

**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON JULY 9, 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  
Derrick R. Wood  
Daniel Taber, Town Manager

**THERE WERE ABSENT:** Christine Sanders, Town Attorney

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

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

**IN RE: MOMENT OF 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**

Mr. Toney moved, seconded by Ms. Reynolds, to approve the minutes from the December 11, 2012 meeting and December 12, 2012 meeting with the Williamstown Homeowners' Association as presented. The motion carried and was approved 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: ADOPTION OF THE AGENDA**

Mr. Taber requested Item V-A, Joint Public Hearing with the Planning Commission on the Comprehensive Plan Update to the Transportation Section be removed due to a procedural error that will be rectified and brought back before Council at a later date. A request was being made to add the approval of funding for a concert series.

Mayor Foreman added the request as Item XV-F.

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

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

Mr. Foreman moved, seconded by Mr. Brewer, to approve the Consent Agenda as presented. The motion carried and the following resolution and ordinances were approved 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 ADOPT TOWN OF DUMFRIES POLICE DEPARTMENT  
GENERAL ORDERS, CHAPTERS 25-26**

WHEREAS, in 2010 Acting Town of Dumfries Police Chief Colgan (“Chief Colgan”) was appointed and upon his appointment became aware that the Town of Dumfries Police Department (“the Department”) had a set of general orders (“General Orders”) that were not appropriate for use by the Department; and

WHEREAS, Chief Colgan contracted to have the General Orders updated for appropriateness and relevance for the Department; then beginning in January 2012 Chief Forker continued to update General Orders not reviewed under the contract; and

WHEREAS, Section 34-21 of the Code of the Town of Dumfries Virginia, (“the Town Code”) provides, *inter alia*, that the Chief shall prepare general orders for the police force of the town not inconsistent with state law, the Town Charter, this Code or other ordinances of the town and shall submit them to the Town Council for approval. When any such general orders, so prepared, have been approved by the Council, such general order(s) shall be in full force and effect; and

WHEREAS, Police Chief Forker has completed Chapters 25-26 of the General Orders, and submitted them to the Town Manager, the Town Attorney, and Town Council for review and comment; and

WHEREAS, in accordance with the foregoing, Chief Edwards requests that the Town Council approve and adopt Chapters 25-26 of the General Orders.

NOW, THEREFORE BE IT RESOLVED by the Dumfries Town Council on this 9<sup>th</sup> day of July, 2013 that Chapters 25-26 of the General Orders are approved and adopted.

**AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY  
AMENDING CHAPTER 70, ARTICLE III, SECTION 70-247 RELATING GENERALLY  
TO GENERAL BUSINESS DISTRICT B-1, USE REGULATIONS**

WHEREAS, the Town of Dumfries Town Council, (hereinafter “Town Council”), originally deliberated proposed zoning text amendments to the B1, B2 and FB/O-1 zoning districts (hereinafter “the Zoning Text Amendments”) at meetings on June 21, and July 5, 2011, and at its July 19, 2011, meeting and finding the Zoning Text Amendments to be consistent with the Town of Dumfries Comprehensive Plan, good zoning practices, public necessity and in the best interest and general welfare the Town of Dumfries, (hereinafter the “Town”), referred the Zoning Text Amendments to the Planning Commission; and

WHEREAS, the Town of Dumfries Planning Commission (the “Commission”) held a duly advertised public hearing at its meeting of August 8, 2011, where in it deliberated the Zoning Text Amendments and found them to be consistent with the Comprehensive Plan, good zoning practices, public necessity and in the best interest for the general welfare of the Town, and voted

at that meeting to recommend adoption of the proposed Zoning Text Amendments to the Town Council; and

WHEREAS, the Town Council subsequently adopted the Zoning Text amendments at its meeting of September 20, 2011 after a duly advertised public hearing pursuant to applicable law; and

WHEREAS, it is now asserted, but not admitted, that the Commission and the Council adopted the Zoning Text Amendments absent an initiating resolution or motion pursuant to Virginia Code Section 15.2-2286(A)(7); and

WHEREAS, the Commission adopted an initiating motion pursuant to Virginia Code Section 15.2-2286(A)(7) at its meeting of May 20, 2013 in order to adopt, re-adopt, ratify and confirm the Zoning Text Amendments; and

WHEREAS, the Commission and Council now wish to hold another public hearing for the adoption, re-adoption, ratification and confirmation of the Zoning Text Amendments, such public hearing being duly advertised pursuant to applicable law; and

WHEREAS, the Commission and the Council held a joint public hearing on June 4, 2013, for the purpose of the adoption, re-adoption, ratification and confirmation of the Zoning Text Amendments.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries, Virginia, in a meeting this 9th day of July, 2013:

1. That the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article III, Section 70-247, and is reenacted as follows:

**~~Sec. 70-247. Use regulations.~~**

~~Structures to be erected or land to be used shall be for one of the following uses. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.~~

- ~~(1) — Accessory uses as defined in this chapter.~~
- ~~(2) — Automobile and truck sales and sales and service establishments subject to securing a conditional use permit as follows:
 
  - ~~a. — Automobile sales, lot size shall be not less than 20,000 square feet.~~
  - ~~b. — Automobile sales and service, lot size shall be not less than one acre.~~
  - ~~c. — Truck sales and truck sales and service, lot size shall be not less than one and two acres respectively.~~
  - ~~d. — All automobiles or trucks whether for sale, lease or waiting for service or repair, when not inside a work bay, shall be placed in a marked parking space conforming to section 70-13.~~
  - ~~e. — Site plans for new establishments or tenant layouts for alteration of existing establishments shall contain a certified parking plan, a vehicle delivery statement, a landscaping plan and a lot parking calculation table. Site plans shall conform to article III, division 11 of this chapter and tenant layouts shall be drawn to scale.~~~~

- f. ~~Vehicle lifts and pits, dismantled and wrecked vehicles and all parts and supplies shall be located inside a building enclosed on all sides and all repair and servicing of all vehicles shall be conducted in a building enclosed on all sides. Truck stops are excluded from this zoning district.~~
  - g. ~~Existing motor vehicle sales and service and rental establishments shall have 90 days after approval of the ordinance from which this section is derived to mark the parking spaces on their lot as required by subsection (2)d of this section.~~
- ~~(3) Banks and financial institutions.~~
  - ~~(4) Bowling alleys.~~
  - ~~(5) Building supplies and service with storage under cover.~~
  - ~~(6) Car washes.~~
  - ~~(7) Churches.~~
  - ~~(8) Convenience and service establishments such as, but not limited to, barbershops, beauty parlors, tailors and automatic self-service laundries.~~
  - ~~(9) Day nurseries or day care centers.~~
  - ~~(10) Fire stations.~~
  - ~~(11) Funeral homes.~~
  - ~~(12) Garages and public parking.~~
  - ~~(13) Hotels and motels.~~
  - ~~(14) Laundry, cleaning, and dyeing works in which no combustible solvent is used.~~
  - ~~(15) Libraries.~~
  - ~~(16) Miniature golf courses and golf driving ranges.~~
  - ~~(17) Mobile home sales, display and storage, or sales, display and storage of travel trailers and campers; provided that, all units shall be in usable condition. None shall be placed in a required front yard. The minimum parcel area shall be the display area and shall be enclosed by a continuous visual screen with a minimum height of eight feet. Such screen shall consist of a compact evergreen hedge or foliage screening, or louvered fence or wall, and the entire area shall be similarly screened from any contiguous residential development.~~
  - ~~(18) Museums and art galleries.~~
  - ~~(19) Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building.~~
  - ~~(20) Pet shops, including boarding kennels on the premises.~~
  - ~~(21) Philanthropic and charitable institutions.~~
  - ~~(22) Printing shops.~~
  - ~~(23) Private clubs and lodges.~~
  - ~~(24) Processing or manufacturing establishments that are not objectionable because of smoke, odor, dust or noise, but only when such processing or manufacturing is incidental to a retail business conducted on the premises and more than ten persons employed on the premises engaged in processing or manufacturing activities may be permitted with a conditional use permit.~~
  - ~~(25) Office buildings.~~
  - ~~(26) Public storage units, subject to securing a conditional use permit.~~
  - ~~(27) Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines. New electric and communications utilities shall be installed underground.~~
  - ~~(28) Commercial radio or television broadcasting stations, studios or offices not requiring on-site receiving/transmitting antennas and/or towers.~~

- ~~(29) Rental of tools, appliances, machinery, party supplies and similar equipment to the general public, and wherein the items to be rented are stored and/or repaired within a building, and subject to securing a conditional use permit pursuant to section 70-10.~~
- ~~(30) Notwithstanding subsection (29) of this section, satellite receiving antennas may be permitted with a conditional use permit.~~
- ~~(31) Repair services or businesses, including repair of bicycles, guns, radios, television sets, electrical appliances, locks, refrigerators, and other home appliances, shoes, toys, typewriters, watches, and clocks.~~
- ~~(32) Rescue squads.~~
- ~~(33) Restaurants.~~
- ~~(34) Retail stores and businesses.~~
- ~~(35) Roller rinks.~~
- ~~(36) Schools.~~
- ~~(37) Service stations, provided that all repairs take place in a fully enclosed building. Storage of vehicles shall be in a totally enclosed or screened area.~~
- ~~(38) Hospitals.~~
- ~~(39) Storage of materials and supplies incidental to the conduct of any use listed above, provided such storage is entirely enclosed and is conducted in the same building immediately adjacent thereto.~~
- ~~(40) Theaters, motion picture theaters, and assembly halls.~~
- ~~(41) Tourist homes.~~
- ~~(42) Veterinary hospitals and boarding kennels.~~
- ~~(43) Wholesale businesses.~~
- ~~(44) Off-street parking and loading areas in accordance with section 70-13.~~
- ~~(45) Signs in accordance with section 70-14.~~
- ~~(46) Self-storage facility with a live-in manager, subject to securing a conditional use permit.~~
- ~~(47) Amusement parlor in accordance with article II of chapter 6.~~
- ~~(48) Automobile rental agencies are permitted, provided the following conditions are met:~~
  - ~~a. Fueling of vehicles will be conducted off the premises.~~
  - ~~b. Mechanical repairs on the premises is strictly prohibited with the exception of adding fluids, changing a flat tire, and routine interior cleaning.~~
  - ~~c. Minimum off-street parking must be provided in accordance with section 70-13.~~
  - ~~d. The storage of wrecked or inoperative vehicles on site is strictly prohibited.~~
  - ~~e. The size of a rental vehicle parked on site is limited to a three-quarter ton vehicle with a GVW (gross vehicle weight) not to exceed 7,500 pounds.~~
- ~~(49) Pawnshop operated by a licensed pawnbroker, subject to securing a conditional use permit.~~
- ~~(50) Model car racetracks, subject to securing a conditional use permit.~~

**Section 70-247(A). Allowable Uses**

- (a) Structures to be erected or land to be used shall be for one of the following uses. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.
  - (1) Antique shop
  - (2) Apparel, clothing store
  - (3) Art gallery
  - (4) Art supply store

- (5) Bakery, provided all products produced on the premises shall be sold at retail on the premises
- (6) Banks and financial institutions without drive-through windows
- (7) Barber, beauty shop
- (8) Beauty supply and accessories
- (9) Bookstore, newsstand
- (10) Bowling alley
- (11) Candy store
- (12) Clock shop sales and repair
- (13) Computer store or personal electronic sales and service
- (14) Data or computer services
- (15) Dog grooming, without indoor or outdoor kennel facilities
- (16) Drug store a without drive-through window
- (17) Fast food restaurants without a drive-through window
- (18) Fire station
- (19) Florist, gift shop
- (20) Food store: Grocery store, supermarket (excluding convenience or quick service food stores)
- (21) Furniture store
- (22) Government offices
- (23) Hardware, paint and wallpaper store
- (24) Hobby, craft shop
- (25) Hospitals
- (26) Hotels and motels
- (27) Jewelry, engraving store
- (28) Library
- (29) Locksmith
- (30) Medical and/or dental office and clinic
- (31) Museums
- (32) Musical instruments, sheet music, and recorded music sales
- (33) Office, general business or professional
- (34) Photographic equipment sales and service and photographic studio
- (35) Printing, photocopying, photographic processing or blueprinting
- (36) Repair services or businesses, including repair of lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items
- (37) Rescue squads
- (38) Research and development (Non-hazmat)
- (39) Restaurant, full-service, cafe, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in or fast food restaurants
- (40) Retail stores and businesses
- (41) Roller rinks
- (42) Shoe sales and repair store
- (43) Sporting goods store
- (44) Stamp and coin stores
- (45) Stationery store
- (46) Tailor, seamstress shop
- (47) Tanning salon

- (48) Tobacco store
- (49) Tourist information and orientation facilities
- (50) Toy store
- (51) Universities, colleges, and seminaries

**Section 70-247(B). Uses Allowable Pursuant to a Conditional Use Permit.**

(a) Structures to be erected or land to be used for one of the following uses shall be allowed subject to a Conditional Use Permit in accordance with Sec. 70-10 of the Zoning Ordinance. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

- (1) Amusement parlors
- (2) Banks and financial institutions with a drive-through
- (3) Bicycle sales and repair
- (4) Child care or adult day care center
- (5) Churches and places of worship
- (6) Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building
- (7) Convenience stores and service establishments such as, but not limited to automatic self-service laundries
- (8) Cultural arts and entertainment centers
- (9) Drug store with a drive-through window
- (10) Fast food restaurants with a drive-through window
- (11) Garages and public parking
- (12) Household appliance sales and service store
- (13) Live theaters, live entertainment centers
- (14) Miniature golf courses and golf driving ranges
- (15) Movie theaters and assembly halls
- (16) Off premises sales of beer and wine
- (17) Pet shops, including boarding kennels on the premises
- (18) Philanthropic and charitable institutions
- (19) Private clubs and lodges
- (20) Residential, multifamily, located above a commercial, retail or office use on the ground floor
- (21) School, K-12
- (22) Uses with a drive-through window
- (23) Veterinary hospitals and boarding kennels
- (24) Video sales and rental store
- (25) Wholesale businesses, with parking to the rear of the building

**Section 70-247(C). Accessory Uses.**

Accessory uses, buildings, and structures permitted in accordance with section 70-16.

- (1) Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines. New and/or upgraded/improved electric and communications utilities shall be installed underground
- (2) Parking lots, parking spaces, parking areas and parking structures

This ordinance shall become effective on September 20, 2011. Any planning and zoning applications (conditional use permits, occupancy permits, site plans, etc.) that are submitted to the Zoning Administrator and deemed complete prior to the effective date of the ordinance will be evaluated based on the Zoning Ordinance in effect prior to the adoption. Any applications submitted after the effective date of the ordinance will be subject to these revised Zoning Ordinance regulations.

**AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE III, SECTIONS 70-281 AND 70-282 RELATING GENERALLY TO NEIGHBORHOOD BUSINESS DISTRICT B-2, INTENT AND USE REGULATIONS.**

WHEREAS, the Town of Dumfries Town Council, (hereinafter "Town Council"), originally deliberated proposed zoning text amendments to the B1, B2 and FB/O-1 zoning districts (hereinafter "the Zoning Text Amendments") at meetings on June 21, and July 5, 2011, and at its July 19, 2011, meeting finding the Zoning Text Amendments to be consistent with the Town of Dumfries Comprehensive Plan, good zoning practices, public necessity and in the best interest and general welfare for the Town of Dumfries, (hereinafter the "Town"), referred the Zoning Text Amendments to the Planning Commission; and

WHEREAS, the Town of Dumfries Planning Commission (the "Commission") held a duly advertised public hearing at its meeting of August 8, 2011, where in it deliberated the Zoning Text Amendments and found them to be consistent with the Comprehensive Plan, good zoning practices, public necessity and in the best interest of the general welfare of the Town, and voted at that meeting to recommend adoption of the proposed Zoning Text Amendments to the Town Council; and

WHEREAS, the Town Council subsequently adopted the Zoning Text amendments at its meeting of September 20, 2011 after a duly advertised public hearing pursuant to applicable law; and

WHEREAS, it is now asserted, but not admitted, that the Commission and the Council adopted the Zoning Text Amendments absent an initiating resolution or motion pursuant to Virginia Code Section 15.2-2286(A)(7); and

WHEREAS, the Commission adopted an initiating motion pursuant to Virginia Code Section 15.2-2286(A)(7) at its meeting of May 20, 2013 in order to adopt, re-adopt, ratify and confirm the Zoning Text Amendments; and

WHEREAS, the Commission and Council now wish to hold another public hearing for the adoption, re-adoption, ratification and confirmation of the Zoning Text Amendments, such public hearing being duly advertised pursuant to applicable law; and

WHEREAS, the Commission and the Council held a joint public hearing on June 4, 2013, for the purpose of the adoption, re-adoption, ratification and confirmation of the Zoning Text Amendments.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries, Virginia, in a meeting this 9th day of July, 2013:

1. That the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article III, Sections 70-281 and 70-282, and is reenacted as follows:

**~~Sec. 70-281. Intent.~~**

~~This district is intended to provide a limited range of retail, commercial and convenience business uses to serve public need at the neighborhood level. The B-2 district shall be located on both sides of the southbound U.S. Route 1 corridor extending from the beginning of the island separating the north and south sides of U.S. Route 1 (currently landmarked by Big Barney Car Wash) to its end (currently Roy Rogers Restaurant) except for those areas in this district that are currently zoned R-2.~~

**~~Sec. 70-282. Use regulations.~~**

- ~~(a) Structures to be erected or land to be used shall be for one of the following uses. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.~~
- ~~1) Accessory uses as defined in this chapter.~~
  - ~~2) Antique shop.~~
  - ~~3) Apparel, clothing store.~~
  - ~~4) Art gallery.~~
  - ~~5) Art supply store.~~
  - ~~6) Bakery, provided all products produced on the premises shall be sold at retail on the premises.~~
  - ~~7) Banks and other financial institutions without drive-in facilities.~~
  - ~~8) Barber, beauty shop.~~
  - ~~9) Beauty supply and accessories.~~
  - ~~10) Bed and breakfast inn.~~
  - ~~11) Bicycle sales and repairs.~~
  - ~~12) Bookstore, newsstand.~~
  - ~~13) Candy store.~~
  - ~~14) Charitable institution.~~
  - ~~15) Child care or adult day care facility.~~
  - ~~16) Churches and other places of worship.~~
  - ~~17) Clock shop sales and repair.~~
  - ~~18) Coffee shop.~~
  - ~~19) Computer store or personal electronic equipment sales and service.~~
  - ~~20) Dog grooming, without indoor or outdoor kennel facilities.~~
  - ~~21) Drugstore, pharmacy, without drive-in facility.~~
  - ~~22) Florist, gift shop.~~
  - ~~23) Food store: Grocery store, supermarket (excluding convenience or quick service food stores).~~

- 24) Furniture and upholstery repair.
  - 25) Glass and mirror sales and service establishments (excluding automobile glass repair or replacement).
  - 26) Government offices.
  - 27) Hardware, paint and wallpaper store.
  - 28) ——— Hobby, craft shop.
  - 29) Jewelry, engraving store.
  - 30) ——— Library.
  - 31) Locksmith.
  - 32) Museum.
  - 33) Musical instruments, sheet music, and recorded music sales.
  - 34) Offices, general business or professional.
  - 35) Parking lots, parking spaces, parking areas and parking structures.
  - 36) Park, public.
  - 37) Photographic equipment sales and service and photographic studio.
  - 38) ——— Printing, photocopying, photographic processing or blueprinting services
  - 39) Recreation facility, public.
  - 40) ——— Residential, multifamily, located above a commercial, retail or office use on the ground floor, subject to securing a conditional use permit.
  - 41) Restaurant, full-service, cafe, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in or fast food restaurants.
  - 42) School, private, subject to securing a conditional use permit.
  - 43) Shoe sales and repair store.
  - 44) ——— Small household appliance sales and service store.
  - 45) Sporting goods store.
  - 46) ——— Stamps and coin store.
  - 47) Stationery store.
  - 48) ——— Tanning salon.
  - 49) ——— Tailor, seamstress shop.
  - 50) ——— Tobacco store.
  - 51) Tourist information and orientation facilities.
  - 52) Toy store.
  - 53) Video sales and rental store.
  - 54) Off-premises sales of beer and wine, subject to securing a conditional use permit.
  - 55) Furniture store, with retail floor area not exceeding 20,000 square feet.
- (b) Off-street parking shall be located to the rear or side of the principal structure and shall be in accordance with the requirements of section 70-13
  - (c) For permitted uses in this district, the primary entrance of the principal structure shall face the street.
  - (d) Direct access to a public right-of-way shall not be permitted through the rear or side yard of double-frontage lots.

### **Section 70-281. Intent.**

This district is intended to provide a limited range of retail, commercial and convenience business uses to serve public need at the neighborhood level. This district is intended to create an environment to encourage a mix of living and working areas that is comfortable for pedestrians and bicyclists as well as automobiles, that contains uses that might not always require a trip by

automobile, and to create a sense of community character as the heart of the historic town of Dumfries.

**Section 70-282(A). Allowable Uses.**

- (a) Structures to be erected or land to be used shall be for one of the following uses. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.
- (1) Antique shop
  - (2) Apparel, clothing store
  - (3) Art gallery
  - (4) Art supply store
  - (5) Bakery, provided all products produced on the premises shall be sold at retail on the premises
  - (6) Banks and financial institutions without drive-through windows
  - (7) Barber, beauty shop
  - (8) Beauty supply and accessories
  - (9) Bookstore, newsstand
  - (10) Candy store
  - (11) Clock shop sales and repair
  - (12) Computer store or personal electronic sales and service
  - (13) Drug store a without drive-through window
  - (14) Florist, gift shop
  - (15) Food store: Grocery store, supermarket (excluding convenience or quick service food stores)
  - (16) Government offices
  - (17) Hardware, paint and wallpaper store
  - (18) Hobby, craft shop
  - (19) Jewelry, engraving store
  - (20) Library
  - (21) Medical and/or dental office and clinic
  - (22) Musical instruments, sheet music, and recorded music sales
  - (23) Office, general business or professional
  - (24) Park, public
  - (25) Photographic equipment sales and service and photographic studio
  - (26) Recreation facility, public
  - (27) Repair services or businesses, including repair of lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items
  - (28) Restaurant, full-service, cafe, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in or fast food restaurants
  - (29) Shoe sales and repair store
  - (30) Stamp and coin stores
  - (31) Stationery store
  - (32) Tailor, seamstress shop
  - (33) Tanning salon
  - (34) Tobacco store
  - (35) Tourist information and orientation facilities

- (36) Toy store
- (37) Universities, colleges, and seminaries

- (b) Off-street parking shall be located to the rear or side of the principal structure
- (c) For permitted uses in this district, the primary entrance of the principal structure shall face the street.
- (d) Direct access to a public right-of-way shall not be permitted through the rear or side yard of double-frontage lots.

**Section 70- 282(B). Uses Allowable Pursuant to a Conditional Use Permit.**

(a) Structures to be erected or land to be used for one of the following uses shall be allowed subject to a Conditional Use Permit in accordance with Sec. 70-10 of the Zoning Ordinance. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

- (1) Amusement parlors
- (2) Banks and financial institutions with a drive-through
- (3) Bed and breakfast inn
- (4) Child care or adult day care center
- (5) Churches and places of worship
- (6) Cultural arts and entertainment centers
- (7) Dog grooming, without indoor or outdoor kennel facilities
- (8) Drug store with a drive-through window
- (9) Furniture store, with retail floor area not exceeding 20,000 square feet
- (10) Locksmith
- (11) Museum
- (12) Off premises sales of beer and wine
- (13) Philanthropic and charitable institutions
- (14) Residential, multifamily, located above a commercial, retail or office use on the ground floor
- (15) School, K-12
- (16) Uses with a drive-through window

**Section 70-282(C). Accessory Uses.**

Accessory uses, buildings, and structures permitted in accordance with section 70-16.

- (1) Parking lots, parking spaces, parking areas and parking structures
- (2) Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines. New and/or upgraded/improved electric and communications utilities shall be installed underground

This ordinance shall become effective on September 20, 2011. Any planning and zoning applications (conditional use permits, occupancy permits, site plans, etc.) that are submitted to the Zoning Administrator and deemed complete prior to the effective date of the ordinance will be evaluated based on the Zoning Ordinance in effect prior to the adoption. Any applications submitted after the effective date of the ordinance will be subject to these revised Zoning Ordinance regulations.

**AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE III, SECTIONS 70-482, AND 70-483, AND 70-484  
RELATING GENERALLY TO FLEX BUSINESS/OFFICE DISTRICT FB/O-1, USE REGULATIONS.**

WHEREAS, the Town of Dumfries Town Council, (hereinafter "Town Council"), originally deliberated proposed zoning text amendments to the B1, B2 and FB/O-1 zoning districts (hereinafter "the Zoning Text Amendments") at meetings on June 21, and July 5, 2011, and at its July 19, 2011, meeting finding the Zoning Text Amendments to be consistent with the Town of Dumfries Comprehensive Plan, good zoning practices, public necessity and in the best interest and general welfare the Town of Dumfries, (hereinafter the "Town"), referred the Zoning Text Amendments to the Planning Commission; and

WHEREAS, the Town of Dumfries Planning Commission (the "Commission") held a duly advertised public hearing at its meeting of August 8, 2011, wherein it deliberated the Zoning Text Amendments and found them to be consistent with the Comprehensive Plan, good zoning practices, public necessity and in the best interest of the general welfare of the Town, and voted at that meeting to recommend adoption of the proposed Zoning Text Amendments to the Town Council; and

WHEREAS, the Town Council subsequently adopted the Zoning Text amendments at its meeting of September 20, 2011 after a duly advertised public hearing pursuant to applicable law; and

WHEREAS, it is now asserted, but not admitted, that the Commission and the Council adopted the Zoning Text Amendments absent an initiating resolution or motion pursuant to Virginia Code Section 15.2-2286(A)(7); and

WHEREAS, the Commission adopted an initiating motion pursuant to Virginia Code Section 15.2-2286(A)(7) at its meeting of May 20, 2013 in order to adopt, re-adopt, ratify and confirm the Zoning Text Amendments; and

WHEREAS, the Commission and Council now wish to hold another public hearing for the adoption, re-adoption, ratification and confirmation of the Zoning Text Amendments, such public hearing being duly advertised pursuant to applicable law; and

WHEREAS, the Commission and the Council held a joint public hearing on June 4, 2013, for the purpose of the adoption, re-adoption, ratification and confirmation of the Zoning Text Amendments.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries, Virginia, in a meeting this 9th day of July, 2013:

1. That the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article III, Sections 70-482, 70-483 and 70-484, and is reenacted as follows:

**Sec. 70-482. — Permitted uses.**

Structures to be erected or land to be used shall be for one of the following uses. Only one main structure shall be erected on any lot or parcel in this district. Two or more main buildings may be constructed with a conditional use permit.

- (1) — Permitted uses in B-1 and B-2.
- (2) — Alarm systems operations office.
- (3) — Ambulance service (commercial).
- (4) — Manufacture of precast concrete decorative and/or structural architectural components, (nonHAZMAT).
- (5) — Business school.
- (6) — Civic club.
- (7) — College, university or seminary.
- (8) — Commercial artist or photographer's studio.
- (9) — Cultural arts center.
- (10) — Data or computer services.
- (11) — Electronic components assembly or repair.
- (12) — Financial institutions.
- (13) — Medical and/or dental laboratory.
- (14) — Medical and/or dental office and clinic.
- (15) — Package, telecommunications and courier services.
- (16) — Photographic processing laboratory.
- (17) — Recording studio.
- (18) — Research and development (nonHAZMAT).
- (19) — Trade or convention center.
- (20) — Public maintenance and storage facility.

**Sec. 70-483. — Accessory uses, buildings and structures.**

Accessory uses, buildings, and structures are permitted in accordance with section 70-16.

**Sec. 70-484. — Conditional uses.**

Conditional uses permitted in this district are as follows:

- (1) — Commercial parking.
- (2) — Electronic equipment and component manufacturing.
- (3) — Heliport/helistop.
- (4) — Metal fabrication.
- (5) — Shooting range, indoor.
- (6) — Radio or television broadcasting station (antennas or towers off site subject to special use permit).
- (7) — Marina.
- (8) — Outside storage of materials and supplies incidental to the conduct of any use listed above, provided such storage shall be screened or fenced and such screen or fence shall be not less than six feet in height.

**Sec. 70-482. - Allowable Uses.**

Structures to be erected or land to be used shall be for one of the following uses. Only one main structure shall be erected on any lot or parcel in this district. Two or more main buildings may be constructed with a conditional use permit.

- (1) Allowable uses in B-1 and B-2 zoning districts
- (2) Alarm systems operations office
- (3) Ambulance service (commercial)
- (4) Bicycle sales and repair
- (5) Building Supplies and service with storage under cover
- (6) Business school
- (7) Churches and places of worship
- (8) Civic club
- (9) Commercial artist or photographer's studio
- (10) Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building
- (11) Convenience stores and service establishments such as, but not limited to automatic self-service laundries
- (12) Cultural arts and entertainment centers
- (13) Electronic component assembly or repair
- (14) Furniture and upholstery repair
- (15) Glass and mirror sales and service establishments (excluding automobile glass repair or replacement)
- (16) Medical and/or dental laboratory
- (17) Package, telecommunications and courier services
- (18) Photographic processing laboratory
- (19) Recording studio
- (20) Repair services or businesses, including repair of guns, bicycles, washers, dryers, stoves, refrigerators, and similar items
- (21) Self-storage facility without a live-in manager
- (22) Trade or convention center

**Sec. 70-483. - Uses Allowable Pursuant to a Conditional Use Permit.**

(a) Structures to be erected or land to be used for one of the following uses shall be allowed subject to a Conditional Use Permit in accordance with Sec. 70-10 of the Zoning Ordinance. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

- (1) Automobile Uses
  - a. Automobile and truck sales and sales and service establishments meeting the following conditions:
    - i) Automobile sales, lot size shall be not less than 20,000 square feet.
    - ii) Automobile sales and service, lot size shall be not less than one acre.
    - iii) Truck sales and truck sales and service, lot size shall be not less than one and two acres respectively.
    - iv) All automobiles or trucks whether for sale, lease or waiting for service or repair, when not inside a work bay, shall be placed in a marked parking space conforming to section 70-13
    - v) Site plans for new establishments or tenant layouts for alteration of existing establishments shall contain a certified parking plan, a vehicle delivery statement, a

landscaping plan and a lot parking calculation table. Site plans shall conform to article III, division 11 of this chapter and tenant layouts shall be drawn to scale.

vi) Vehicle lifts and pits, dismantled and wrecked vehicles and all parts and supplies shall be located inside a building enclosed on all sides and all repair and servicing of all vehicles shall be conducted in a building enclosed on all sides. Truck stops are excluded from this zoning district.

vii) Existing motor vehicle sales and service and rental establishments shall have 90 days after approval of the ordinance from which this section is derived to mark the parking spaces on their lot as required by subsection (2)d of this section

b. Automobile rental agencies meeting the following conditions:

i) Fueling of vehicles will be conducted off the premises.

ii) Mechanical repairs on the premises is strictly prohibited with the exception of adding fluids, changing a flat tire, and routine interior cleaning.

iii) Minimum off-street parking must be provided in accordance with section 70-13

iv) The storage of wrecked or inoperative vehicles on-site is strictly prohibited.

v) The size of a rental vehicle parked on-site is limited to a three-quarter-ton vehicle with a GVW (gross vehicle weight) not to exceed 7,500 pounds.

(2) Banks and financial institutions with a drive-through

(3) Child care or adult day care center

(4) Commercial radio or television broadcasting stations, studios, or offices

(5) Electronic equipment and component manufacturing

(6) Funeral Homes without crematories and live animal slaughter

(7) Gasoline filling stations

(8) Laundry, cleaning, and dyeing works in which no combustible solvent is used

(9) Manufacture of precast concrete decorative and/or structural architectural components, (nonHAZMAT)

(10) Marina

(11) Metal fabrication

(12) Mobile Home sales

(13) Model car racetracks

(14) Pawn Shops operated by a licensed pawnbroker

(15) Philanthropic and charitable institutions

(16) Private clubs and lodges

(17) Processing or manufacturing establishments that are not objectionable because smoke, odor, dust or noise, but only when such processing or manufacturing is incidental to a retail business conducted on premises and more than 10 employees employed on the premises engaged in processing or manufacturing activities may be permitted

(18) Public maintenance and storage facilities

(19) Rental of tools, appliances, machinery, party supplies and similar equipment to the general public, and wherein the items to be rented are stored and/or repaired within a building

(20) Shooting range, indoor

(21) Stand-alone car wash

(22) Wholesale business, with parking to the rear of the building

**Sec. 70-484. – Accessory Uses.**

Accessory uses, buildings, and structures permitted in accordance with section 70-16.

- (1) Commercial parking
- (2) Off-street parking
- (3) Outside storage of materials and supplies incidental to the conduct of any use listed above, provided such storage shall be screened or fenced and such screen or fence shall be not less than six feet in height.
- (4) Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines. New and/or upgraded/improved electric and communications utilities shall be installed underground

This ordinance shall become effective on September 20, 2011. Any planning and zoning applications (conditional use permits, occupancy permits, site plans, etc.) that are submitted to the Zoning Administrator and deemed complete prior to the effective date of the ordinance will be evaluated based on the Zoning Ordinance in effect prior to the adoption. Any applications submitted after the effective date of the ordinance will be subject to these revised Zoning Ordinance regulations.

**IN RE: CITIZEN COMMENT PERIOD**

Shaun Peet is excited to see the changes going on in the area and glad to see more citizens getting involved.

**IN RE: MAYOR’S COMMENTS**

Mayor Foreman gave the following report.

- ✓ Attended the Dumfries United Methodist Church 210<sup>th</sup> Celebration on June 8 with the Vice-Mayor.
- ✓ Donna Pattie passed away June 17.
- ✓ Lee Lansing passed away July 3.
- ✓ The NAACP Family Reunion picnic was held July 6 at Merchants Park.

**IN RE: COUNCIL MEMBER COMMENTS**

Mr. Toney had the pleasure of serving with Mr. Lansing on the Planning Commission. He noted Mr. Lansing was an inspiration and it was an honor to serve with him. He expressed condolences to the family.

Ms. Reynolds noted the Boys & Girls Club held the Steak ‘n’ Stake fundraiser. The event raised \$60,000 to send kids to camp. On July 24, the Boys & Girls Club will host the send a kid to camp carnival. In October, there will be an annual golf tournament. She thanked the Council and the citizens for giving her the opportunity to serve on the Boys & Girls Club Board of Directors.

Ms. Forrester shared that last week the Town lost one of its younger residents, Steve Croft, who was just 26 years old. She wanted everyone to be aware and to stop and remember how fragile life is and how quickly things change.

Mr. Wood sent his condolences to the Lansing family. He wanted everyone to stay hydrated, as the weather gets hotter, and to check on your neighbors. He is excited about the Parks and Recreation Commission and getting more activities going for the youth.

Ms. Washington offered her condolences to the family of Lee Lansing. She thanked Mr. Peet for his comments and is looking forward to the things that will be coming from the Parks and Recreation Commission.

**IN RE: PRESENTATIONS**

**A. INTRODUCTION OF NEW OFFICER, TRAVIS D. SIMS – CHIEF EDWARDS**

Chief Edwards read the following comments.

“It is my pleasure to introduce the newest member of the Dumfries Police Department, Recruit Police Officer Travis “Deshawn” Sims.

Recruit Sims grew up in Union, South Carolina. He was raised by his grandparents.

After he graduated from high school, Recruit Sims enlisted in the United States Marine Corps. He served fifteen years in the Marine Corps and is a veteran having served three tours in Iraq, a tour in Kuwait and also in Somalia. While in the Marine Corps, he served as an Aircraft Maintenance Administrative Specialist and as a Supervisor. He also served as a Drill Instructor, Martial Arts Instructor, and Officer Candidate/Physical Training Instructor. His assignments and duties enabled him to gain experience in leadership, mentoring, training, supervision, and managing programs and subordinates.

When he left the Marine Corps, Recruit Sims entered the field of armed security as a supervisor and a trainer. In this capacity, he occasionally worked in the Town of Dumfries. As part of his duties while working in Dumfries, he had an incident where the police were called. When a Town of Dumfries Police Officer arrived; Officer Sims looked at the officer and commented, “Dumfries has a Police Department?”. He was interested in entering law enforcement and had recently applied at other agencies; but he had not applied to Dumfries as he did not know we had a police department. After speaking with the officer that day, he decided to apply. He is interested in working in Dumfries as he grew up in a small community, likes that type of environment, and has a desire to serve in a small community.

In addition to his extensive military service and work experience, Recruit Sims is currently enrolled in Strayer University and is working toward his bachelor’s degree in Criminal Justice and Computer Forensic Science. Recruit Sims also speaks and understands some Spanish.

During Recruit Sims’ background investigation, everyone we spoke with commented they felt he would make a great law enforcement officer and each gave their positive recommendation “without hesitation”. Persons we spoke with described Recruit Sims as an honest, reliable, trustworthy person.

Officer Sims’ first day with the Town was yesterday. He is scheduled to begin the Prince William County Basic Law Enforcement Academy tomorrow.

We are very fortunate Recruit Sims chose to apply with our agency and know he will be an positive, valuable asset to the Police Department and the Town.

An additional note; Recruit Sims is the third Former Marine currently employed by our agency.”

Mr. Sims thanked the Council for the opportunity.

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

There was no report.

**B. BOARD OF ZONING APPEALS**

There was no report.

**C. HISTORIC DUMFRIES**

Joann Barron reported the following items.

- ✓ Hosted a “Queens Tea in the Garden” in June - primarily created for an adult audience. It was very successful and looking at offering a venue of “Teas” for wedding and baby showers in the future. Also looking at offering themed children’s birthday party.
- ✓ On June 13, the “Annual Membership Meeting” was hosted in Town at the Dumfries Community Center. Discussions were had about accomplishments and what the New Year will include, held board elections, and had a Civil War medical reenactment demonstration.
- ✓ The first Saturday of every month a civil war reenactment is performed at the Museum.
- ✓ “Children’s Colonial Camp” is being held July 15-19. There are two free, full scholarships available.
- ✓ CBS “Spirited History” did an investigation of the Weems-Botts Museum and will be scheduling a live on-air investigation and fundraiser.

**D. PLANNING COMMISSION (PC)**

William O’Kelly Russell, Chair, reported the following items.

- ✓ Proposed ordinance language for yard sales was discussed briefly. The use of a yard sale was thought to be appropriate in a residential setting and for non-profit organizations; however, it was not recommended that there be a permit fee for these users. The recommendation is that residents of the Town apply for a permit at no cost and be allowed to hold up to four yard sales per year on their own property. The reason for the permit is to coordinate with staff and the Police Department.

- ✓ Questions were brought up regarding yard sales in a commercial district. This would conflict with the displaying of wares, which is currently prohibited under the commercial and retail use in the Town. Staff is going to provide additional information and discussions will continue at the next meeting.
- ✓ The review of the zoning definitions relevant to zoning text amendments was tabled to the next meeting to allow adequate time to review the materials.

Mayor Foreman asked what happened to the request from Council made on March 20, 2012 that the B-1, B-2, and FB/O-1 be reexamined for language and alignment of uses in the zoning ordinance to Chapter 18.

Mr. Russell noted the PC has gone through, looked at the uses, and they are ready to move forward with recommended changes; however, a procedural step had to be taken to reaffirm the changes that were previously made before moving forward.

Mayor Foreman asked if they needed to be re-reviewed again by the PC.

Mr. Russell clarified that what he was speaking about was the definitions in the zoning ordinance and not the zoning districts allowable uses.

Mayor Foreman understood and asked when Council will see the zoning text amendments related to the uses.

Ms. O'Dell noted the recommendation from the PC would come before Council at an upcoming work session in order to schedule a public hearing.

**IN RE: COUNCIL REPORTS  
A. GINN PARK COMMITTEE**

Mr. Toney reported the following items.

- ✓ Discussed, and will present recommendations to Council later in the meeting, candidates for the Parks and Recreation Commission.
- ✓ Discussed, and will present recommendations to Council later in the meeting, the proposed Parks and Recreation Charter.
- ✓ Discussed the Mayor Yohey Memorial and a presentation will be made to Council at the next meeting.
- ✓ A meeting has been scheduled for July 15 to meet with the Parks and Recreation Commission, once appointed, to begin the transition.
- ✓ The last meeting of the Ginn Park Committee will be July 29.

Mayor Foreman asked if trash could be removed at least once on the weekend or a patrol of the park be done. With the park being used on the weekends trash makes it into the receptacle sometimes and sometimes it does not.

Mr. Taber would include that in the Public Works weekly maintenance schedule.

**B. EVENTS COMMITTEE**

Ms. Washington reported the following items.

- ✓ An update on the “Save the Date” for upcoming events will be posted to the website.
- ✓ The Fall Festival is scheduled for September 14 starting at 11:00 am this year and ending at 5:00 pm with the food vendors being available until 6:00 pm.
- ✓ Dumfries has Talent will be at the Fall Festival with a few changes to the format. Applications are available on the website.

**C. NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)**

Mayor Foreman reported the following items.

- ✓ Dominion Virginia Power gave a presentation on the advanced metering project. Northern Virginia is where it is coming to first. Full implementation will be approved in 2015. It will cost 500 million dollars to fully employ the system. The Town will probably not see this for six to eight years.
- ✓ The highlights of the Northern Virginia Transportation Authority meeting included the 30 percent funding from House Bill 2313.

Mr. Taber mentioned a matrix is being worked on to determine the amount to be distributed. A couple of methods being looked at is school age population or retail sales tax.

**D. NORTHERN VIRGINIA CIGARETTE TAX BOARD (NVCTB)**

There was no report.

**IN RE: STAFF COMMENTS**

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

Ms. Neville reported the following items.

- ✓ Introduced and welcomed Asyah Slade and Janel Talbert as this year’s Summer Youth Interns.
- ✓ Presented William O’Kelly Russell with a special recognition award for Volunteer Appreciation.
- ✓ The Dumfries Cares Program has been continued for FY14. The Summer Bridge program will begin soon.

- ✓ The Farmers' Market has had a farmer the past two weeks.
- ✓ In partnership with Pillar Church, there will be three "Movies on the Lawn" with the first one July 12. Then there will be one on 8-2 and 9-14.
- ✓ Financial Education Workshops were held on building a better budget and your credit score.

Mayor Foreman asked what the average participation for vendors was at the Farmers' Market.

Ms. Neville noted that on average there are four vendors.

Mayor Foreman asked if the vendor pays per weekend or for the season.

Ms. Neville explained the vendor pays for a month at a time.

Mayor Foreman asked what the receipts were after paying the market manager and advertising.

Ms. Neville looked at the market from a community service standpoint.

Mayor Foreman asked how success was measured.

Ms. Neville explained a grant was applied for and received from Walmart. Everything is being paid for from the grant. Her measure of success is determined on the citizens being happy with the market.

Ms. Forrester asked that a reminder call be sent out to remind everyone about the market.

**B. PLANNER/ZONING ADMINISTRATOR – LAURA O'DELL**

Ms. O'Dell reported the following items.

- ✓ Several different business owners have approached the Town about opening a restaurant along Main Street. Another individual wants to tear down the gas station on the corner of Route 234 and Route 1 to build a Walgreens.
- ✓ Worked with Star of Bethlehem Church, who is interested in hosting a community night at Ginn Memorial Park. The Town could not allow this activity since there are no regulations established and implemented for the use of the Park.
- ✓ A submittal will be forthcoming for a daycare to be established at the Word of Faith Christian Church.
- ✓ Attended a ribbon cutting ceremony at the Matthews Center.
- ✓ Continued working on the update to the Comprehensive Plan with Darren Coffey and the PC will review it at the next meeting.
- ✓ Met with the ARB and drafted changes to the Historical District Guidelines to allow for a more expedient application process.
- ✓ All the debris stacked behind the church has been cleared out.

- ✓ Several complaints have been received about property on Fraley Boulevard. The property is not blighted. A church meets there regularly and is not considered vacant. A letter was sent about the signage having to come out of the window. If the Town adopted the Virginia Maintenance Code, the property owner could be made to fix the deteriorating parts of the building. Discussion on adopting the Virginia Maintenance Code will be brought up at the next work session.
- ✓ Complaints received about the yard sale being held at the corner of Acts Lane and Main Street was looked into and the individual has a vendors permit.
- ✓ Work continues with Mr. Campbell’s property off Possum Point Road on Colonial Port Road. Tires are being removed. Work is being done with getting rid of the junked vehicles. It has been made clear that a junkyard cannot operate at that location. An inspection was coordinated with the Fire Marshall who noted numerous code violations.
- ✓ The tree cutting business on Duke Street is in compliance.

Ms. Forrester did not understand not allowing community use of the Park. That was not her understanding and did not think it was Council’s intent.

Mr. Taber explained the issue was with the park closing at dusk. Garrison Park was given as an option since there are no time restrictions or neighbors being bothered.

Ms. Forrester thought that no vendors were allowed and the reason Council was going through regulating mobile food vendors.

Ms. O’Dell noted there is code that allows itinerant vendors to vend wares and non-commercial goods from various locations in the Town.

Ms. Washington thanked the ARB for looking at the guidelines to allow a more expedient process for weekend projects.

**C. DIRECTOR OF PUBLIC WORKS – RICHARD WEST**

Mr. West reported the following items.

- ✓ The installation of sidewalks at Possum Point Road and Route 1 has been delayed and issues are being worked out with the Virginia Department of Transportation (VDOT).
- ✓ The Department of Conservation and Recreation made a recommendation to the Virginia Soil and Water Conservation Board to grant a 12-month extension on developing a stormwater management program. Effective July 1, the Department of Environmental Quality will be handling stormwater issues and a letter has been received granting the request.

- ✓ A meeting has been scheduled with the project manager and the consultant to iron out issues with the Tripoli Heights project and a detailed schedule will be provided next month.
- ✓ The Rental Inspection Ordinance is being reviewed with the Virginia Maintenance Code to determine how they interact or whether the Virginia Maintenance Code would proceed the Rental Inspection Ordinance.
- ✓ A striping plan has been developed to address the parking issues on Williamstown Drive.

Mr. Wood asked if there had been any progress made on what happened to the Town's sign on Route 234.

Mr. West was going to look into that.

Mr. Wood asked if there was a timeline on the crosswalks being installed in the area of the McDonald's, along Fraley and Graham Park Road.

Mr. West spoke with VDOT a couple of weeks ago about the sidewalks, but he has not heard from them. He was going to follow-up with VDOT and email Council the status.

Mr. Wood asked if Council would get an opportunity to look at the signs or the design for the Williamstown Road parking.

Mr. West noted the signs would be removed and street markings will be used. The centerline will remain as it is now. The yellow line that divides and blends into the median will have cuts for turning into the commercial center and church. The parking will be delineated with a white side stripe. There will be a parking lane on both sides most of the length of Williamstown Drive. It will also be crosshatched so that any cars turning from either side will swing out to miss any parked cars and to provide a line of site.

Mr. Brewer noted the problem is line of site when coming out of the commercial center or the church because of the parked cars.

Mr. West was going to try to send the plans to Council. He noted the cars would not be allowed to park within 225 feet of the entrances, which is the required distance for a street designated as 25 miles per hour.

Mr. Toney asked for elaboration on the crosswalks from Graham Park Road heading north. He has been asking for years to get something put in place.

Mr. West noted a meeting was held to discuss the feasibility. The main concern is getting across Quantico Creek. A report has been received that he needs to review before proceeding any further.

Mayor Foreman asked if staff met with the Dumfries United Methodist Church to discuss the \$19,500 traffic impact analysis.

Mr. Taber noted contact was attempted by phone to advise them that they do not need the traffic impact analysis and a message was left asking them to call back. No one has heard from them so a letter was sent out yesterday.

Mr. West noted all the Town needs is a trip origination report and staff can deduce that from the number of people they plan on serving.

Mayor Foreman asked when the permit for dredging Deweys Run expires. The bridge over Deweys Run used to have a nice crown, now it is dipping down. He thinks the bridge is sinking.

Mr. West would check the sinking. He has been investigating the dredging permit. What he has found so far is that it is considered a maintenance operation and as long as the Town stays within the limits there is no permit required; however, he needs to look further because a member of the Water Board indicated that there were 2 years left on the permit. He believes that clearance has been given from the Army Corps of Engineers, the State, and the County. Some of the regulations have changed, so he has to make sure the Town follows the new regulations. However, any exceptions that were granted would still be in effect.

Mayor Foreman noted there are sewer and water liners under Route 633, Possum Point Road. He asked if an impact study was being done considering the estimated increase of transportation on the road.

Mr. West noted the Service Authority Plans to replace some water main down Possum Point Road, but he is not aware of any study being done. He was going to contact the Service Authority to let them know about the additional traffic and see what they want to do.

Mayor Foreman received an email from Dominion Power, who was able to locate the study done when they built the reservoir that they will be sending to him. He asked if staff was working with Piccard Homes on the sidewalks for Tweezer and Twist Court. He noted the homeowners were still mowing the common areas, have asked that the dead trees be replaced, pointed out there are huge holes on the backside of the hill, and are requesting a streetlight. The homeowners are maintaining the stormwater management pond on the corner of Overlook Road and Possum Point Road, which Piccard Homes is supposed to submit a plan to the Town explaining how they intend to maintain it.

Mr. West indicated staff met with Piccard Homes and discussed the outstanding issues. A punch list was provided that was tied to the performance bond, so they know how much is being withheld. None of the money has been released on the bonds for Section 2 and 3, Tweezer and Twist Court. Piccard Homes was to come back to the Town. The list included planting trees, establishing vegetation, establishing a Homeowners' Association (HOA) for all three sections, and a sidewalk along Possum Point Road. As far

as Tweezer and Twist Court, they were told that if they could get letters from every resident that they do not want sidewalks the Town would consider that.

Mayor Foreman did not think the Town was in a position to say that sidewalks do not have to be installed. That might work now, but what happens in 15 years when the homeowners say they pay Town taxes and want sidewalks. Sidewalks are put in for the children, elderly, and to keep people off the streets. He pointed out that there is no performance bond with the Overlook Road and Possum Point Road stormwater management pond. They need to be brought to the table and told the law requires them to have a stormwater maintenance program. That facility is supposed to be locked, with no citizens entering it, maintained and the grade/evaporation inspected.

Mr. West noted he would address the stormwater management pond again.

Mayor Foreman asked about the schedule for the painting of the curbs on the public streets in South Cove, Williamstown, and Port of Dumfries.

Mr. West mentioned the Town was having difficulties getting the paint commercial painters use. He noted that no parking signs were installed in front of the mailboxes and bus stations, which are enforceable by the Police Department unlike yellow curbs. He noted staff is looking into whether to paint the curbs or not and remove all of the old paint due to the enforceability.

Mayor Foreman noted the Town needs to come up with a plan, a schedule, and let the HOA's know.

Mr. Brewer pointed out an ordinance was passed that requires all new developments put in sidewalks and is not negotiable.

Mr. West was going to double check on that.

**D. CHIEF OF POLICE – REBECCA EDWARDS**

Chief Edwards reported the following items.

- ✓ Officer Brian Fields was welcomed back from deployment on June 11.
- ✓ The third annual Kid's Academy is July 22 and 23 with graduation occurring on the 23rd.
- ✓ National Night Out is August 6 with the motorcade leaving at 6:00 p.m.

**E. TOWN ATTORNEY – CHRISTINE SANDERS**

There was no report.

**F. TOWN MANAGER – DAN TABER**

Mr. Taber reported the following items.

- ✓ On the 16<sup>th</sup>, Prince William County will be holding a session that will include voting on the changes to the zoning for Potomac Shores. This is a concept approval and does not have

any control over the issues the Town is concerned with. It was made clear to the developer that the intersection of Route 1 and Route 234 reside in the Town and has to go through the Town for approval. An update will be provided at the next work session.

- ✓ A meeting will be held tomorrow with staff to try to put together a schedule for the next three work sessions.
- ✓ FY13 budget is over and there is a 45-day period for the books to be reconciled for things billed, but not paid out yet. Revenues were collected at 102 percent and expenditures, before the reconciliation, are at 88 percent. The reason for the expenditures being lower is the sign for in front of Town Hall and the historical markers were not received. The FY12 audit was approved by the State and the auditor has guaranteed that after the 45-day reconciliation period that he will have the FY13 audit done in 45 days or the Town will not be charged for the audit.

Mayor Foreman recommended the audio/visual department give a brief as a department head. The department had \$213,000 in FY13 and \$249,000 in FY14. There are a lot of things happening. The citizens would like to hear what is being done and the technology being implemented.

Mr. Taber would schedule that for one of the next work sessions.

Mayor Foreman asked about the list of grants staff is working on being at the bottom of the Town Managers report.

Mr. Taber believed that at the end of May, a listing was provided to Council of all the grants and he will include a listing in his report starting in July with the new fiscal year. He pointed out the report in the packet for this meeting was for the month of June. In the July report, he will include the litter grant that was applied for and any other grants staff applies for.

Mayor Foreman noted a plan needs to be in place for Quantico Creek/Quantico Bay in order for them to move forward. He pointed out that \$40,000 was set aside and now Council and the citizens need to be briefed on what is going on.

Mr. Taber noted the report came back from the consultant, which Mr. West reviewed and asked for clarification. He expects a response in the next couple of weeks. He will make that a part of the regular update.

Mayor Foreman asked what the status was with the Boys & Girls Club, Glen Vickers, providing a shuttle service in Dumfries to bring kids to the Heiser Boys & Girls Club on Old Stage Coach Road.

Mr. Taber noted that Mr. Vickers has not reported to him on that. He will check on it and report to Council.

Mayor Foreman noted the Town needs to move forward with looking into public/private partnerships, reaching out to collaborate with the community to offer college scholarships, and work with the local businesses to offer discounts to the residents. These are all part of the vision statement and Council needs to know if these are doable.

Mr. Taber would speak with the Dumfries Business Association. He mentioned the individual departments that have responsibility for sections of the vision statement would be reporting to Council. Council got an update on going green, which is a part of the vision statement. He did not have a problem with using staff to develop a letter to encourage businesses to offer discounts to the residents; however, it is not proper procedure to use Town funds to facilitate giving discounts.

**G. TREASURER (MOVED TO WORK SESSION)**

**IN RE: COUNCIL REPORT ON MEETINGS WITH ELECTED OFFICIALS  
PERTAINING TO THE TOWN**

Mayor Foreman spoke with Delegate Dudenhefer on July 2 concerning ethanol transportation.

Mr. Toney asked for elaboration.

Mayor Foreman pointed out the ethanol facility is outside Town limits and there is a transportation corridor, which is Route 633 through Possum Point Road. The first concern is the number of vehicles. Possum Point was not built for the volume of vehicles. There are two lights the trucks will have to go through now and if the quadrant concept occurs then there will be three more lights before getting out of Town. Does Council want ethanol vehicles loitering at the lights? It ended with thanks for educating me and I will get back to you. Delegate Dudenhefer cannot do anything for the Town unless he collaborates with Delegate Torian. Delegate Dudenhefer's responsibility is at the end of Possum Point Road and Cockpit Point Road. Another solution was connecting Old Stage Coach Road with Potomac Shores as an alternate.

Mr. Toney understood that PWC was looking into the matter and asked Mr. Taber to look into that.

Mayor Foreman asked for clarification on what was being looked into by PWC.

Mr. Toney understood that PWC found fault with the issue. He thought that PWC was willing to take the matter to court if necessary.

Mr. Taber understood that a zoning determination was made that the ethanol plant needed a special use permit and the ethanol plant is appealing that determination, which will go before the Board of Zoning Appeals. It was understood that PWC is going to maintain that position even if it means having to go to court. He was going to look into the matter to make sure that was correct.

Mr. Toney thanked the Mayor for what he is doing to have the matter addressed. The Town needs to do all that it can and enlist the support from all of the other political entities in this area.

Mayor Foreman mentioned NuStar Energy has offered to come to a work session to brief Council. His concern is the transportation corridor. Possum Point Road was never built to sustain the level of traffic. Three studies confirm that, which were done 15 years ago before Piccard Homes, Hampstead Landing, and Campbell's property did not have as many heavy vehicles coming and going.

**IN RE: ACTION ITEMS**

**A. ORDINANCE ADOPTING AN AMENDMENT TO CHAPTER 42 –  
TEMPORARY ROADSIDE FOOD VENDORS – DAN TABER**

Mr. Taber explained the Town Attorney was not available this evening; however, she has corresponded with Council, incorporated feedback, and provided the final draft of the proposed ordinance this evening.

Ms. Forrester moved, seconded by Mr. Toney, to adopt the ordinance amending Chapter 42 to include temporary roadside food vendors.

Ms. Reynolds was not clear since in one place it reads, "control the activities of temporary roadside and mobile food vendors", and further on in refers to roadside food vendor and then temporary. She indicated there should be consistency when using words in order to be clear and to follow.

Mr. Taber did not want to speak for the Town Attorney but in the first sentence, he thought the Town Attorney was identifying the entity that was being talked about by identifying both temporary roadside and food vending.

Ms. Reynolds asked if the regulation for roadside vendors not being permitted on publicly owned property or public right-of-ways was with or without permission.

Mr. Taber noted the ordinance does not permit roadside vendors at those two locations.

Ms. Reynolds asked about being allowed to have a banner.

Mr. Taber did not see anything in the ordinance about banners.

Ms. O'Dell indicated that banners would fall under the word signage.

Ms. Reynolds asked if that could be placed in the ordinance.

Ms. O'Dell noted it could.

Ms. Reynolds asked how many violations it takes before the bond is forfeited.

Mr. Taber clarified the ordinance can be passed with the changes being suggested this evening. He suggested using the verbiage any repeated violation.

Ms. Forrester recalled the discussion was that the vendor would be allowed two violations.

Mayor Foreman asked how many food vendor violations the Town has had in the past twelve months.

Mr. Taber did not have a number.

Ms. O'Dell did not know the number of violations. She pointed out that the number of violations permitted is one. She noted it reads further in the ordinance that any subsequent violation shall result in revocation of the permit.

Ms. Reynolds asked that all references to his be changed to read his/her.

Mr. Taber would make the change.

Ms. Reynolds asked how the Town would know about the gross receipts in order to collect the business/professional/occupational license (BPOL) and meals tax.

Ms. O'Dell explained it is submitted with an estimate and at the end of the year when they file their taxes a copy is provided and adjustments are made.

Ms. Reynolds asked if each day a violation continues whether that is a separate offense.

Ms. O'Dell noted that each day you are in violation you are subject to fines.

Mr. Taber explained that if you are cited on day one with a violation and you ignore the citation and continue with the same violation on the second day it is a completely separate charge.

Ms. Reynolds did not understand allowing an individual to continue to operate if they are in violation.

Ms. O'Dell explained the violation could be corrected, which allows the vendor to continue operating in compliance with the ordinance. Usually it is a very easy fix. Things like pick up your trash or the operating hours.

Ms. Reynolds asked where the language is that requires the vendor to stop immediately.

Ms. O'Dell noted that would be addressed in the notice of violation, which states the activity has to cease until the individual comes into compliance.

Ms. Reynolds wanted that spelled out in the ordinance.

Mr. Taber clarified the difference is between a zoning violation and a criminal ordinance.

Mayor Foreman suggested that to rectify the multiple use of language to put in the first paragraph verbiage indicating hereunto after referred to as.

Ms. Washington wanted Council to consider whether the roadside food vendors would be permitted to set up during the Christmas Parade or when the Town has its festivals, which may take away from the participation.

Ms. O'Dell indicated the application for temporary roadside food vendors specifically states that vending shall not operate during the hours of the Christmas Parade, Multicultural, and Fall Festival.

Ms. Washington questioned it not being a part of the ordinance.

Ms. O'Dell noted it could be included.

Ms. Reynolds questioned whether a vendor could participate in Town events.

Ms. O'Dell explained that a roadside food vendor is permitted to operate from a specific location and will not be permitted to do so during an event; however, the vendor can apply to be a participant of the activities as any other individual would.

Ms. Forrester clarified that her motion was amended to include the language regarding the banner. The motion did not include the language to not allow vendors to operate during Town events. She mentioned that in an email it was stated that those vendors would not be charged to participate in Town events since they already had a permit. She wanted to make sure that in her motion if vendors are limited to operate during Town events that they do not pay a fee to participate in Town events. She did not agree with charging the BPOL tax. She was hearing two different things dealing with violations. She understood in one explanation that if a vendor is in violation one day and the next day the same violation occurs the vendor is done. Then she understood that if a violation notice is issued that in 30 days it would go to court and the court would decide if the vendor were done.

Ms. O'Dell noted that was what she heard.

Ms. Forrester clarified that there is no second violation and you are done then.

Mr. Taber explained you are done in respect to the permit being revoked and if the vendor continues to operate it becomes a different charge.

Ms. Forrester understood that on the second day the permit would be revoked and if the vendor continues to operate it would be operating without a permit.

Ms. O'Dell noted that was correct.

Mr. Toney pointed out that according to the ordinance roadside vendors are not permitted on publicly owned property, which precludes them from vending even during Town events.

Ms. O'Dell clarified that was to prevent a vendor from setting up on a daily basis on publicly owned property.

Mr. Toney asked that clarifying language be placed in the ordinance.

Ms. O'Dell explained a vendor is permitted for a specific address and it is to preclude an applicant from coming in and applying for a location that is publicly owned property. For example, at Town Hall.

Ms. Washington felt there were a lot of things on the application that are applicable to what Council wants done. She asked what document a judge would use if it were to go to court.

Ms. O'Dell noted she was not an attorney and could not answer the question; however, she believed that the judge could only go by the ordinance. She noted the only thing on the application that was not in the ordinance was not being allowed to vend during Town sponsored events.

Ms. Washington noted that would need to be added to the motion.

Mayor Foreman mentioned that Fairfax just recently passed an ordinance dealing specifically with vehicular mobile food vendors and the Town's is broader. He noted that the parade ended in the Ferlazzo brother's parking lot and the Town cannot approve a vendor operating there. Fairfax does not have a BPOL tax and they charge a flat fee that has to be paid every 30 days. There needs to be some kind of receipts since they are operating under a caterer's license.

Ms. Forrester asked that a sentence be added that states, except as permitted during Town sponsored events that does not require this license. She also asked that the BPOL be removed from the ordinance.

Ms. O'Dell reminded Council that at the public hearing brick and mortar businesses came in and spoke about the need to have mobile food vendors paying the same taxes and the reason BPOL was included.

Mr. Brewer noted the ordinance has nothing to do with Town events. He explained that the more language you put into the ordinance the more it would be challenged in court.

Ms. Washington clarified that the vendors who have a permit and are unable to vend during events do not have to pay a fee.

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

It was noted that it could come back at a work session for further discussion.

#### **B. COMPLETION OF GINN MEMORIAL PARK PHASE 2 AND APPROVAL OF GINN MEMORIAL PARK PHASE 3 – DAN TABER**

Mr. Taber, in an attempt to complete Phase 2 and continue paying for ongoing costs, is asking Council to approve \$31,773 of the appropriated FY14 budget allocated for Ginn Memorial Park for playground equipment, two benches, checker/chess table, two trashcans, two grills, restroom maintenance, and miscellaneous items to include minor landscaping, repairs, and additional signage. The second part of the request is for Council to approve Phase 3, which will be identified as the detailed planning and actual preparation and construction of the remaining trails, completion of the split-rail fencing, undergrounding

of water, sewer, and electrical connections, landscaping to include canopy trees, and actual construction of the permanent pavilion area that would include the covered pavilion, office/storage area and permanent rest room facilities.

Mr. Brewer asked if the funds have already been allocated.

Mr. Taber noted they had.

Mr. Brewer asked why Council was voting on it again since it was already a line item in the budget.

Mr. Taber clarified that Council set a precedence in the past of wanting to approve the expenditures for the specific items being purchased in the different phases.

Mr. Wood moved, seconded by Mr. Toney, to approve the completion of Phase 2 to include the items listed above for \$31,773 of the allocated FY14 funds. The motion carried 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.

Mr. Taber noted the second action is to approve what has been proposed for Phase 3. He pointed out phases are not synonymous with a fiscal year and could take three to four years. This is just authorizing the specific items that will be included in Phase 3.

Mr. Wood moved, seconded by Mr. Foreman, to approve Phase 3, which will be identified as the detailed planning and actual preparation and construction of the remaining trails, completion of the split-rail fencing, undergrounding of water, sewer, and electrical connections, landscaping to include canopy trees, and actual construction of the permanent pavilion area that would include the covered pavilion, office/storage area and permanent rest room facilities. The motion carried 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.

### **C. PARKS AND RECREATION COMMISSION CHARTER – DAN TABER**

Mr. Taber noted Council approved the formation of a Parks and Recreation Commission for FY14. In discussions, some Council Members have asked that a charter be written and approved to give, the yet to be staffed Commission, some guidance. This has been discussed at length at several of the Ginn Park Committee meetings. Council is asked to move for the adoption of the charter or have discussion and make changes to formally adopt the charter.

Mr. Wood asked if there was a copy of the changes that were requested at the last Ginn Park Committee meeting.

Mr. Taber was not at the meeting and what he provided Council is what he was given.

Mr. Wood noted that the requested changes were not made.

Mayor Foreman understood that Mr. Wood was asking Council to adopt the Parks and Recreation Charter as presented at the Ginn Park Committee meeting as a substitution.

Mr. Wood confirmed that was correct.

It was verified that what was presented was the same as what was included in the Ginn Park Committee meeting minutes.

Mr. Wood went over the following change made to the language at the Ginn Park Committee meeting.

- ✓ Remove the words “for a trial period of one year beginning July 1, 2013” from the first sentence.

Mr. Toney went over the following change made.

- ✓ Rewording of the first sentence in the third paragraph from, “The committee is charged with obtaining input and feedback from the citizens of Dumfries regarding the current and future uses and programming of Town parks and making recommendations to the Town Council.” to “The committee is charged with making recommendations regarding the current and future uses and programming of Town parks to the Town Council.”

Mayor Foreman noted the following.

- ✓ The proposed Charter does not address the comments made during the January 22 Council meeting. It specifically addressed planning Town areas set aside for parks and recreation, conducting workable programs of Town wide recreation, and submitting annually a list of recommended capital improvements for parks and recreation purposes.
- ✓ The Parks and Recreation Commission should reference and use the 2012 Capital Improvement Plan, Parks and Recreation Plan as a founding document. He read the following from the plan. “The Town of Dumfries Parks and Recreation Plan is intended to help meet the needs of current and future residents by building on the community’s existing assets and identifying new opportunities. This Plan includes future recommendations about the overall parks and recreation needs within the community.” He noted it also speaks about the purpose of the Plan and could be the Commission’s purpose. “The purpose of the Parks and Recreation Plan is to serve as a general guide in identifying and creating more recreational opportunities to meet the needs of all the citizens...” Components of the Plan include:
  - “Provide an action plan to identify how to achieve the goals ...
  - Present new directions for the Town to explore.

- Encourage continued commitment to provide and improve access to Parks and Recreational space ...”
- ✓ The plan speaks to the following goals.
  - Recreation
  - Park Design & Connectivity
  - Quality of Life

The best part is in the back of the Plan where it provides goals, policies, and action strategies. For example, one of the policies is to develop programs that encourage active participation in recreational activities, team sports, and educational programs in order to promote individual and social development. Actions provided include provide locations for residents and provide equipment. Develop opportunities for passive recreation and social and cultural engagement throughout the Town to include parks, trails, and entertainment venues. Provide safe and improved connections between sites to encourage active & passive engagement in recreational opportunities throughout the Town. This document has everything the Commission needs. He asked what the difference was between the Events Committee with \$20,000 and the Parks and Recreation Commission with \$25,000 for events.

Mr. Taber referred back to the budget discussions and recalled the \$25,000 was set aside for programming in the parks whereas the programs for Town supported events is more expansive and does not necessarily deal with parks and recreation.

Mayor Foreman noted there is a concert series and a fall festival, which both have bands. He asked what the difference was.

Mr. Taber explained Council approved the budget and those discussions took place. That is something Council needs to delineate. He cannot make those decisions.

Mayor Foreman pointed out the community development block grant clearly states that Ginn Memorial Park cannot be used for organized sports for individuals who are not residents of the Town. He asked how basketball and horseshoe tournaments were going to be held. Is someone actually going to stand there and check to make sure that all participants are Town residents?

Mr. Taber thought that is an issue the Parks and Recreation Commission would work out and bring before Council. He was at a disadvantage and was not certain.

Mr. Toney saw a difference between the Parks and Recreation Commission and the Events Committee. The Parks and Recreation Commission is designed to sponsor leisure time events utilizing the parks. He thought the grant spoke to neighborhoods and not the Town. There were discussions held at the Ginn Park Committee meeting about how to define the word neighborhood. When looking at the word

neighborhood, it was thought that would be the area around the park. It would include Port of Dumfries and the Graham Park Road area because those are impoverished areas. He did not think they would be in violation. He thought if proof could be shown that they live in the surrounding neighborhood it would be fine. He noted these things could be worked out. He noted the County gave the Town the money to serve the people. He knew there would be some who lived outside the Town; however, it is still providing service to the people. He noted it was incumbent upon the Council to decide and would defer to the attorney, but he did not think that would be in violation.

Mr. Wood clarified that this agenda item is focusing on the Charter for the Commission that will provide direction. He mentioned the great point the Mayor brought up about using the 2012 Capital Improvement Plan, Parks and Recreation section as a founding document. He thought that once the Commission gets together they would move forward with programming and creating policies. The Council has already heard about an issue with Star Bethlehem not being able to use the park for movies on the lawn at night because there is no policy in place.

Mayor Foreman asked what the reasoning was behind taking out the trial period of one year from the Charter.

Mr. Wood explained the motion Ms. Forrester made was to have the Parks and Recreation Commission for the one-year period receive no pay and not for the Commission to be for a one-year period. He noted she was here and could speak to that.

Ms. Forrester confirmed that was her motion.

Mr. Toney moved, seconded by Mr. Wood, to establish a fluid charter that allows for changes, include the language changes, and incorporate the language the Mayor referenced. The motion carried 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.

**D. COUNCIL MEMBER COMMITTEE APPOINTMENTS TO THE NORTHERN VIRGINIA CIGARETTE TAX BOARD (NVCTB), EVENTS COMMITTEE, AND PARKS AND RECREATION COMMISSION – DAN TABER**

Mr. Taber stated it was Council policy to make appointments to the various Boards and Commissions for vacancies to be filled by Council Members.

Mayor Foreman asked if the Events Committee needed a charter.

Ms. Forrester is not a fan of committees. She pointed out the committees were to work on and hash out things like the Council's work sessions so these meetings would be shorter. She pointed out Council has not gotten that right yet. Council was not requiring these committees provide the same type of

documentation a commission would. It is a committee. It was her understanding that it was just going to be Council Member's with one or two other people to provide some additional input. The point was to work things out and make recommendations to the body as a whole. There was no charter anticipated to be part of that. She asked if she misunderstood.

Mr. Taber noted that was his impression.

Mr. Brewer thought the Events Committee was put in place to assist the individual who was hired as the Community Services Director who was not familiar with what was going on. He felt the Community Services Director should be familiar now.

Ms. Forrester did not agree with that since the previous Director was still here when she attended a few of the meetings.

Ms. Forrester moved, seconded by Ms. Reynolds, to nominate and pass the resolution appointing Gwen Washington to chair the Events Committee. 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 MAKING COUNCIL COMMITTEE/COMMISSION APPOINTMENTS**

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

WHEREAS, the Committees structure is designed to be used to study, advise, report, and/or make recommendations to the entire Town Council; and

WHEREAS, appointments need to be made to the Committees/Commissions that Council keeps active; and

WHEREAS, all appointments made shall be for a term of one year; and

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

NOW THEREFORE BE IT RESOLVED, that the Events Committee be affirmed and that Gwen Washington be hereby appointed to serve a one-year term that shall expire on June 30, 2014.

Mr. Wood moved, seconded by Ms. Washington, to nominate and pass the resolution appointing Charles Brewer to the Northern Virginia Cigarette Tax Board. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, abstain; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, no; 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 is going to expire on June 30, 2013; and

WHEREAS, Council is prepared to make an appointment to serve a term of one year starting July 1, 2013.

NOW, THEREFORE BE IT RESOLVED by the Town of Dumfries Town Council that Charles Brewer hereby be appointed as the Town of Dumfries representative for a term that will expire on June 30, 2014.

Mr. Toney moved, seconded by Ms. Reynold, to nominate and pass the resolution appointing Derrick Wood to chair the Parks and Recreation Commission.

Mayor Foreman expressed that Mr. Wood has a mobile food vending business and will be in charge of the Commission that will be scheduling events. He did not think Mr. Wood's business should be allowed to participate in the events.

Ms. Forrester thought Council just needed to ask for an opinion from the attorney.

Mr. Brewer pointed out it is a matter of monetary gain. He noted if Mr. Wood was making decisions on food vendors then it is a conflict of interest.

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.

**RESOLUTION MAKING COUNCIL COMMITTEE/COMMISSION APPOINTMENTS**

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 needs to officially dissolve the Ginn Memorial Park Committee as of August 1, 2013; and

WHEREAS, the Commission structure is designed to be used to study, advise, report, and/or make recommendations to the entire Town Council; and

WHEREAS, appointments need to be made to the Committees/Commissions that Council keeps active; and

WHEREAS, all appointments made shall be for a term of one year; and

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

NOW THEREFORE BE IT RESOLVED, that the Parks and Recreation Commission be affirmed and Derrick Wood be hereby appointed to serve a one-year term that shall expire on June 30, 2014.

**E. RESOLUTION TO APPOINT CITIZENS TO THE PARKS AND RECREATION COMMISSION – VICE MAYOR TONEY**

Mr. Taber noted it was decided at a previous meeting to create the Parks and Recreation Commission that would be comprised of five volunteer citizens, a staff person, and a Council Member selected to act as Chair. An advertisement was published seeking citizens to serve on the Commission.

Mr. Toney announced that six individuals submitted requests to serve on the Commission. The current Ginn Memorial Park Committee has recommended Bobby Connett, Matthew Critchley, Daniel Miles, Shaun Peet, and William O'Kelly Russell.

Mr. Toney moved, seconded by Mr. Foreman, to appoint the recommended individuals to serve on the Parks and Recreation Commission.

Ms. Reynolds questioned having all males on the Commission. It was noted that one female expressed interest; however, she did not apply. Ms. Reynolds explained there should be a more diverse membership since woman look at things and do things differently than males.

Ms. Forrester pointed out that Council goes through a process to get a better idea of where someone's interest is; however, Council does not have to follow the process to appoint an individual.

Ms. Washington agreed and thought that it should be included in one of the criteria that at least x number of members are females.

Mr. Wood noted there was a seat still available. He asked if the staff member had been appointed.

Mr. Taber recommended Cydny Neville.

Ms. Forrester wanted to make sure Ms. Neville was there in an advisory capacity. Anything the Commission recommends and Council adopts or Council decides on Ms. Neville would be responsible for implementing. The staff member should be there for informational purposes, answer any questions, but not provide input just as any other member would.

Mr. Taber clarified the general role of the staff member on a committee is to provide support in a variety of different ways. For example, provide information to help compile reports. The staff member does not have the same role as an appointed member.

Ms. Hobgood asked for clarification on who was serving for a two-year term and who was serving a three-year term.

Mr. Wood clarified that the terms were determined to be staggered; however, the terms were not going to be determined until the first meeting of the Commission.

The motion carried to appoint Bobby Connett, Matthew Critchley, Daniel Miles, Shaun Peet, and William O'Kelly Russell to the Parks and Recreation Commission 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.

**F. APPROVAL OF FUNDING FOR CONCERT SERIES – COUNCILMAN WOOD**

Mr. Wood explained Council budgeted a line item for programming. The Commission is going to bring forth more recommendations after this year for a summer concert series; however, with summer already beginning the Commission is working on two outdoor evening concerts. The anticipated cost for both events is \$11,000.

Mr. Brewer questioned the timeframe of the event, security or police involvement, and parking adding that the park does not have any regulations in place.

Ms. Forrester clarified this is a request to allocate funds. The implementation and planning would be the responsibility of the Town Manager. She looks forward to what the Commission recommends. She reminded Council that their role is to take those recommendations and decide for or against them. She also did not want Council to think of the Commission as limiting them as a body. If a Council Member would like to suggest an event, the body approves it, then it would be the Council's right to direct the Commission to handle the event.

Mr. Brewer asked if an ABC license would have to be acquired if wine vendors are invited.

Mr. Taber noted they would and it would be in a restricted area.

Mr. Brewer asked what the cost would be in overtime for the Police Department.

Mr. Taber indicated that would depend on the length of time and number of expected attendees. He would have to get with the Chief to come up with a figure.

Mr. Brewer would have to see the total cost on everything before he could vote on it.

Ms. Forrester moved, seconded by Ms. Reynolds, to approve the allocation of \$11,000 for two concerts. The motion carried 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.

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

**IN RE: CLOSED SESSION**

Mr. Wood moved, 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 9, 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.**

**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 9, 2013 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.**

Mr. Wood moved, seconded by Mr. Foreman, to reappoint Mr. Webb and Ms. Waggy and appoint Mr. Praino to serve an unexpired term on the Planning 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.

**WHEREAS, the Town Council has previously appointed a Planning Commission to carry out the responsibilities of this organization in state law; and**

**WHEREAS, Council has learned that three (3) appointments are needed to the Planning Commission; and**

**WHEREAS, Council is now prepared to make these appointments according to law.**

**NOW, THEREFORE, BE IT RESOLVED by the Town of Dumfries Town Council that the two following individuals, Louise Waggy and John Webb, be and are hereby reappointed to the Planning Commission for terms that shall expire on June 30, 2017.**

**BE IT FURTHER RESOLVED by the Town of Dumfries Town Council that the following individual, Louis Praino, be and hereby is appointed to fill an unexpired term that shall expire June 30, 2016.**

**IN RE:       ADJOURNMENT**

Mr. Foreman moved, seconded by Ms. Reynolds, to adjourn the meeting. The motion carried by the following voice vote: Mr. Brewer, no; 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