheduled for discussion at the September work session.

Mr. Brewer explained it was not that difficult and could be cut and pasted from another jurisdiction with similar zoning requirements.

Mr. Taber explained he was trying to spread the matters over a manageable timeframe in order to keep Council from staying until midnight at work sessions.

**J. AMENDMENTS TO THE TEMPORARY ROADSIDE FOOD VENDORS ORDINANCE – COUNCILWOMAN FORRESTER AND CHRISTINE SANDERS**

Ms. Forrester recalled that during the last discussion, there were several changes made to the ordinance and Council took a vote, which failed due to a lack of the majority, so it was not defeated it just did not pass. There were a couple of members on Council, Ms. Washington, and Mayor Foreman, who expressed concern that the Town Attorney had not been able to review the requested changes from the meeting. She wanted to give the Attorney the opportunity to speak on the amendments to the ordinance. She will be making the request to place it on the September regular meeting for a motion.

Ms. Sanders understood the temporary roadside food vendor ordinance did not pass because there were a number of questions that needed clarification. The information provided in the packet was compiled from notes staff provided before she had the opportunity to watch the meeting. Since then she was able to listen to the meeting. She needed clarification on a few items that she was prepared to go over tonight. She understood Council wanted the banner signage to be included in the 20 square feet permitted, which can be addressed in the next draft. There was concern about how this ordinance might operate in conjunction with other Town events. She understood that any roadside food vendor who has a permit would be allowed to participate in Town events without having to pay a fee in lieu of the roadside food vendor being able to vend from its permitted location during the event. There were questions about what would control an enforcement situation whether it was the application or the ordinance. The language of the ordinance, which is incorporated into the permit, is what controls. There are some things that you want to codify in the ordinance; however, the permit itself, because you do not want to have to update the ordinance annually to address the dates of Town's events or new events, is a license to be able to vend in a certain location that would include these dates. There is some distinction between this ordinance and how it would apply to being able to vend on private property under certain instances if the regulations are met and is different from a temporary mobile food vendor that might be participating in a Town event. That type of use is regulated under the temporary use ordinance and spelled out under Section 42-33 of the ordinance.

Mr. Brewer stated the motion failed. It was not to bring it back up. At that point, a Council Member should have put it back on the agenda, not have the Town Attorney research anything, for another vote at a regular meeting. Council needs to do things the proper way as far as procedures go. Consensus does not work. There were so many directions given before that vote nobody could keep up with it. The motion failed. He asked Ms. Sanders if she had direction from Council to research the matter. No. Direction came from a Council Member not a vote from the Council.

Ms. Forrester did not give the Town Attorney any direction. She had not even discussed this with her until just now with a question about the procedures to bring it back for a re-vote tonight. When it failed, the Town Manager stated the concerns are for the Attorney to review and he would have her look it over. She assumed the Town Manager told the Town Attorney to watch the tape. She did not give any direction and according to Robert's

Rules, she can bring it back for a vote at the next meeting. She clarified the Town Attorney works for the Council as a whole and individually at any Council Members request.

Ms. Washington only voted against it because she wanted the Attorney to look over the concerns she had with language being on the application that she thought should be part of the ordinance.

Mr. Brewer does not deny that everyone had a question about the ordinance. It was not about that it was strictly about procedures. If that were the case, a Council Member should have made a motion to have the Attorney review the ordinance and provide a report to Council. That was not done.

Ms. Forrester announced she would submit an agenda item form for the next meeting.

There was a brief discussion about temporary roadside food vendors not being able to operate at their permitted location during Town sponsored events; however, they would be allowed to set up at the event at no charge. If a roadside food vendor has a location over by Ginn Memorial Park, it would not affect the Fall Festival. It was questioned as to why a fee was not being charged and why the Town would limit when a roadside food vendor could operate. It was brought up that the idea of the festivals/events is to get the family out together to enjoy time with each other. One of the big attractions to any festival/event is the food and if there were several food vendors set up around Town it would defeat the purpose.

Ms. Sanders told Council she was going to leave the Business Professional Office License (BPOL) Tax in. She will draft some clarifying language on the Town's events to be incorporated in the permit so that can be addressed annually rather than by ordinance. She explained that between the notes provided by staff and reviewing the video, she did not get a clear sense that Council did not want to adopt an ordinance and just did not want to adopt the ordinance as it was changed. She mentioned that Norfolk recently adopted a food vendor ordinance with a requirement that the vendor will vend for a minimum number of days.

Mr. Toney wanted to get a period to the end of this since he brought it up over five months ago.

Mr. Brewer wanted to know what the procedure was going to be to move the item forward.

Mayor Foreman pointed out that any Council Member can place an item on the agenda at any meeting. It has been clearly articulated that Ms. Forrester will be placing this on the September agenda for action. He asked if a public hearing was required.

Ms. Sanders explained the vote died so the Council will need to re-advertise a public hearing.

There was discussion on whether a public hearing could be advertised for the August meeting. It was confirmed that the requirements for advertising could not be met for a public hearing in August.

There was discussion about Council's policy and procedures and how business is being conducted. It was clarified that moving an ordinance to a public hearing takes place at the first meeting of the month. That is a decision, a vote as a Council. Council passes policies, procedures, ordinances, and moves items to a public vote at the first meeting of the month.

**K. UPDATE ON COMCAST FRANCHISE RENEWAL – CHRISTINE SANDERS**

Ms. Sanders mentioned in the past that she had difficulty getting ahold of the Comcast representative, Ms. Shuler, who Council met at a work session several months back. She got ahold of Ms. Shuler, who has had some unfortunate circumstances personally and apologized for the delay. She is anticipating a response within a week or two and will bring it to Council in August.

Mayor Foreman had asked if Council could get a point of contact to request opening an office in Dumfries.

Ms. Sanders requested that in the revised franchise agreement. She knows it is something that Comcast probably does not want to do. It was a business decision to close the office that was in Dumfries and is a negotiating point at this juncture. The franchise renewal will have to be passed in the form of an ordinance and will require a public hearing for citizen input, which may assist facilitating some of the negotiations on that point.

**L. PROCLAIMING SEPTEMBER 15 – 19, 2013 AS “DAY TO SERVE – FEED THE HUNGRY, HEAL THE PLANET” – MAYOR FOREMAN**

Mayor Foreman explained the matter was brought before the NVRC and Mark Gibb, Executive Director, recommended it. He read the following information. “Day to Serve” is unique event that has inspired a diverse group of people of our larger region to set aside their political, religious and cultural differences to strengthen our collective communities by coming together to “feed the hungry, protect and enhance the environment, as well as strengthening our communities.” “Day to Serve” has been endorsed by the Governors of Virginia, Maryland and West Virginia and the Mayor of Washington, D.C. Last year, “Day to Serve,” resulted in over 750 community events with more than 14,000 volunteers, culminating in 26,000 hours of service rendered, resulting in over 600,000 pounds of food being donated to local food banks. One in four Americans are worried about having enough money to put food on the table in the next year. One in five American children (over 16 million) are “food insecure” meaning they do not know where their next meal will come from. Hungry children perform more poorly in school and have lower academic achievement. Eight point eight million Americans 50 and older face the risk of hunger.

This item will be placed under the consent agenda for adoption at the August 7 Council meeting.

**M. DONATIONS ASSOCIATED WITH THE TOWN’S SUMMER CONCERT SERIES – COUNCILMAN WOOD**

Mr. Wood explained one of the things that the Parks and Recreation Commission looked at with the concert series was making it a benefit concert. There are two programs in Dumfries. Dumfries Cares and Christmas in Dumfries, where donations could be collected. Another possible option that is not in place yet is the Dumfries scholarship. Since a policy has not been written or created, the Parks and Recreation cannot accept donations for the program.

Ms. Sanders mentioned a discussion was had earlier this afternoon. One of the things discussed was rather than donate money and the concern over how to account for money received at an event that is not specifically a

fundraising event was the possibility of requesting donations of back to school materials that children might need for Dumfries Cares. She thought Council might want to change the donation/fundraising policy to add Dumfries Cares.

Mr. Wood suggested collecting canned goods for a type of day to serve.

Ms. Washington asked if the donations were coming from businesses or individuals attending the concert.

Ms. Sanders noted it was an opportunity for people coming to the event to donate something if they like.

Ms. Washington asked if the policy would consider donations from businesses.

Ms. Sanders explained the reason the matter is before Council is because the fundraising/donations policy requires Council approval.

Mr. Wood noted the Commission wanted to have a cause for getting the community together and not just have a concert. He explained that next year the Commission would be exploring getting businesses to sponsor the concerts.

Mr. Brewer pointed out what was being requested is going to require Council to vote. He asked if this was going to be moved to the next meeting for a vote.

Ms. Washington suggested collecting canned goods for this upcoming event for Action in Community Through Service (ACTS) pantry. She noted there are a lot of sororities, fraternities and other community organizations that provide school supplies.

Mr. Taber explained one of the issues is advertising and if Council waits until the next meeting there may not be sufficient time. He suggested giving ACTS the opportunity to collect the canned goods at the event.

Mr. Brewer stated that would require Council to vote; however, that was a nice way to circumvent it. He will do an agenda item form for the next Council meeting to clear all this up.

Mr. Taber thought that allowing an entity to come in would be more of an administrative decision that is appropriate for the Town Manager to make, unless the Town Attorney disagrees. He pointed out if staff was going to be collecting items then it would certainly need Council approval.

Mayor Foreman asked what would happen in the next two weeks that it could not wait for Mr. Wood to contact ACTS and have someone come talk to Council about what they are going to do. He understood both options.

Ms. Forrester noted if ACTS was going to handle it then it does not have to come to Council. The only reason it was placed on the agenda was that Council, as a body, is required to approve fundraising or the collection of donations.

Mayor Foreman agreed.

**IN RE: CLOSED SESSION**

Mr. Wood made the motion, seconded by Mr. Foreman, to convene 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 a particular subject in Closed Session during the course of its meeting of July 23, 2013; 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; and

WHEREAS, the nature of the subject is the discussion and consultation with legal counsel regarding probable litigation. The discussion of same in Closed Session is expressly permitted by Section 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 made the motion, 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 23, 2013 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

Mr. Wood made the motion, seconded by Mr. Foreman, to approve the addendum to the Town Manager's contract. 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 Mr. Wood, to adjourn the meeting. The motion carried by the following voice vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

Minutes submitted by

Approved by

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

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