

**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON JULY 8, 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 (arrived during citizen comments)
Helen Reynolds
Gwen Washington
Derrick Wood
Daniel Taber, Town Manager
Olaun Simmons, Town Attorney

THERE WERE ABSENT: None

IN RE: CALL TO ORDER AND ROLL CALL

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

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

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

IN RE: APPROVAL OF THE MINUTES

There were no minutes available for approval.

IN RE: ADOPTION OF THE AGENDA

Mr. Taber requested the removal of item V-G, Resolution Adopting the Planning Commission (PC) Bylaws, upon the request of the PC Chair. The Commission would like to continue discussions on them.

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

IN RE: APPROVAL OF THE CONSENT AGENDA

Mr. Foreman moved, seconded by Mr. Brewer, to approve the consent agenda. The motion carried and the following ordinances and resolutions were adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

**AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS
AMENDED, BY AMENDING ARTICLE II, CHAPTER 62, SECTION 46
RELATING TO TOWN VEHICLE LICENSE**

WHEREAS, the Town Council held a duly advertised public hearing on the Fiscal Year 2015 Budget on March 27, 2014; and

WHEREAS, Town Council reduced the amount of the vehicle license fee as part of the adoption of the FY15 Budget on June 3, 2014; and

WHEREAS, Town Council held a duly advertised public hearing for the amendment to Article II, Chapter 62, Section 46 relating to Town vehicle licensing; and

WHEREAS, the vehicle license fee affected will be for the period of March 1, 2015 through February 28, 2016.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries, Virginia, this 8th day of July, 2014 that the following change be made to

ARTICLE II. TOWN VEHICLE LICENSE

Sec. 62-46 Amount of tax.

There shall be an annual license tax imposed upon every person owning a motor vehicle including, but not limited to, automobiles, trucks, motorcycles, motor scooters or vehicles of like design, regularly operated upon the streets or highways in the town. On every motor vehicle, such tax shall be ~~\$25.00~~ \$24.00.

This ordinance shall become effective on July 8, 2014.

**AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS
AMENDED, BY AMENDING ARTICLE II, CHAPTER 18, DIVISION 3,
SECTION 18-98 THROUGH 18-113 RELATING TO BUSINESS,
PROFESSIONAL, OCCUPATIONAL LICENSE**

WHEREAS, the Town Council has held a duly advertised public hearing on the Fiscal Year 2015 Budget on March 27, 2014; and

WHEREAS, Town Council reduced the amount of the license fee as part of the adoption of the FY15 Budget on June 3, 2014; and

WHEREAS, Town Council held a duly advertised public hearing on June 3, 2014 to reduce the amount of the license tax by \$0.01 per \$100.00.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries, Virginia, this 8th day of July, 2014 that the following changes be made by amending Article II, Chapter 18, Division 3, Section 18-98 through 18-113.

Sec. 18-98. Builders or developers.

Every person engaged in the business of erecting a building or making other improvements to real estate for the purpose of selling or renting, and making no contract

with a duly licensed contractor for the erection of such building or the making of such improvements, whether or not such person contracts with one or more duly licensed contractors for one or more portions, but does not contract with any one person for all the work of erecting any one of such buildings or the making of such improvements, shall be deemed to be a builder or developer and, for the privilege of transacting business in this town, shall pay a license tax under this article. No person who is duly licensed as a contractor under section 18-99 and who is also engaged in the business of building or developing for which a license tax would be otherwise prescribed by this section shall be liable for a separate license assessable under this section.

Sec. 18-99. Contractors, subcontractors and persons contracting or constructing for their own account for sale assessment of tax.

Except where exempted by law, every person engaged in contracting, subcontracting, and persons constructing for their own account for sale shall be assessed by the town treasurer and pay for such privilege, a license tax of \$30.00 or ~~\$0.102~~ .092 per \$100.00 of gross receipts, whichever is greater.

Sec. 18-100. Same—Businesses included.

Contracting or constructing generally includes, but is not limited to, the following occupations, businesses or trades:

- Air conditioning.
- Brick contracting and other masonry.
- Building.
- Cementing.
- Dredging.
- Electrical contractors.
- Elevator installation.
- Erecting signs which are assessed as realty.
- Floor scraping or finishing.
- Foundations.
- House moving.
- Paint and paper decorating.
- Plastering and drywall.
- Plumbing, heating, steamfitting and gasfitting.
- Refrigeration.
- Road, street, bridge, sidewalk or curb and gutter construction.
- Roofing and tinning.
- Sewer drilling and well digging.
- Sign painting when painted on any structure assessed as realty.
- Structural metal work.
- Tile, glass, flooring and floor-covering installations.
- Tunneling.
- Wrecking, moving or excavating.
- All other contractors and contracting businesses not specifically set out above.

Sec. 18-101. Distributing houses.

For every distributing house or place in the town (other than the house or place of manufacture) operated by any person engaged in the business of a merchant in this town, for the purpose of distributing goods, wares and merchandise among his retail stores or other places of sale, a separate merchant's license shall be required, and the goods, wares and merchandise distributed through such distributing house or place shall be regarded as sales for the purpose of measuring the license tax.

Sec. 18-102. Financial services—Assessment of tax.

Every person engaged in the business of providing financial services shall be assessed by the town treasurer and pay for such privilege, a license tax of \$30.00 or ~~\$0.30~~ \$0.29 per \$100.00 of gross receipts earned, whichever is greater.

Sec. 18-103. Same—Businesses included.

Financial services include, but are not limited to the following:

- Buying installment receivables.
- Chattel mortgage financing.
- Consumer financing.
- Credit card services.
- Credit unions.
- Factors.
- Financing accounts receivable.
- Industrial loan companies.
- Installment financing.
- Inventory financing.
- Loan or mortgage brokers.
- Loan or mortgage companies.
- Safety deposit box companies.
- Security and commodity brokers and services.
- Stockbrokers.
- Working capital financing.

Sec. 18-104. Public utilities.

(a)

Telephone businesses. For the privilege of carrying on a telephone business, the annual license tax shall be one-half of one percent of the gross amount of revenue received by such company from the telephone station rentals for telephones located in the town. However, charges for long distance telephone calls shall not be included in gross receipts for purposes of license taxation.

(b)

Telegraph businesses. All persons engaged in the business of sending telegraphic communications from the town to any point within the state shall pay for the privilege, an annual license tax of one-half of one percent of the gross amount of revenue by such company for such communications.

(c)

Water, heat, light or power service. All persons furnishing water for domestic, commercial and industrial consumption and all persons furnishing heat, light or power by means of electric current or gas in the town shall pay for the privilege, an annual license tax of one-half of one percent of the gross receipts of such enterprise or enterprises derived from the town during the preceding fiscal or calendar year; excluding, however, such services furnished to federal, state and local public authorities and sales for resale to other electric utilities.

Sec. 18-105. Real estate and professional services.

(a)

Every person engaged in the business of providing real estate and professional services shall be assessed by the town treasurer and pay for such privilege, a license tax of \$30.00 or ~~\$0.30~~ \$0.29 per \$100.00 of gross receipts earned, whichever is greater.

(b)

Every person engaged in real estate selling as an agent and/or associate broker shall be assessed by the town treasurer and pay a license tax for such privilege of \$20.00.

Sec. 18-106. Repair, personal and business services and other businesses not taxed or exempted—Assessment of tax.

Every person engaged in a repair, personal or business service or any other business or occupation, trade, profession, vocation, calling or activity not specifically listed and taxed by or excepted from this article shall be assessed by the town treasurer and pay for such privilege, a license tax of \$30.00 or ~~\$0.19~~ \$0.18 per \$100.00 of gross receipts, whichever is greater.

Sec. 18-107. Same—Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business service means any service rendered for compensation to any business, trade, occupation or governmental agency, unless the service is specifically provided for under another section of this article. Any person buying or selling any kind of goods, wares or merchandise for another on commission is a commission merchant and is engaged in a business service.

Personal service means any service rendered for compensation either upon or for persons, animals or personal effects, unless the service is specifically provided for under another section of this article.

Repair service means the repairing, renovating, cleaning or servicing of some article or item of personal property for compensation, unless the service is specifically provided for under another section of this article.

Sec. 18-108. Same—Businesses included.

Repair, personal and business services include, but are not limited to the following:

Advertising agencies.
Airports.
Ambulance services.
Amusement and recreation services (all types other than shooting galleries).
Animal hospitals, grooming services, kennels or stables not operated by licensed veterinarians.
Auctioneers and common criers.
Automobile driving schools.
Barbershops, beauty parlors and hairdressing establishments, schools and services.
Bid or building reporting services.
Billiard or pool establishments or parlors.
Blacksmiths or wheelwrights.
Bondsman.
Booking agents or concert managers.
Bottle exchanges.
Bowling alleys.
Brokers and commission merchants other than real estate or financial brokers.
Business research and consulting services.
Cable television.
Chartered clubs.
Child care attendants or schools.
Collection agents or agencies.
Commercial photography, art and graphics.
Commercial sports.
Dance studios and schools.
Data processing, computer and systems development services.
Detective agency and protective services.
Developing or enlarging photographs.
Drafting services.
Engraving.
Erecting, installing, removing or storing awnings.
Extermination services.
Freight traffic bureaus.
Fumigating or disinfecting.
Funeral services and crematories.
Golf courses, driving ranges and miniature golf courses.
Hauling of sand, gravel or dirt.
Hotels, motels, motor lodges, auto courts, lodginghouses, tourist courts, boardinghouses and roominghouses, mobile home/manufactured home parks and campsites.
House cleaning services.

Information bureaus.

Instructors, tutors, schools and studios of music, ceramics, art, sewing, sports, and the like.

Interior decorating.

Janitorial services.

Laundry, cleaning and garment services, including laundries, dry cleaners, linen supply, diaper service, coin-operated laundries and carpet and upholstery cleaning.

Mailing, messenger and correspondent services.

Marinas and boat landings.

Movie theaters and drive-in theaters.

Nickel plating, chromizing and electroplating.

Nurses and physician registries.

Nursing and personal care facilities, including nursing homes, convalescent homes, homes for the retarded, old age homes and rest homes.

Packing, crating, shipping, hauling or moving goods or chattels for others.

Parcel delivery services.

Parking lots, public garages and valet parking.

Pawnbrokers.

Personnel services, labor agents and employment bureaus.

Photographers and photographic services.

Piano tuning.

Picture framing and gilding.

Porter services.

Press clipping services.

Private hospitals.

Promotional agents or agencies.

Public relations services.

Realty multiple listing services.

Recreation centers.

Renting or leasing any items of tangible personal property.

Reproduction services.

Secretarial services.

Septic tank cleaning.

Shoe repair, shoeshine and hat repair shops.

Shooting galleries.

Sign painting.

Solid waste management facility or debris landfill.

Storage, all types.

Subdividers and developers.

Swimming pool maintenance and management.

Tabulation services.

- Taxidermists.
- Telephone answering services.
- Theaters.
- Theatrical performers, bands and orchestras.
- Towing services.
- Transportation services, including buses and taxis.
- Travel bureaus.
- Tree surgeons, trimmers and removal services.
- Turkish, Roman or other like baths or parlors.
- Wake-up services.
- Washing, cleaning or polishing automobiles.
- Other repair, personal and business services not specifically set out above.

Sec. 18-109. Same—Retail sales; assessment of tax.

- (a)
Every retail merchant or person selling at retail shall be assessed by the town treasurer and pay for such privilege, a license tax of \$30.00 or ~~\$0.135~~ \$0.125 per \$100.00 of gross receipts, whichever is greater.

- (b)
The provisions of this section shall not be applicable to any person selling farm or domestic products or nursery products, ornamental or otherwise, or for the planting of nursery products, as an incident to the sale thereof, outside of the regular market houses and sheds of the town; provided, such products are grown or produced by the person offering such products for sale; nor shall this section apply to any person who enters into contracts with farmers for the production of poultry or livestock under which contracts such person furnishes the poultry or livestock and feed and other supplies therefore and assumes all financial risks, including all losses in the growing and marketing of such poultry or livestock, except as to sales made by such person aside and apart from such contract operations; it being the intent and purpose of this section to parallel the provisions of Code of Virginia, § 58.1-1102, with respect to all poultry livestock, feed and supplies furnished by merchants for their own flocks or herds under such contracts, and to exempt from the merchants' license tax imposed by this section all sales made or items furnished thereunder.

Sec. 18-110. Same—Businesses included.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Retail merchant means any person who makes retail sales and generally includes, but is not limited to the following:

- Aircraft or aircraft parts.
- Antiques.
- Auto accessories, tires, batteries.
- Auto sales, motor vehicle dealers.

Bakeries.
Bicycles.
Boats, motors.
Books, stationery.
Building materials.
Candy, nut stores.
Cigar, tobacco stands, newsstands.
Clothing.
Confectionery.
Custom tailors.
Dairy products.
Delicatessens which do not have seating available.
Department stores.
Drapery, curtains, upholstery.
Drugs.
Dry goods stores.
Eggs, poultry.
Family clothing.
Farm equipment.
Filling stations.
Fish, seafood markets.
Floor covering.
Florists.
Fruit stores, vegetable markets.
Fuel, ice.
Furniture.
Furriers.
Garden supplies.
General stores.
Gifts, novelties, souvenirs.
Groceries.
Hardware.
Heating, plumbing, electrical equipment.
Hogs, grain, feed, seed.
Hosiery.
Household products, any and all.
Jewelry.
Livestock dealers.
Luggage.
Lumber goods.
Mail order.
Meat markets.

- Millineries.
- Motorboats.
- Motorcycles.
- Musical instruments.
- Office, store, appliance supplies.
- Optical.
- Paint, glass, wallpaper.
- Pet shops.
- Photographic supplies, equipment.
- Radios or household appliances.
- Restaurants, eating places, nightclubs.
- Scientific or medical supplies.
- Secondhand stores.
- Shoes.
- Short-term rental business as defined in Code of Virginia, § 58.1-3510.
- Soda fountains.
- Sporting goods.
- Used carts.
- Variety stores.
- Other retail stores and retail merchants.
- Other retail merchants not specifically classified under another section of this article and not otherwise taxed.

Retail sale means the sale of goods, wares or merchandise for any purpose other than resale, but not including sales at wholesale to institutional, commercial and industrial users. A merchant who conducts both a wholesale and a retail business is subject to the retail license tax on the retail portion of the business and subject to the wholesale license tax on the wholesale portion of the business.

Sec. 18-111. Savings institutions.

Every savings institution having its main office in the town shall pay for the privilege of doing business an annual license tax of \$50.00.

Sec. 18-112. Wholesalers—Assessment of tax.

Every person conducting or engaging in the business of wholesale sales as defined by this article shall be assessed by the town treasurer and pay a license tax for such privilege of ~~\$0.030~~ \$0.020 on each \$100.00 of purchases.

Sec. 18-113. Same—Businesses included.

Wholesale merchants include, but are not limited to, the following wholesale occupations, businesses or trades:

- Automotive.
- Chemicals.
- Clothing, furnishings.

Coal, coke.
Commission merchants (who take title or are classed as brokers).
Drugs.
Dry goods.
Electrical, plumbing goods.
Farm products or supplies, feed for livestock, poultry, etc.
Furniture and house furnishings.
Groceries and food.
Hardware.
Jewelry.
Livestock dealers.
Lumber, paint, construction material.
Machinery, equipment and supplies.
Metal and metal work.
Other goods, wares and merchandise.
Paper and paper products.
Petroleum and petroleum products.
Seafood.
Soft drinks.
Sporting goods.
Tobacco and tobacco products (except leaf tobacco products).
Waste material.
Other wholesale merchants not specifically classified under another section of this article and not otherwise taxed.

This ordinance shall become effective on July 8, 2014.

**AN UNCODIFIED ORDINANCE TO AMEND FEES RELATING TO
CIGARETTE TAX RATES IN THE TOWN OF DUMFRIES**

WHEREAS, the Town Council has held a duly advertised public hearing on the Fiscal Year 2015 Budget on March 27, 2014; and

WHEREAS, Article VI, Chapter 58, Section 58-159 states here shall be imposed by the Town upon every person who sells or uses cigarettes within the Town; and

WHEREAS, Town Council reduced the amount of the cigarette tax rate as part of the adoption of the FY15 Budget on June 3, 2014; and

WHEREAS, Town Council held a duly advertised public hearing to reduce the cigarette tax rate from \$0.60 to \$0.55 on June 3, 2014; and

WHEREAS, the tax hereby levied shall not apply to free distribution of sample cigarettes in packages containing five (5) or fewer cigarettes.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries, Virginia, this 8th day of July, 2014 that the cigarette tax rate be reduced to \$0.55 cents per package.

This ordinance shall take effect on July 8, 2014.

**UNCODIFIED ORDINANCE ESTABLISHING AN ANNUAL BASE RATE FOR THE
STORMWATER CONTROL PROGRAM OF THE TOWN OF DUMFRIES**

WHEREAS, the Town of Dumfries (the "Town") is a municipal corporation of the Commonwealth of Virginia, and is authorized to create a stormwater control program under the authority of Section 15.2-2114 of the Code of Virginia (1950); and

WHEREAS, the Town has created a stormwater control program, as provided for by statute, and as codified in Article V, Chapter 26, Division 2, Stormwater Management Fund of the Town Code; and

WHEREAS, Section 26-155 of the Town Code also requires the establishment of a base rate by the Town on an annual basis; and

WHEREAS, Town Council reduced the amount of the stormwater management fee as part of the adoption of the FY15 Budget on June 3, 2014; and

WHEREAS, the Town has considered the factors set forth in Section 26-155 of the Town Code and determined that the appropriate annual base rate to be used in determining assessments to property owners or occupants shall be \$ 28.00 per month.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Dumfries on this 8th day of July, 2014, that the Town hereby establishes the annual base rate for the stormwater control program at \$ 28.00 per month.

This ordinance shall become effective on July 8, 2014.

**RESOLUTION AMENDING THE JEFF SIMPSON COMMUNITY & CULTURAL
ARTS CENTER USAGE POLICY**

WHEREAS, over the last two years, there has been discussion regarding the need for a policy regulating the use of the Jeff Simpson Community & Cultural Arts Center, hereinafter "Community Center"; and

WHEREAS, Town staff developed a draft usage policy regulating the use of the Community Center; and

WHEREAS, on September 17, 2013, Council reviewed and discussed the draft policy and recommended several editing changes; and

WHEREAS, on October 22, 2013, with staff incorporating the prior recommended changes, the policy was again reviewed and discussed by Council and additional changes were proposed; and

WHEREAS, on November 12, 2013, with all changes having been incorporated, Council adopted the Community Center Usage Policy with an effective date of March 1, 2014; and

WHEREAS, on June 17, 2014, Council again reviewed the policy and recommended changes to two sections: a) Categories for Usage and b) Usage/Rental Fees; and

WHEREAS, staff has incorporated the recommended changes proposed by Council and Council is now prepared to amend the Jeff Simpson Community & Cultural Arts Center Usage Policy.

NOW THEREFORE BE IT RESOLVED, that the Town Council does hereby amend the Jeff Simpson Community & Cultural Arts Center Usage Policy as of July 8, 2014.

RESOLUTION TO AUTHORIZE THE TOWN MANAGER ADVERTISE A PUBLIC HEARING FOR AMENDMENTS TO TEMPORARY USES SECTION 70-22 BY ADDING PARAGRAPH (3)

WHEREAS, the Town of Dumfries Town Council (the "Council") has been reviewing, studying and deliberating Town Code Sect. 70-22 Temporary Uses for the past several months; and

WHEREAS, the Council has concluded that the Town does not have clear language regulating the use of yard sales under Temporary Uses in Town Code Sect. 70-22; and

WHEREAS, the Council has further concluded that by adding a third paragraph to Sect. 70-22 Temporary Uses, language can be added to allow the use of yard sales and regulation of yard sales in Town; and

WHEREAS, the Town Council most recently reviewed the ordinance amendment at the June 17, 2014 work session where Town Council directed staff to move forward with scheduling a public hearing on the amendment.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Town Manager is authorized to advertise for a public hearing to be held on August 6, 2014 to consider the zoning ordinance amendment to Town Code Section 70-22 Temporary Uses.

RESOLUTION APPOINTING THE TOWN CLERK AND TOWN TREASURER

WHEREAS, the Town's Code of Ordinances Chapter 2, Administration, Article III, Division 2, Section 2.83, Town Manager (b) (10) Department head vacancies; states the Town Manager must recommend to and receive concurrence from the Town Council regarding individuals to fill the vacancies that occur in the case of department heads who shall serve at the pleasure of the Town Council; and

WHEREAS, it further states the Town Manager shall also make recommendations of the appointed positions of the Town Clerk, Town Treasurer, and Town Attorney; and

WHEREAS, Town Council will make the final choice to fill these vacancies after considering the Town Manager's recommendation; and

WHEREAS, the Town Manager shall make appointments of all other Town employees based on a recommendation made by the appropriate department heads; and

WHEREAS, it has come to the attention of the Town Manager that these appointments have not been made for several years; and

WHEREAS, Retta Ladd has been serving as the Town Treasurer as of March 1999 and Dawn Hobgood has been serving as the Town Clerk as of November 2011; and

WHEREAS, Town Council would like to officially appoint the Town Treasurer and Town Clerk.

NOW THEREFORE BE IT RESOLVED, that Retta Ladd be appointed as Town Treasurer and Dawn Hobgood be appointed as Town Clerk until such time that another appointment is needed or made.

RESOLUTION AUTHORIZING AWARD OF TRIPOLI BOULEVARD DRAINAGE IMPROVEMENTS, VDOT UPC NO. 78836

WHEREAS, the Town of Dumfries ("Town") and the Virginia Department of Transportation (VDOT) have established a project for Tripoli Boulevard Drainage Improvements; and

WHEREAS, an Invitation for Bids for construction of the work was advertised in the "Prince William Times" and the "Washington Post" on 30 April 2014; and

WHEREAS, bid packages are due on 27 June; and

WHEREAS, bids will be opened and read aloud on the aforesaid date; and

WHEREAS, the bids will be reviewed by Town staff and the Town's consultant for completeness, correctness, and compliance with the bidding documents; and

WHEREAS, a recommendation for award will not be available prior to the 17 June Council Work Session; and

WHEREAS, it is the express intent of the Town to award the work to the lowest responsive, responsible bidder; and

WHEREAS, the Virginia Public Procurement Act and the procurement policies duly adopted by the Town have been followed; and

WHEREAS, sufficient funds to construct the Tripoli Boulevard Drainage Improvements have been previously allocated; and

WHEREAS, the Town wishes to expedite award and execution of the project contract.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries this 8th day of July, 2014 does hereby authorize the Town Manager to enter into a contract with the lowest responsive, responsible bidder.

**RESOLUTION AUTHORIZING AWARD OF MULTIMODAL SIDEWALK PROJECT,
PHASE II, VDOT UPC NO. 96734**

WHEREAS, the Town of Dumfries ("Town") and the Virginia Department of Transportation (VDOT) have established a project for Multimodal Enhancements; and

WHEREAS, an Invitation for Bids for construction of the work was advertised in the "Prince William Times" and on Virginia's eProcurement Portal (eVA) on 11 June 2014; and

WHEREAS, bid packages are due on 02 July 2014; and

WHEREAS, bids will be opened and read allowed on the aforesaid date; and

WHEREAS, the bids will be reviewed by Town staff, the Town's consultant and VDOT for completeness, correctness, and compliance with the bidding documents; and

WHEREAS, a recommendation for award will not be available prior to the 17 June Council Work Session; and

WHEREAS, it is the express intent of the Town to award the work to the lowest responsive, responsible bidder; and

WHEREAS, the Virginia Public Procurement Act and the procurement policies duly adopted by the Town have been followed; and

WHEREAS, sufficient funds to construct the Multimodal Sidewalk Project, Phase II have been previously allocated; and

WHEREAS, the project entails the construction of a sidewalk along the west side of Route 1 from Route 234 southward to Main Street; and

WHEREAS, the Town wishes to expedite award and execution of the project contract.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries this 8th day of July, 2014 does hereby authorize the Town Manager to enter into a contract with the lowest responsive, responsible VDOT approved bidder.

IN RE: CITIZEN COMMENT PERIOD

Zina May, Stacey Harvey, and Janice Jackson came to the podium as a group.

Ms. May thanked the Mayor and Vice Mayor for coming out to their homes and discussing their issues with them. She thanked Mr. and Mrs. Cropper. Her main issue is parking. She has a lady that comes to her home to take care of her mother and she was banned from parking in her neighborhood by the President and the Secretary of the Homeowners' Association (HOA). This was very rude to her. The Police Department was called. The President, probably upset because they came to the Council Meeting and spoke about her recently, accused the caretaker of being rude, who was not even there. Cavalier

Management sent a letter stating that she was no longer allowed to park in the development. Supposedly, Sergeant Vazquez wrote a statement to the President proving that her caretaker was there. Her caretaker is filing a lawsuit against the HOA for slandering her name. Cavalier told her that if she could provide a statement proving who was there that day from the Police Department her caretaker would be allowed to park there. The Police Department told her she had to get a court order in order to get a statement from the Police Officer. Her neighbor Ms. Minor has a handicapped husband and daughter and is she not allowed to park in their own spot because of the HOA. Now if she wants to have a visitor she has to provide the license plate number to the HOA.

Ms. Harvey stated that they will be writing to the HOA requesting handicap parking spaces be implemented, American Disability Act (ADA). They wanted to come and voice their concerns to the Town and the people. Something has to be done. They are not up for any unprofessionalism. We are all adults. We should be able to conduct ourselves in a respectful manner. She feels they should be able to speak, be heard, and addressed properly. They all have owned homes in Williamstown for 16 years. It is just unfortunate. They never had these issues in the past. They want the HOA to manage the development and address the stormwater drainage problem. They found that the development behind them has drainage issues, which is coming down the hill underneath the fence. They want to hold people accountable for what they are responsible for and get the job done. It was not any fault of theirs that the damages occurred; it was due to negligence of whoever is responsible for the upkeep and maintenance of the drainage system. She did receive a letter from the Town stating that they are not liable. She started with the HOA and was told they are not responsible for it; however, with the information they have gathered it is their responsibility. She wants to come together collectively as a people to make change.

IN RE: MAYOR’S COMMENTS

Mayor Foreman read the following comments.

“Our Country recently celebrated the 4th of July which signified 238 years of the adoption of the Declaration of Independence. Our Town has been there since the very beginning in the pursuit for independence. For 265 years Dumfries has adapted to our surroundings, sometimes successfully, sometimes not so much

Tonight marks the first meeting of the new terms for three elected officials, I again congratulate Councilwoman Forrester, Councilwoman Washington, and Councilman Wood on their May 2014 re-election.

I would also like to welcome Ryan Gandy as our new Community Services Director. His resume is strong and I know he will complement the Staff we have in place. We have accomplished quite a bit over the past 24 months since our last election:

- Zoning ordinances and the Comprehensive Plan have been reviewed;**

- We have continued to lower property taxes from \$0.35 per \$100 of assessed value and in FY15 taxes will be lowered for the 4th year consecutively to \$.23;
- Our BPOL & Fee schedule is equal to or lower than the rates of Prince William County and Stafford County;
- The vehicle tag fees are lowered to \$24.00 in FY15;
- The cigarette tax fee are lowered to \$.55 per pack in FY15;
- Storm Water Management fees are lowered by \$2.00 per residence in FY15;
- We have set aside money to protect our waterways and re-enforce Quantico Creek, in the next three years, no more will homeowners fear of losing their property to a heavy downpour;
- Our Multi-modal projects are on good footing;
- Ginn Memorial Park opened and with the FY15 budget the Town will have committed over \$329,000 since its inception to the park. No other non-transportation project has received this much funding in the budget over the same timeframe.
- A School Resource Officer has been placed in Dumfries Elementary School. With the FY15 budget the Town will have committed over \$255,000 in three years to this effort. Dumfries Elementary School is the only elementary school in Prince William County that has such a level of protection.
- The Sound Walls are being put up continuously the entire length of the Town from Grayson Village to Knolls of Dumfries. This has been a quality of life expectation coming to fruition that our citizens have so desperately deserved for too long.

Tonight also marks the beginning of the fiscal year, as you can see, our Town is in good shape, it has to be with the passing of a FY15 budget of \$4,375,141 which is the second highest Annual Budget going into a new cycle since FY09 (of \$4,381,367). We must never lose sight of the fact that we are a small government with a limited budget. Our Town's people and business owners are carrying the government's financial commitment.

A primary focus for me over the next four years will be economic development. It is of the utmost importance to revitalize our Town; we need to recognize that a highly talented and educated workforce is the lynchpin of maintaining and elevating Dumfries's economic competitiveness. Recently I have sent quite a few e-mails to Council and Staff concerning economic development. It is my expectation that the documents are read and we can have discussions with the same core knowledge.

Town residents should receive better and more intense services; I am not speaking to Social Services such as recreational events and activities. I am specifically addressing core services, infrastructure and economic development. We need to offer our citizens economic stability through stores, restaurants, transportation and core governmental services. Staff and the Commissions have worked hard to review and update zoning documents. We cannot continue to grant Conditional Use Permits to organizations that are not authorized a "By Right Use". The health of our businesses should be our priority; by offering tax incentives and enforcing codes consistently and evenhandedly, this will attract, recruit, and keep businesses, additionally this will create a tax base and a budget that allows incremental growth to meet the required planning commitments.

Dumfries's has a rich history; I am very proud of it, but we must keep an eye focused on the future. This future must begin now."

IN RE: COUNCIL MEMBER COMMENTS

Ms. Reynolds thanked the citizens for expressing their concerns. She mentioned the Boys and Girls Club has camp Monday through Friday and that there are three centers in the greater Washington DC area.

Mr. Wood thanked everyone for coming out and speaking. He recited Abraham Lincoln's quote "Nearly all men can stand adversity, but if you want to test a man's character, give him power." He then recited Maya Angelou's quote "When people show you who they are, believe them the first time." It is good that you all are getting involved. We encourage everybody to get involved in the process, take notice of what is going on. It is good that you are engaging your neighbors and the rest of the community to get involved. He believes that they can be a part of making the community represent what they believe in. He encouraged people to stay hydrated and to check on your neighbors.

Ms. Washington wished everyone a belated 4th of July. She wished the elementary children and teachers a safe summer and encouraged parents to get involved in the school with their children. She congratulated the three newly elected officials.

Mr. Toney stated one of the drawbacks of going last is that everyone else says the good stuff. He echoed other Council Members sentiments regarding getting involved. On Father's Day, he had the opportunity to go out with some high school students to visit five homeless tent cities in the woods. He had no idea that families lived like this, in a structure almost like whole other sub-culture. He was surprised because Prince William County (PWC) is one of the wealthiest counties. He offered his apology to the Mayor if he was in the wrong. He was looking forward to working with the Mayor an amicable relationship hopefully, as they move forward. He was open to sitting and having another discussion; however, he despises sitting in front of the cameras with all this seemingly acrimony between the two of them. He did not think it exists to level that it is portrayed. He really wants to work with the Mayor and pledged to work with all of the Council to move forward a common agenda for the betterment of the entire Town. Again, he reiterated that if he was out of order that the Mayor accept his apology.

**IN RE: BOARDS & COMMISSIONS
A. ARCHITECTURAL REVIEW BOARD (ARB)**

James Ksanznak, Chair, gave the following report.

- ✓ An application for a certificate of appropriateness for a sign at Salon Colour, 3746 Hedgeman Street, applied for by Ms. Burts. The application was denied because it included a photographic facial image, which is not allowed in the Historic District Overlay.

- ✓ An application for demolition of existing structures and construction of the First Town Center project submitted by Pete Singh. The ARB reviewed the Phase I archeological study and approved the demolition of the existing structures. The overall building plans, materials, and colors were also approved. The ARB identified a list of items that required additional information and further discussion. The list includes a master sign plan, parking garage plans, setbacks, streetscapes, landscaping and false balconies.
- ✓ Discussion concerning the status of the Town Hall sign was brought up. It was noted that the Town Manager was in the process of evaluating modification costs.

B. BOARD OF ZONING APPEALS (BZA)

There was no report.

C. HISTORIC DUMFRIES

There was no report.

D. PLANNING COMMISSION (PC)

Selonia Miles, Commissioner, gave the following report.

Work session

- ✓ Reviewed and discussed a conditional use permit (CUP) for God's Living Word Church, located at 17689-B Main Street, CUP 2014-004, in a portion of the Fraley Furniture store. The Church is currently operating without a CUP as required by 70-282(B)(5) of the zoning ordinance. The issue is with the Church and the furniture store there is not enough parking on site. The PC recommended the applicant get a signed parking agreement with the property owner across from the location. Once the applicant gets a signed agreement for the parking, the applicant will contact the Zoning Administrator to be placed back on the Commission's agenda.
- ✓ The Commission discussed the request for a joint meeting.

Public Hearing

- ✓ Public hearing was held on an amendment to Chapter 70, Article III, Districts, Division 9, Floodplain Districts FP-1.

Regular Meeting

- ✓ The PC approved the minutes from the May 12, 2014 and January 14, 2013 meetings.
- ✓ The PC voted to recommend approval of the amendment t to Chapter 70, Article III, Districts, Division 9, Floodplain Districts FP-1.
- ✓ The PC appointed John Webb as Chair and Lou Praino as Vice Chair.

Work Session Continued

✓ The Zoning Administrator announced that Council agreed to a joint meeting on July 22 at 7:00 pm. The PC was concerned that would not be enough time to accommodate all of the items the PC wanted to discuss. The PC suggested a date other than when the PC or Council have an already scheduled meeting. The PC was open to meeting on Saturday. The PC also encouraged Council add items that they want to speak on to the agenda. The PC list is as follows:

- Council's vision for the Town and each Zoning District,
- how the vision matches the Comprehensive Plan (CP),
- building height for each district,
- and density for each district to include all residential districts.

Mayor Foreman asked if Council had selected a date.

Mr. Taber responded a date was discussed and passed on to the PC. It will be on the work session for discussion to determine another date.

**IN RE: COUNCIL REPORTS
A. BOYS AND GIRLS CLUB**

Ms. Reynolds asked if there were any questions.

Mayor Foreman asked if in the future a copy of the minutes could be provided in addition to the agenda.

Ms. Reynolds responded that she submits everything that is given to her.

B. PARKS AND RECREATION COMMISSION

Mr. Wood noted the items Council had concerns with are on the agenda for later in the meeting; however, he could answer any questions Council may have now.

Mayor Foreman asked how many applications have been received for the garden plots.

Mr. Wood noted the Commission has received two.

Mayor Foreman asked if the application form ever came before Council for approval.

Mr. Wood stated that it had not.

Mayor Forman indicated the application needs to be reviewed by Council or the Town Manager for approval.

Mayor Foreman asked when the last garden club meeting was.

Mr. Wood noted the garden club has not started meeting.

Mr. Taber advised the matter would be placed on the work session agenda. He believed the process was rushed in order to get people in before the planting season; however, it will be formalized in a work session.

C. NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

Mayor Foreman gave the following report.

- ✓ He read the following excerpt from the May 22 minutes. “Mr. Barker addressed the topic of strategic undergrounding of lines, pointing out that about 20% - or 4,000 miles - of distribution lines seem to be the most outage-prone during storms. New legislation signed by Governor McAuliffe on March 7, allows utilities to spend up to 5% of their distribution rate base per year to bury existing overhead lines. For Dominion Virginia Power, this translates into about \$180 million per year, which would cover about 350 miles per year. There are 12,000 of these line segments. The cost of this effort could add 50¢ to \$1.00 per customer per month. After 10 years, it would amount to about \$2 billion overall, probably in the range of \$4-5 per customer per month.”
- ✓ Three items have great statistics to look at and compare. The first is the 2012 Economic Impact Study, which is the Metropolitan Washington Airports Authority (Reagan/Dulles) study. The second is the National Ranking 2014 study, which is published by the NVRC. It shows where Prince William County sits amongst the 3,143 counties and cities in the United States. Sections break down to age composition, race and ethnic composition, education, income, employment, household statistics to include family size, housing, cost of rent, and home values, and transportation. The statistics are outstanding in the Comprehensive Plan and are specific to the Town, not the zip code. This allows comparisons between the Town and the County. The third is the workforce structure, which will drive the economic development conversation the Council will be having. The key to the workforce structure is the ability to identify the niche, what the trade centers are, and where the strengths are going to be for the future.

Mr. Toney mentioned seeing that the Federal Transit Authority (FTA) announced on June 2 the award of \$3.38M was granted to the Virginia Department of Transportation (VDOT) and the NVRC for capital investment in ferry service on the Potomac River. He asked the Mayor to elaborate on that.

Mayor Foreman explained the service is being looked at in sectors. They have looked at the farthest reach would be Quantico south, they looked at Fort Belvoir and they looked at Alexandria. The concept was that you could take the ferry into work, into the DC area, and then from there catch the Metro and go to work. So, the plan right now is to get the ridership. The ridership thus far the farthest it goes down is Alexandria. The boat has to make at least one trip an hour with a certain number of riders both ways. They are talking about just the northern section to start. The individual who is in charge of the ferry operation asked him what he thought and he suggested she come down and give a brief to Council. He also suggested

that she talk to Potomac Shores because they are going to have their own pier and the best part is the train station will be right there.

Mr. Toney recalled the reason for the implementation of this was to alleviate some of the traffic congestion. He asked the Mayor to keep the Town up to date on the project.

IN RE: STAFF COMMENTS

A. DIRECTOR OF COMMUNITY SERVICES – RYAN GANDY

Ryan Gandy thanked Council for the opportunity. He was looking forward to working with Council. He was up for the challenge. He asked Council if they had any questions.

Mr. Wood welcomed Mr. Gandy and thanked him for jumping in and rolling up his sleeves.

Mr. Toney welcomed Mr. Gandy. He asked what his biggest challenge has been so far.

Mr. Gandy felt his biggest challenge would be reaching out to the youth and getting them involved in the community.

Ms. Washington welcomed Mr. Gandy. She indicated there is not enough youth involved in the community. She would like him to look at grants for transportation to get children to and from community events.

B. PLANNING AND ZONING ADMINISTRATOR – LAURA O'DELL

Ms. O'Dell clarified the joint meeting with the PC is scheduled for July 31. The PC meeting next week may be canceled due to a lack of a quorum. She will know tomorrow and let everyone know. The Virginia Main Street Program, which is offered through the Department of Tourism, helps small towns and historic districts build their community economically. They offer assistance with grants, provide ideas, and really try to help you build your culture. The next meeting they will be having is July 16 in Farmville if Council is interested in attending. She asked Council if they had any questions.

Mayor Foreman expressed his frustration regarding CUP's. He noted there was an application received for a CUP at 17775 Main Street for a church. He felt the property owner needs to be asked what they have done to attract a by-right use business before someone comes in and applies for a CUP. Council needs to know that the property owner has done everything that they can to improve their property before allowing a business apply for a CUP. Council may want to consider a time limit on CUP's. Council is not getting the information that they can in order to make a decision. There is a huge disconnect. The property owners are allowing a business to come in, a lease is being signed, and the business is in for three months before the Town realizes they are there. Council will be talking about economic development and the Town cannot attract businesses if CUP's are being allowed in areas where they should not be.

Ms. O'Dell agreed. She noted that churches are only allowed in residential districts.

Mayor Foreman agreed; however, if that is something that needs to be addressed he is counting on staff and the business owners to come together and create a zone for churches. In this particular case, he is going to see a CUP that he does not think he has all the information to make a decision.

Mr. Toney asked for elaboration on the Virginia Main Street Program.

Ms. O'Dell brought the idea up at a staff meeting after the last work session since the focus was on economic development. The Virginia Main Street Program consists of people from all over the State who share their input and what they have done to develop their economy. They provide examples of what have worked and failed. It is a group that helps guide you to revitalization. They pick a new small town to meet at every six months.

Mr. Toney wanted staff to follow up on this and get involved. He believes that economic development is paramount to the success of the Town.

Mr. Brewer requested that a discussion item for CUP's be placed on the next work session. In 2004, he attended the Virginia Main Street Program in Farmville and it was a waste of his time. The towns were very reluctant to give details on how they went about doing the changes.

Ms. Washington expressed being interested in the Virginia Main Street Program and would like to go to the meeting; however, she will not be available for the next meeting. She asked if there is a schedule for future meetings.

Ms. O'Dell would let Council know once a schedule is available.

C. PUBLIC WORKS – RICHARD WEST

Mr. West asked Council if they had any questions.

Mayor Foreman asked the Town Manager if Council was going to receive an update regarding Quantico Creek.

Mr. Taber would have an update at the upcoming work session.

Mr. Brewer works for a fire protection company in Town and asked if someone could tell him the process for plan submittal. The Town is getting ready to approve a several million dollar project and there is no apparent process for submitting plans. The process takes a long time. It also is not clear if there is a memorandum of understanding (MOU) in place with PWC.

Mr. West advised that an outside consultant review large-scale plans; however, there is no one on staff who is certified for fire reviews. The Town is looking at using a consultant. He is not aware of an MOU with PWC and staff has tried to work with PWC.

Mr. Brewer asked what the Town does right now.

Mr. West noted staff would go to the primary consultant and if they were unable to handle it staff would find another consultant.

Mr. Brewer pointed out that while staff is trying to find someone multi-million dollar projects are being held up. He asked if there was a fee schedule. He indicated that the last time he came to Town Hall no one knew what to charge him.

Mr. West was going to look into the matter.

Mr. Brewer commented that in the eyes of the contractors the Town looks incompetent. They need to know how much it is going to cost and a timeline for reviewing the plans.

Mr. Taber explained that in discussions he has had with PWC a previous Council had voted that no inspections or reviews would be done by PWC. The PWC Fire Marshal has helped with inspections of the Campbell property. The PWC Fire Marshal because of the decision Council made years ago when they originally had the opportunity to do so will not do plan reviews.

Mr. Toney asked for clarification regarding a permit that was issued in South Cove.

Mr. West did not know right off hand.

Mr. Toney lives in South Cove and anything done requires approval from the HOA. He asked if this was correct.

Mr. West did not know what the HOA's rules are and that is outside of the Town's permitting process.

D. CHIEF OF POLICE – REBECCA EDWARDS

Chief Edwards gave the following report.

- ✓ Next week on Tuesday and Wednesday the Kids Academy will be held at the Dumfries Triangle Rescue Squad, Station Number 3.
- ✓ Tuesday, August 5, is National Night Out. They have reached out to the HOA's to see which ones will have an event. They will have the motorcade again this year and invited Council to participate and ride along.

E. TOWN ATTORNEY

Mr. Simmons gave the following report.

- ✓ He noted that he provided Council with a legislative summary from 2014 showing the new laws that went into effect July 1.
- ✓ Progress is being made on the Tripoli Heights Project. They are currently in negotiations with the remaining two property owners for easements. He anticipates having both agreements signed by both of the parties by the end of this month.

F. TOWN MANAGER

Mr. Taber gave the following report.

- ✓ He is working with the Treasurer and Department Heads on issues involving the completion of several projects that were scheduled to be completed in FY14, but due to an issue beyond their control they were not completed. The money will roll into the general fund. In the case of road maintenance, which is State money, has to be used on road maintenance and a request will be coming to Council at a work session to transfer the funding back.
- ✓ Potomac Landfill is putting off their presentation to Council until the Fall.
- ✓ There continues to be success with the Campbell property coming into compliance; however, there still is a long way to go.

Mayor Foreman announced that Dennis Leake recently passed away. He sends condolences on behalf of Council and staff to the family.

IN RE: ACTION ITEMS
A. PUBLIC HEARINGS – FIRST TOWN CENTER CONDITIONAL USE PERMIT (CUP 2014-001) – LAURA O’DELL

Ms. O'Dell explained the conditional use permit (CUP) was to allow residential over commercial. The application consists of approximately four floors of residential over 48,000 square feet of commercial. The applicant has also applied for CUP to allow for a height increase. Council discussed allowing up to six stories; however, the applicant wants to stay at five stories, but going up to 80 feet for architectural features.

The public hearing was opened to public comments.

There being no comments the public hearing was closed.

Ms. Forrester moved, seconded by Mr. Wood, to adopt the resolution approving the First Town Center CUP 2014-001. 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.

RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT FOR THE FIRST TOWN CENTER, A SITE WITH MULTIFAMILY RESIDENTIAL ABOVE GROUND FLOOR COMMERCIAL WITH A BUILDING HEIGHT OF 58 FEET WITH ARCHITECTURAL FEATURES EXTENDING UP TO 80 FEET, LOCATED ON A THREE-ACRE SITE ALONG MAIN STREET IDENTIFIED BY GPIN NUMBERS:

8189-81-7785

8189-92-1401

8189-81-9393

8189-81-8991	8189-92-1904	8189-92-4617
8189-81-9594	8189-92-2208	8189-92-5018
8189-91-0097	8189-92-2710	8189-92-5420
8189-91-0597	8189-92-3112	8189-92-5823
8189-91-1099	8189-92-3717	8189-92-6326

WHEREAS, Dumfries Development Group submitted a conditional use permit application, CUP-2014-001, on December 18, 2013 to Town staff; and

WHEREAS, Town staff reviewed the application and scheduled the application to be reviewed by the Planning Commission; and

WHEREAS, the Planning Commission reviewed the application during several meetings, and

WHEREAS, the Town of Dumfries Planning Commission, after holding a duly advertised public hearing at their April 7, 2014 meeting, recommended that Town Council adopt the Conditional Use Permit CUP-2014-001 for the First Town Center with conditions; and

WHEREAS, the Dumfries Town Council held a duly advertised public hearing on July 8, 2014; and

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Dumfries on this 8th day of July, 2014, that the Conditional Use Permit application (CUP-2014-001), as proposed by Dumfries Development Group, is approved with the following conditions.

A Conditional Use Permit is hereby issued to Dumfries Development Group for the property identified by the above referenced GPINs, which is subject to the following conditions:

1. Four floors of multi-family residential units located above 48,000 square feet of ground floor commercial, retail, or office use;
2. Building height approved up to six stories, with the exception of mechanical equipment and architectural features not extending beyond 80 feet in height;
3. Market Street improvements and maintenance;
4. Garrison Park improvements: 120 person open-air ampitheater with seating, 200 square foot wooden gazebo, two built-in charcoal BBQ grills, walking trails and horseshoe pit;
5. Garrison Park Improvements consistent with proposal submitted on March 14, 2014, and letter dated February 5, 2014;
6. The applicant will not have any residential units whether for employees or tenants on the first floor;
7. Upgrade street lighting and landscaping along south bound Main Street side. Improvements to the street lighting and landscaping along north bound Main Street as a part of the project's roadside improvements plan;
8. Installation of an architecturally approved bus stop on Main Street.

B. PUBLIC HEARINGS – COMPREHENSIVE PLAN UPDATE – LAURA O'DELL

Ms. O'Dell advised that staff has been working with the Berkley Group over the past year updating the Comprehensive Plan (CP). She noted that Council has reviewed this several times and it is now ready for adoption.

Mayor Foreman stated Council was sent an electronic copy.

The public hearing was opened to public comments.

There being no comments the public hearing was closed.

Ms. Forrester moved, seconded by Ms. Washington, to approve the resolution seconded the motion. 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.

**A RESOLUTION TO ADOPT THE 2014 COMPREHENSIVE
PLAN OF THE TOWN OF DUMFRIES**

WHEREAS, the 2014 Comprehensive Plan of the Town of Dumfries is a guide for the physical development of the territory within the Town of Dumfries; and

WHEREAS, the Planning Commission, Town Staff, and land use consultants studied existing conditions and trends of growth; and

WHEREAS, the 2014 Comprehensive Plan has been made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities; and

WHEREAS, the Town of Dumfries Planning Commission, after holding a duly advertised public hearing at their April 7, 2014 meeting, recommended Town Council adopt the 2014 Comprehensive Plan of the Town of Dumfries; and

WHEREAS, the Dumfries Town Council held a duly advertised public hearing on July 8, 2014; and

WHEREAS, the Dumfries Town Council finds that the 2014 Comprehensive Plan is general in nature, contain goals for the provision of transportation infrastructure, include long-range recommendations, and otherwise conforms to the requirements of Virginia State Code.

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Dumfries on this the 8th day of July, 2014 that the 2014 Comprehensive Plan of the Town of Dumfries is hereby adopted.

**C. GINN MEMORIAL PARK PHASE III RECOMMENDATIONS –
COUNCILMAN WOOD**

Mr. Wood read the following information

“During the regular business meeting of the Parks and Recreation Commission that was held on April 8, 2014, the Commission discussed the components they wished to have the Town Council approve. The Parks and Recreation Commission’s recommendations for the next phase of development for Ginn Memorial Park include:

- Expanding the walking trails
- Purchase and installing:
 - Bike Racks
 - Exercise stations to include
 - monkey/pull-up bars
 - sit-up station
 - push-up station
 - stretching station
 - Two additional grills and benches in the picnic area
 - Another discussion is planned on the additional playground equipment to be partially funded by the Kiwanis Club
- Complete site work for eventual construction of a pavilion
 - Relocation of existing rocking horse (if necessary)
 - Site work for plumbing and electrical access

The Commission understands that Phase III is not limited to FY15 and may overlap into several fiscal years. The request is for Council to make a motion to approve the resolution for Phase III. “

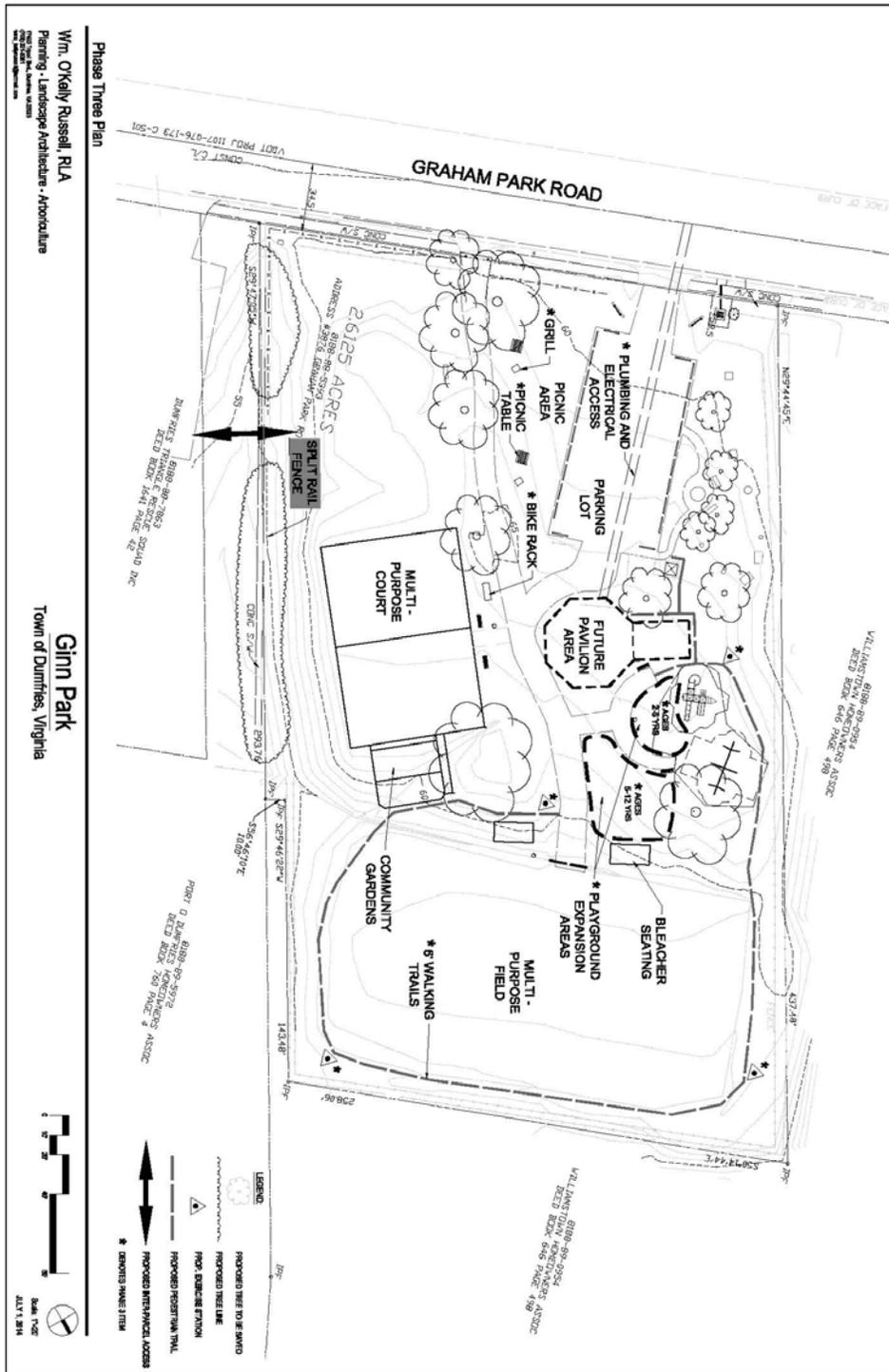
Mayor Foreman asked if they had met with the Kiwanis Club.

Mr. Wood responded they have not, but are scheduled to meet in October.

Mayor Foreman stated the Kiwanis Club have been sitting on the sidelines and the money may or may not be there. The wording in the resolution regarding the Kiwanis Club partially funding the additional playground equipment is premature. He feels the wording about the Kiwanis Club should be taken out of the resolution. He also believes the resolution should not be general because it will allow the Commission to have wide latitude to do what they want.

Mr. Wood agreed with striking the language. He directed Council to look at the plan on the next page regarding details of the elements and where they will be located.

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Mayor Foreman wanted to know if bids had been obtained to find estimates for the exercise equipment.

Mr. Taber stated that there are purchasing procedures that need to be followed. Initially a search was conducted to get an average amount in order to budget for them; however, if Council passes the resolution staff will get three bids and the cost may vary slightly.

Mayor Foreman stated that Council has set aside \$40,000 for Ginn Memorial Park. This is the third year the \$40,000 has been budgeted. Council knew that there would be infrastructure improvements. Council needs to exercise caution because the pavilion will cost more the \$40,000, so funds are going to have to be carried over to cover the cost. He asked for clarification on the additional playground equipment.

Mr. Brewer asked if the plan that was presented would complete the Park. He wants to see a complete plan with complete costs. He feels the Park is being piecemealed together. He asked if a construction company was going to be building it or are volunteers doing it.

Mr. Taber commented that when the Park was purchased during the development of the Park a decision was made to do the buildout in phases. In order to move forward with the cost of the pavilion they need a design. They know how much the sewer and electrical hook ups will cost.

Mr. Brewer reiterated that he is looking for a finished plan with the various phases to complete the project. He does not want to depend on volunteers to build the Park and wants to see a construction company doing the work.

Mr. Taber stated the phased plan is the guiding force to fill in the blanks. He responded that if Council is willing to direct him to use staff in that manner and prioritize the use of staff over other projects that are certainly going to be completed long before Ginn Memorial Park will be completed.

Mr. Brewer understood that the Town's resources are limited. Whenever you start a project, you have to have a plan. You cannot just shoot from the hip on a project like this.

Mr. Toney sat on the original committee to build the Park and the goal was to build the Park in order for the public to utilize it. He stated that Mr. Brewer never supported the Park and thought it was a waste of money. He mentioned the Department Heads were involved in the process. Phase I was to clear the land. It used to be a donkey farm three years ago. The Mayor, at that time, stated that the purpose of the project was to support the adjacent neighborhood. There have been no major incidents out there. He will be voting to approve this plan.

Mayor Foreman has been one of the voters for the Park every year. This is good for the community, but he has always said you have to do it in phases, have a budget, and stick in that budget. He has been one of the advocates that has said the phase does not have to be tied to a time limit. The plan has changed six times. All the changes have been necessary and discussed with Council. The first plan did not have a field. The pavilion has been moved to a new location and the amphitheater was removed.

Ms. Forrester moved, seconded by Ms. Reynolds, to approve the recommendations as presented and adopt the resolution.

Mayor Foreman asked that the motion be amended to remove the Kiwanis Club partially funding additional playground.

Ms. Forrester accepted the amendment.

Mr. Wood explained that Phase I was completed and Phase II is being completed now. In the Phase III the amphitheater is removed because one is being proposed for Garrison Park with the First Town Center project. The Commission felt the trails were necessary for this phase.

Mr. Brewer clarified that in past discussions about the Park he originally asked that a plan be created, estimated costs be provided, then fund the project, and complete it. He recalled Mr. Toney agreed with his recommendation at that time. He suggested stopping the phasing and the Park be completed.

Ms. Washington is for the Park and feels it provides a venue for the youth to get involved. Her concern with doing these in phases may create maintenance issues. Funding needs to account for maintenance.

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

A RESOLUTION TO APPROVE GINN MEMORIAL PARK PHASE III

WHEREAS, the Town wishes to build the Ginn Memorial Park in order to serve the needs of the residents by providing active and passive recreational opportunities and appropriate supporting amenities and services; and

WHEREAS, the Town wishes to proceed with construction of Phase III of the Ginn Memorial Park; and

WHEREAS, the Parks and Recreation Commission during its April 8, 2014, meeting discussed and voted to recommend to Town Council the following items to be included in Phase III:

- Expand existing walking trails to envelope the multi-purpose field
- Purchase/install/construct the following items:
 - Bicycle Rack
 - Four exercise stations along the walking trail around the multi-purpose field
 - monkey/pull-up bars
 - sit-up station
 - push-up station
 - stretching station
 - Two additional grills and benches in the existing picnic area
 - Additional playground equipment
- Complete site work for eventual construction of a pavilion
 - Relocation of existing rocking horses
 - Site work for plumbing and electrical access

WHEREAS, the Dumfries Town Council finds that governmental, community stakeholder input has been received, and the statutory requirements have been met.

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Dumfries on this the 8th day of July, 2014, that Ginn Memorial Park Phase III be, and it hereby is, adopted.

D. FY15 GINN MEMORIAL PARK BUDGET EXPENDITURE RECOMMENDATIONS – COUNCILMAN WOOD

Mr. Wood stated the resolution shows the expenditures for Ginn Memorial Park and asked Council if they had any questions.

Mayor Foreman stated that this is the resolution that does not include the Kiwanis Club language and simply lists \$20,000.

Ms. Forrester moved, seconded by Mr. Toney seconded, to adopt the resolution approving the FY15 expenditures for Ginn Memorial Park. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

A RESOLUTION TO APPROVE FY15 GINN MEMORIAL PARK EXPENDITURES

WHEREAS, the Town wishes to build the Ginn Memorial Park in order to serve the needs of the residents by providing active and passive recreational opportunities and appropriate supporting amenities and services; and

WHEREAS, the Town budgeted \$40,000 to proceed with the continuing build out of Ginn Memorial Park; and

WHEREAS, the Parks and Recreation Commission during its April 8, 2014, meeting discussed and voted to recommend to Town Council items to be included in Phase III; and

WHEREAS, Town Council voted and approved the recommendations for Phase III; and

WHEREAS, the following estimated budget expenditures will need to be made in FY15 as follows:

Rest Room Rental	\$1,400
Park Repairs and	\$2,000
Bike Rack	\$700
Walking Trail Expansion	\$6,250
Sit Up Exercise Station	\$1,750
Push Up Exercise Station	\$1,350
Step Up Fitness Station	\$1,650
Chin Up Station	\$1,950
Grills (2)	\$650
Benches (2)	\$2,300
Playground Equipment	\$20,000
Total	\$40,000

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Dumfries on this the 8th day of July, 2014, does hereby approve the FY15 budget expenditures for Ginn Memorial Park Phase III.

E. FY15 PARKS AND RECREATION EVENT SCHEDULE AND BUDGET – COUNCILMAN WOOD

Mr. Wood noted Council approved a \$25,000 budget for the Parks and Recreation Commission. The events have to be approved by Council and rather than coming before Council before every event the Commission has broken down where the \$25,000 will be spent.

Mayor Foreman expressed his concern regarding \$4,000 budgeted for the Virginia Recreation and Park Society Annual Conference. He asked if the Commission was a member of the organization, who paid for the membership, and if there was a conference locally that they could attend. This is the only Commission asking to attend a conference.

Mr. Taber stated the cost of being a member is \$25 and applications have been collected and have not been submitted yet.

Mayor Foreman asked if the other boards and commissions attend conferences.

Mr. Taber noted that no other board or commission do and this would be the first.

Mayor Foreman asked for justification for the training. He could not support this. He asked about the fun walk. He mentioned the event was initially tagged as a scholarship walk. It was not organized sufficiently last year and was cancelled. This event should be planned months in advance. There should be sponsors. The \$2,500 set aside for the garden plots does not explain what the money is being used for. If it is for maintenance, it should be budgeted under the Ginn Memorial Park fund and not the Commission's budget. Vendors at the 3-on-3 Basketball Tournament should not sell anything unless they have an agreement with the Town.

Mr. Wood commented the training would provide the Commissioner's with valuable knowledge, create connections, and networking opportunities. He would like to have a discussion at the next work session about the specifics of the fun walk. The community garden budget is for programming to allow the Commission to get the youth in Town to participate.

Mayor Foreman responded that last year they spent over \$4,000 on the garden plots and now Council is being asked to spend another \$2,500. The Commission cannot spend this kind of money on a community garden. The \$4,000 being requested for training has not been addressed and reiterated that no other board or commission go to training. He asked again if there was any training locally that the Commission could attend.

Mr. Wood stated that there is not a local conference.

Mayor Foreman stated he could not approve this amount in training. He believes that training can be provided in other ways.

Mr. Brewer has a problem with the training budget and the \$3,000 for each concert. He believes the events can be done a lot cheaper.

Mr. Toney spent seven years on the PC and he was sent to Charlottesville to become a certified planner. He was also sent for training as member of the BZA. As a newly elected official, he has gone to three training events, which were paid for by the Town. These training sessions enlightened him and helped him do a better job. He feels that this is appropriate. He will be voting to approve the \$4,000.

Ms. Forrester clarified that the PC and BZA have legal training requirements. She believes the Town can get someone to come here and provide training.

Ms. Forrester moved, seconded by Mr. Foreman, to approve the events and expenditures as presented minus the \$4,000 for training and membership costs. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

RESOLUTION APPROVING THE RECOMMENDED EVENTS SCHEDULE BY THE PARKS AND RECREATION COMMISSION AND THE FY15 EXPENDITURES

WHEREAS, the Parks and Recreation Commission is charged with obtaining input from citizens and making recommendations to Town Council about the future use of the Town’s parks and programming; and

WHEREAS, at its June 10, 2014 meeting, the Parks and Recreation Commission discussed various events it would like to hold between August 2014 and the end of June 2015; and

WHEREAS, the Parks and Recreation Commission approved bringing forward the recommendation to Council to hold the following events:

8/17/2014	3p-6p	Concert #1	Garrison Park	\$3,000
8/24/2014	3p-6p	Concert #2	Garrison Park	\$3,000
10/11/2014	8a-12p	Family Fun Walk	Merchants Park	\$1,500
4/25/2015	12p-4p	Community Day	Ginn Park	\$2,500
5/16/2015	12p-4p	3 on 3 Basketball	Ginn Park	\$2,500
6/7/2015	3p-6p	Concert #3	Garrison Park	\$3,000
6/14/2015	3p-6p	Concert #4	Garrison Park	\$3,000

WHEREAS, in addition an expenditure of \$2,500 for the Community Garden;

WHEREAS, Council discussed the \$4,000 for the Virginia Recreation and Park Society Annual Conference and decided to put off approving this expenditure; and

WHEREAS, the \$4,000 will be brought back to Council to determine how it will be expended.

NOW, THEREFORE BE IT RESOLVED by the Town Council that the Town hereby approves the scheduling of the events proposed above and the FY15 expenditures by the Parks and Recreation Commission.

F. BRIEFING ON TWO PROPOSED CONCERTS – AUGUST 17 AND AUGUST 24 – COUNCILMAN WOOD

Mr. Wood announced that on Sunday August 17 and 24 there will be a concert at Garrison Park. The Commission is currently looking for local artists. There will be a kid’s fun zone. The Commission is looking at a genre music and other entertainment, which will include some spoken word. The Commission would like businesses and non-profits come out. There will be food vendors as well.

Ms. Forrester thought Sunday was weird and would not have been her choice.

Mr. Wood stated the Commission looked at having a beer garden that was suggested last year.

Mayor Foreman asked that every effort be made to use local and regional talent and vendors.

G. PARKS AND RECREATION COMMISSION APPOINTMENT – COUNCILMAN WOOD

Mr. Wood introduced and welcomed Natasha (Alitasha) Fuller, a non-resident, who won the 2014 Event Planner of the Year Awards, to the Parks and Commission. Council is prepared to appoint Ms. Fuller to the Commission for a term that shall expire on June 30, 2016.

Mr. Wood moved, seconded by Ms. Forrester, to adopt the resolution appointing Ms. Fuller to the Parks and Recreation Commission. 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.

RESOLUTION MAKING AN APPOINTMENT TO THE PARKS AND RECREATION COMMISSION

WHEREAS, the Town Council, hereinafter “Council,” created Commissions to be responsible and give oversight over the functions of Town government and administration; and

WHEREAS, Council created the Parks and Recreation Commission, hereinafter “Commission,” at its February 5, 2013 meeting; and

WHEREAS, the Commission serves in an advisory role to the Council; and

WHEREAS, the Commission’s by laws allow for up to two, non-resident, voting positions, whose term shall be a staggered two-year term; and

WHEREAS, Ms. Alitasha Fuller, who is a non-resident, submitted her resume for consideration of one of the non-resident, voting positions; and

WHEREAS, Council reviewed the resume submitted by Ms. Fuller and decided to proceed with the selection process for the Commission as suggested in closed session on May 13, 2014; and

WHEREAS, the process was completed on June 19, 2014, and Council is now prepared to make an appointment to the Commission to fill one of the non-resident, voting positions.

NOW THEREFORE BE IT RESOLVED, that the Town Council does hereby appoint Ms. Alitasha Fuller to the Commission to serve for a term that shall expire on June 30, 2016.

Ms. Reynolds asked what time the concerts were being held.

Mr. Wood stated the concerts are scheduled to occur at 3:00 p.m. to 6:00 p.m.

H. TOWN COUNCIL COMMISSION/BOARD APPOINTMENTS – DAN TABER
a. PLANNING COORDINATION ADVISORY COMMITTEE (PCAC)

Mr. Foreman moved, seconded by Ms. Washington, to continue serving on the PCAC and appoint the Vice-Mayor, Mr. Toney, to serve as the alternate. 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.

RESOLUTION MAKING AN APPOINTMENT TO THE
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY’S (NVTA) PLANNING
COORDINATION ADVISORY COMMITTEE (PCAC)

WHEREAS, the Northern Virginia Transportation Authority (NVTA) executed in the spring of 2007 the Planning Coordination Advisory Committee (PCAC) as called for in the General Assembly legislation that created the NVTA; and

WHEREAS, the NVTA was working to implement HB3202 which has since been ruled unconstitutional; and

WHEREAS, the General Assembly has approved HB2313 that the NVTA is working on implementing; and

WHEREAS, legislation mandated that the PCAC shall include, but not be limited to, at least one elected official from each town that is located in any county embraced by the NVTA and receives street maintenance payments; and

WHEREAS, PCAC has requested that two members of Council be appointed; and

WHEREAS, Council is prepared to make these appointments to the PCAC.

NOW, THEREFORE BE IT RESOLVED by the Town of Dumfries Town Council that Gerald M. Foreman and Willie J. Toney hereby be appointed as the Town of Dumfries representatives on the NVTA’s PCAC for a term that shall expire 6-30-2015.

b. BOYS AND GIRLS CLUB BOARD OF DIRECTORS

Mr. Toney moved, seconded by Ms. Reynolds, to appoint Ms. Reynolds to continue serving on the Board of Directors for the Boys and Girls Club. 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.

RESOLUTION MAKING AN APPOINTMENT TO THE BOYS & GIRLS CLUB BOARD OF DIRECTORS

WHEREAS, the Town Council has been provided an opportunity to have a member sit on the Regional Board of Directors for the Boys & Girls Clubs of Greater Washington – Prince William County/Manassas Branches as a voting member; and

WHEREAS, the mission of Boys & Girls Clubs of Greater Washington is to help boys and girls of all backgrounds, especially those who need us most, build confidence, develop character and acquire the skills needed to become productive, civic-minded, responsible adults; and

WHEREAS, the Council decided at its meeting on April 16, 2013 to move forward with appointing a Council Member; and

WHEREAS, the term was for a period of one year and has expired; and

WHEREAS, Council wishes to make an appointment for an additional year term to expire on June 30, 2015; and

WHEREAS, the appropriate Council member at the Councils' first meeting of the month shall give a report after the Boards and Commission Reports under Council Committee Reports.

NOW THEREFORE BE IT RESOLVED, the Town of Dumfries Town Council hereby appoints Helen D. Reynolds to serve on the Regional Board of Directors for the Boys & Girls Clubs of Greater Washington – Prince William County/Manassas Branches.

c. NORTHERN VIRGINIA CIGARETTE TAX BOARD (NVCTB)

Mr. Wood moved to appoint Mr. Brewer.

Mr. Brewer declined.

Mr. Toney volunteered to serve on the NVCTB.

Mr. Toney moved, seconded by Ms. Reynolds, to appoint Mr. Toney to the NVCTB. 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.

APPOINTMENT TO THE

NORTHERN VIRGINIA CIGARETTE TAX BOARD (NVCTB)

WHEREAS, the Town of Dumfries entered into an agreement with the Northern Virginia Cigarette Tax Board (NVCTB); and

WHEREAS, the Virginia Department of Taxation issues a Dual VA-NVCTB stamp that must be affixed to all cigarette packages sold or distributed in the jurisdictions of the Board; and

WHEREAS, the NVCTB consists of Fairfax County, the City's of Fairfax, Alexandria, Falls Church, and Manassas, and the Town's of Lovettsville, Hillsboro, Middleburg, Haymarket, Dumfries, Purcellville, Leesburg, Warrenton, Clifton, Herndon, and Vienna; and

WHEREAS, the NVCTB is responsible for the enforcement of the cigarette tax ordinances pursuant to these ordinances and Section 15.1-21 and 58.1-3830 et seq., of the Code of Virginia, (1950), as amended for the seventeen jurisdictions; and

WHEREAS, the current term expired on June 30, 2014; and

WHEREAS, Council is prepared to make an appointment to serve a term of one year effective immediately.

NOW, THEREFORE BE IT RESOLVED by the Town of Dumfries Town Council that Willie J. Toney hereby be appointed as the Town of Dumfries representative for a term that will expire on June 30, 2015.

d. PARKS AND RECREATION COMMISSION

Mr. Toney moved, seconded by Ms. Forrester, for Mr. Woods to continue serving on the Parks and Recreation Commission. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, no; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

RESOLUTION MAKING A COUNCIL MEMBER APPOINTMENT TO THE PARKS AND RECREATION COMMISSION

WHEREAS, the Town Council has created Committees/Commissions to be responsible and give oversight over the functions of Town government and administration; and

WHEREAS, Council officially dissolved the Ginn Memorial Park Committee as of August 1, 2013; and

WHEREAS, Council created the Parks and Recreation Commission ("Commission") to study, advise, report, and/or make recommendations to the entire Town Council; and

WHEREAS, on April 1, 2014, Council adopted the Commission bylaws that state the Chairperson shall be elected by the Commission; and

WHEREAS, the Commission bylaws state that there shall be one Council Member appointed; and

WHEREAS, a Council Member needs to be appointed to the Parks and Recreation Commission; and

WHEREAS, the appointment shall be for a term of one year; and

WHEREAS, a member of the Commission shall give a report at the Councils' first meeting under the Boards and Commission reports.

NOW THEREFORE BE IT RESOLVED, by the Town of Dumfries Town Council that Derrick R. Wood be hereby appointed to serve a one-year term that shall expire on June 30, 2015.

e. VICE-MAYOR

Ms. Forrester moved, seconded by Ms. Washington, to appoint Mr. Toney as the Vice- Mayor.

Mayor Foreman commented that whoever the Vice Mayor is they need to be willing to work with all Council Members and the Mayor regardless of their opinions. Meet on a regular basis, collaborate with staff and Council, to move the Council forward over the next four years. Economic development is going to be a driving force and Council cannot do this divided.

Mr. Brewer stated he heard last year that the current Vice Mayor was willing to work with the Mayor and he has not seen that. He feels that the Vice Mayor should not have any preconceived agendas and be willing to work with everyone on Council. He is tired of the Council being divided. The Council needs to ask themselves if the Mayor and Vice Mayor can work together. He asked what the position of Vice Mayor entails. He would like to hear some answers.

Ms. Forrester felt awkward about this whole discussion. She recalled that last time this discussion was had it was in closed session to keep Council from airing their dirty laundry in public. She felt Mr. Toney has been willing to work with other members of the Council and that the Mayor has been controlling in some cases and not easy to work with. She stands by her motion.

Ms. Washington asked if this conversation should occur in closed session. She commented that Council Members need to learn to disagree without being disagreeable.

Mr. Taber responded that any Council Member could pull the item from the agenda to be discussed in a closed session. He commented that due to the way this conversation is going, it should have been discussed in closed session.

The motion carried and the following resolution was adopted 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.

APPOINTMENT OF A VICE MAYOR

WHEREAS, Section 3.04 of the Town Charter states that, “[a]t its first meeting in July of every even-numbered year the council shall select from its membership one member to serve as a vice-mayor.”; and

WHEREAS, the vice-mayor shall preside over meetings of council in the absence of the mayor; and

NOW, THEREFORE BE IT RESOLVED that the Town Council hereby appoint Willie J. Toney as Vice-Mayor to serve a term that shall expire on July 1, 2016.

I. PROPOSED AMENDMENT TO THE ZONING ORDINANCE 70-247, 70-281 AND 70-282 – OLAUN SIMMONS

Mr. Simmons requested Council schedule a public hearing for proposed amendments to zoning ordinance sections 70-247, 70-281, and 70-282 and to forward the proposed amendments to the PC for their July 14 meeting. These sections contain retroactive language that needs to be removed. Section 70-282(B) contains a clerical error where the residential amenities provision was inadvertently removed and needs to be reinserted. The amendment to 70-247(A) and (B) provides veterinary hospitals to be an allowable use.

Ms. Forrester moved, seconded by Mr. Wood, to schedule a public hearing on the proposed amendments to 70-247, 70-281, and 70-282 and to forward the amendments to the July 14 PC meeting for review. 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: INFORMATION ITEM(S)
A. JOINT MEETING WITH THE PLANNING COMMISSION JULY 31 AT 7:00 P. M. IN THE COMMUNITY CENTER**

Mr. Taber asked Ms. O'Dell if the PC was okay with meeting on July 31.

Ms. O'Dell indicated it was.

Mr. Taber suggested the Mayor poll Council about the 31st.

Mayor Foreman stated that Council has a work session before the proposed meeting. He suggested allowing Council the opportunity to check schedules and the decision can be solidified by or at the work session.

Ms. Forrester announced she would not be able to attend.

Ms. Washington announced she would not be able to attend.

Mayor Foreman noted that if there not at least four members of Council attending the meeting should be rescheduled.

IN RE: CLOSED SESSION

Mr. Wood moved, seconded by Mr. Toney, 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 8, 2014; and

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

NOW, THEREFORE, BE IT RESOLVED that the Town 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 8, 2014 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

Mr. Wood reported that Council requests that the Town Manager move forward with the recommended appointments.

IN RE: ADJOURNMENT

Mr. Foreman moved, seconded by Mr. Toney, to adjourn the meeting. The motion carried by the following voice 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

Dawn Hobgood
Town Clerk

Gerald M. Foreman
Mayor