

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON AUGUST 19, 2014, AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:

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

THERE WERE ABSENT: None

IN RE: CALL TO ORDER AND ROLL CALL

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

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

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

IN RE: ADOPTION OF THE AGENDA

Mr. Taber requested adding the expenditure report for the Concert held on 8-17-14.

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

IN RE: CITIZEN COMMENT

Mr. Taber read the following email from Deborah Greaux.

“I just wanted to send an email about Sunday’s event in the park. My family and I had an enjoyable time and the music was excellent, wonderful artist. We are looking forward to the upcoming event this Sunday.”

Cleveland Anderson apologized for not getting his sign down in a timely manner. The sign, the honor that they won was a year of hard work. It saddens him that as a partnership with the Town that we could not enjoy it together. The stoplight on Route 234, which was changed for an extra 10 seconds, when it is working right, it is working right. A lot of cars that go through there. He was told that there is a connection between that light and the one on the other end of Town and if there is a malfunction at this end, it affects the one up on top of the hill. He is concerned the timing is off. He asked if there was anything in the works in the near future about placing the utility lines underground. He thanked Council.

Rick Watson, Deacon and acting Chief Operating Officer of Grace Church, stated the Church has an open door policy and repeatedly saying the doors are open to discuss any issues the Council may have with what the Church is doing in the community or for the community. He found it concerning that disdain felt toward the Church as an assembly was revealed to the Church by a member of the press. It makes him wonder if the Town even wants them there. When he learned of public comments made by Council Members that paints the Church in a negative light you have to wonder if the Town really wants the Church here. The Church has been required repeatedly to go above and beyond what we are asked to do for whatever project the Church has and the Church has complied every time, the Church wonders do you want us here. Last year alone they gave 14,000 pounds of food, 275 backpacks to the school, and 300 kids were able to celebrate Christmas because of the Church's efforts. They have to ask themselves whether they want to be here and that is a hard question. The Church has endeavored to partner with the Town. Time and time again, they wonder whether the Town wants the Church here.

Sam Harrison wanted to speak on stormwater management and he has a background in stormwater management. He worked for the DC Department of Sanitation and studied civil engineering at the Virginia Military Institute. He can recognize an engineer when he speaks to one. He went back in his paperwork, stormwater was being talked about back in 2008, and nothing has been done. As far as he can tell, he does not think that a real civil engineer ever worked for the Town, including the current one who says he has that title. He recommended that the Town have a Human Resource Department that makes sure that everybody who applies and make sure that the resumes is truthful and accurate. He also recommended considering some sealed bids for the work that the Town contract out. He noted that we have seen what the older generation can do and he would be fascinated to see what the younger generation can do. He knows more about stormwater management than anyone else in the room knows.

IN RE: INFORMATION ITEM(S)

A. TREASURER'S REPORT (JULY 2014) – RETTA LADD

Mayor Foreman asked what the \$639.92 was for out of the equipment/repair in the Information Technology (IT) budget.

Teresa Young, IT Manager, explained it was the licenses for Microsoft Word for the laptops at the Police Department.

Mayor Foreman asked what the \$2,823 was for out of the professional contracts in the stormwater management budget.

Mr. Taber did not have the information available and would email Council what it was spent on.

Mayor Foreman asked that a spreadsheet be provided from 1994 to present.

B. ANNUAL REPORT ON TOWN FINANCES PURSUANT TO §2-83(b)(14) – DAN TABER

Mr. Taber stated that per State statute each year within 45 days of the end of the fiscal year, the Treasurer provides the unaudited totals to Council. The surplus was approximately \$750,000. He was prepared to answer any questions Council may have.

Mayor Foreman asked when the audited FY13 report would be provided to Council.

Mr. Taber noted the audit was being worked on. He advised that there was a deficiency on the part of the contracted individual to deliver on time. A request for proposals is being worked on to get a new firm to do the audit for the next fiscal year. A penalty was applied for failure to deliver on time. He pointed out the firm is far enough into the audit that it is not financially worth going back out and hiring another firm to do the audit.

Mayor Foreman commented the projected business license for contractors was \$32,000 in FY13 and only collected \$13,000, which left a shortfall of \$19,000. This year's projected amount is \$28,000, but only received \$13,000 last year. For business license, other we projected \$23,000 and have only received \$6,500, which is shortfall of \$16,500. This year the projected amount is \$15,000. He mentioned there is a possibility for a shortfall of \$9,000 in one and \$15,000 in the other category for a total of \$24,000 this year.

Mr. Taber stated that when projecting some of the revenues it is as much an art as it is a science. The revenues will be looked at during the mid-year budget review and if they need to be adjusted that would be the time to do it.

Mayor Foreman noted there is a surplus of \$750,911 mentioned; however, the letter only accounts for \$478,900. H pointed out that is \$272,000 unaccounted for.

Mr. Taber explained that rather than list every line item in the letter he accounted for the major ones based on the dollar amount. He noted that if Council would like him to break it down completely he could do that and provide it to Council.

Mayor Foreman explained that when the budget is gone over comments are made about him nickel and diming the Town Manager. Well at the end of the year, \$500,000 can be accounted for in major items and the rest is nickels and dimes that add up to \$250,000. He pointed out that is one third of the additional surplus.

C. CHANGE IN LEGISLATION - §15.2-2208.1 DAMAGES FOR UNCONSTITUTIONAL GRANT OR DENIAL BY LOCALITY OF CERTAIN PERMITS AND APPROVALS – OLAUN SIMMONS

Mr. Simmons noted this law went into effect on July 1, 2014 and the Town has been receiving quite a few conditional use permits applications, site plans, and rezoning applications. This is being provided for informational purposes only. The new law essentially requires governing bodies to grant or

deny permits or applications in a way that does not violate the Constitution of the United States or Virginia. He felt that the Town was doing a good job in this regard.

D. EXPENDITURE REPORT CONCERT 8-17-14 – DAN TABER

Mr. Taber stated the amount budgeted for the concert was \$3000 and the total amount spent was \$3,008.96.

IN RE: DISCUSSION ITEM(S)

A. WORD OF FAITH CHRISTIAN FELLOWSHIP CHURCH – LAURA O'DELL

Ms. O'Dell received an application for a Conditional Use Permit (CUP) for the Word of Faith Christian Church to have a daycare at 17650 Possum Point Road. The CUP was previously approved with the understanding that the property needed to come into compliance before the daycare could operate. There was a lot of discussion about the parking lot having to be paved; however, it was not part of the motion for approval. It just stated to be brought into compliance. She is bringing it to Council to make sure there is no confusion. She wants to allow the Church to operate because the plan is to stripe the parking lot that pertains to the daycare facility. Town Code just requires that it be a stable material and does not state specifically that it has to be paved. The Church wants to enter into some type of agreement to allow them to operate while they continue to secure the funds to pave the entire parking lot in their five-year plan.

Mr. Wood asked what Council needed to do to move the Church forward in order to operate the daycare.

Ms. O'Dell stated that she could just issue the certificate of occupancy and CUP; however, she did not want to do that without discussing the matter with Council.

Mr. Wood asked what action staff was looking for.

Ms. O'Dell stated she just wanted to make sure that Council was okay with that decision before moving forward pending the Church provide a five-year plan to pave the parking lot and take safety measures.

Mr. Taber suggested that prior to giving the authority to proceed that Council provide some guidance or concur with a limited two-year CUP during which time progress has to be shown toward paving the parking lot.

Ms. Forrester was reluctant to allow the Church to operate. When this was discussed, the Church asked for five years to come into compliance. The answer was no then. The CUP was approved if and when the parking lot came into compliance. She did not understand why this was coming back to Council when staff already has the answer. The CUP belongs to the property and not the owner of the business. She did not know if a term could be placed on the CUP. She needed more time to think about the matter.

Ms. O'Dell stated it runs with the property unless something like that is imposed.

Ms. Washington asked if the CUP goes with the owner of the property or with the business who is leasing the space.

Ms. O'Dell the use on the property.

Ms. Washington wanted something in place with the property owner. She felt Council needed more information.

Ms. O'Dell stated that could be done.

Ms. Reynolds asked when the Church was trying to open the daycare.

It was confirmed that the Church wanted to open it as soon as possible.

Ms. Reynolds asked if Council could talk to the property owner.

Mayor Foreman stated that Council has talked about the agenda item forms and there was no recommendation on the agenda item form from staff and a packet should go with things like this. He had to go back to August 20, 2013 and pull up the agenda item form. He went back and watched the hour and twenty-minute discussion that Council had. There was discussion about attaching a bond to the CUP and the answer was no. There was discussion about a time limit with the CUP. The question was asked what happens after two years. Does Council kick the business out? The verbiage that was used by the Planning Commission (PC) that night was approve with the following condition, property needs to conform to the Town ordinance parking code. Council voted five to two that night and agreed with the PC. The Code states off-street parking areas or loading or service areas shall be surfaced with a stable material that will not track onto pavement, such as asphalt, concrete or other approved all-weather surface. The diagram presented by staff does not show traffic flow, ingress or egress, or a staging area. He asked what happens if there are more than six cars dropping kids off. He has concerns about the bus and moving truck that are parked in the same area. It blocks off emergency access to the playground area. He is disappointed that there was no staff recommendation and at a minimum, the materials from August should have been included with the notes in order to compare.

Jürgen Van Dyke provided staff a brief history of the parking lot. It has been a problem over the years and it is considered a paved parking lot that has deteriorated over time. With the economy going downhill, everything he pays for comes out of pocket and he cannot get a loan. He has financial restrictions, has always been in compliance, and he feels they should be able to get the permit without having to do anything. It does not mean that he does not want to. He did not think it should be required because he is in compliance. He stated it would cost over a quarter million dollars and that does not happen overnight. He has three units that he needs to rent out, with that money after a certain amount of time, depending on what the build out costs are, he might be able to get a loan. At that point, he can look into

parking. Knowing when he will have the money to repave is like him knowing when he is going to get a new tenant. At this point, he is slightly over breaking even. There is not much parking in the lot during the day and it sits mostly empty. The only time the parking lot overflows is when he allows other business to use it. Some of the deterioration is caused by how the water flows off Possum Point Road. It would be helpful to allow the Church to move forward. He hopes to progress forward, but it will be a slow process.

Ms. Forrester felt that was good information to know; however, Council decided all the conditions had to be met. She is confused as to why staff would come back and ask Council to do something opposite of the decision that was already made. She is sympathetic, but at the same time that was discussed and it was decided that those conditions were necessary. If that location did not work for the business then another location needed to be found. She was hearing that the property owner could not commit to a timeframe for the lot to be paved.

Mr. Van Dyke commented he is compliant and he should be able to get the permit regardless. He is willing to work with the Town because it is in his best interest too.

Ms. Forrester explained the property owner is compliant in the approved zoning area; however, the business is not allowed in that zoning district without a CUP and there are safety concerns. The Council intended for the property come into compliance.

Ms. O'Dell asked if signage and stripping in that area of the parking lot would be sufficient.

Ms. Forrester clarified that even if Council were to make an agreement with the Church for two years if the Church does not come into compliance then the Church will be kicked out.

Mr. Brewer did not know why this was even in front of Council since the conditions were already set. The Council asked that the parking lot be paved. Council cannot approve the CUP.

Ms. Reynolds asked what needed to be done and what the timeframe would be to get this project completed.

Ms. O'Dell suggested allowing signage and striping on the property to address the safety concerns.

Ms. Reynolds asked what the owner's timeframe is to come into compliance

Mr. Van Dyke explained that if he had a paved parking lot he could get 20 percent more per square foot. He needs to rent out three units in order for him to have enough capital to go to a bank and apply for a \$250,000 loan to pave the parking lot. He needs a new roof now because of the last storm. The estimate he got was \$82,000 and the insurance will only pay \$22,000. His goal is to pave the parking lot. He can address the safety issues. He believes the way the parking would be set up there would be absolutely no reason for children to be walking in the parking lot.

Ms. Reynolds was concerned that there was no timeframe. She noted the concern is if the CUP was modified for two years that the work would not be done.

Mr. Van Dyke could agree to once he gets three units rented, that within 12 months he could pave the parking lot. He is being honest about what he can agree to.

Ms. O'Dell stated it would allow the Church to operate until the timeframe is up.

Mr. Van Dyke noted there might be a way to pave different parts of the parking lot in installments.

Mr. Wood asked what the minutes said.

Mayor Foreman stated the minute's state the parking needs to conform to Town Code.

Mr. Wood asked if the property is in compliance with Town Code.

Ms. O' Dell stated the property is not. Town Code requires that if you have more than five parking spaces they need to be delineated. Once the spaces are delineated, the property would be in compliance. It was her suggestion to that once that was in place the property would meet the safety concerns especially if there was mitigating signage on the property. She was before Council tonight to discuss this, there is no action requested, and she did not have a recommendation.

Mr. Van Dyke could come into compliance with the stripping and signage now.

Mr. Wood suggested getting into compliance and coming back then.

Mr. Brewer was concerned with the lot using crushed gravel.

Mr. Van Dyke noted it is very compact and would not be a problem to paint.

Mr. Brewer asked how crushed gravel is going to be painted and not move. This is the first time he has ever heard of putting a condition on CUP. He noted that putting conditions on a CUP is how Potomac Landfill got here.

Ms. Forrester was concerned with whether the Council required paving and asked for the property to come into compliance. The conditions were already decided on and the applicant needs to comply. She is unsure why staff would bring this to Council to discuss instead of just requiring compliance. She wanted to know if the motion was to come into compliance with the Town Code, because if that was what was passed Council does not need to see this anymore.

Ms. Forrester moved, seconded by Mr. Wood, to direct the Town Attorney review the Council's decision and come back with a determination.

Mayor Foreman stated the parking lot used to be paved then it went to gravel when it was a warehouse. The building was never intended to be used for several businesses. He did not think this was ready to come to Council for a decision. He felt there should have been a full packet and if the CUP had been met, Council would not be having this discussion. The conditions have to be met.

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.

**B. UPDATE ON GINN MEMORIAL PARK STORMWATER MANAGEMENT –
RICHARD WEST**

Mr. West worked with the on call consultant who is recommending a bio retention Best Management Practice (BMP). This would slow down the initial rush of water you get from a storm and then slowly release what has been retained into the soil. The consultant is asking that a soil investigation be done first to make sure that it is the proper soil for the kind of water percolating through the soil at a cost of \$11,000. The preliminary engineering estimates, construction, and contingency estimates are totaling \$73,000. This would be built on the east side of Ginn Memorial Park centered on the ditch between the multipurpose field and the basketball court and the gardens. A small portion of the multipurpose field would be used for the BMP. There is about twice as much money remaining in the stormwater management fund. The first thing to do would be to get the soil investigation done to make sure the approach being taken is the right one.

Ms. Washington asked if staff had more than one engineer look at the project. She asks because in the 70 plus years that she has been in the Town she has seen projects done and then redone. One of those projects was Duke Street and the water that goes down in front of her house.

Mr. West indicated that has not occurred. He noted that staff is working with Rinker Design Associates (RDA) the Town's on call consultant for expediency and RDA has done very good work for the Town in the past on stormwater management. He is confident with the work they have done and the fact that RDA wants to conduct soil tests to make sure the project will work before they begin solidifies his opinion about their work. He noted the project could be put through the bid process; however, that will slow down the overall construction.

Ms. Washington understood the time restrictions, but it scares her because she has seen it done so many times before. Putting a lot of money into a project, to have to come back and take it out, to start all over again. She used Mine Road project on the curve as an example.

Mr. Brewer asked what the \$4,000 contingency was for.

Mr. West explained that is just in case costs go up or there is an unforeseen condition.

Mr. Brewer felt that was an awful lot of money and that it should have been done in the first place. He agreed with Ms. Washington that a couple more companies needed to be looked at.

Mayor Foreman asked what was not going to get done.

Mr. Taber indicated that nothing in the existing budget for stormwater management is going to be effected, including a variety of things, such as cleaning out ditch lines and cleaning out stormwater devices and manholes. What will be effected is the ability to use the approximate \$73,000 if a need comes up. The \$40,000 for Quantico Creek will not be touched. The plans for the money that has been set aside in the

budget are not going to be effected at all; however, that is a viable question. He stated this was not done right to begin with and is not trying to shade it at all.

Mayor Foreman noted that there has been some severe rain this year that has gone into the Port-O-Dumfries drainage. The Town was lucky that no homes were damaged and the funds are being touched for stormwater management. He would like to use caution with spending money and to spend it fiducially. He felt that bids need to be gotten and it is the correct way to move forward. A precedence is being set. There are homes that are being damaged along Quantico Creek because of flooding. Mine Road has had damage because of flooding and the Town went over and fixed the road. There is flooding at the Port-O-Dumfries because of Town property and the problem is being fixed with stormwater management funds. The next time one home floods on Quantico Creek he will be the first one saying that all the money in the stormwater management fund needs to be diverted to Quantico Creek. Council owes it to the citizens, because Council is saying there are different standards. He agreed with Ms. Washington to get bids. The decision has already been made to do it by Council. Let us not rush when money can be saved to be used on another project somewhere else.

Ms. Reynolds asked if the meeting started with it being said that there is a surplus of funds.

Mr. Taber explained there is in the budget that just ended. He pointed out that the surplus goes into a general fund.

Mr. Wood asked if there was any other instance where Town property flooding caused damage to public property.

Mr. Taber indicated that to the best of his knowledge no, it has been other issues in the environment.

Mr. Wood did not feel this is a precedent being set. This is something that was brought to their attention that Council is doing what is necessary to fix the problem based on property the Town owns that was not done correctly. He agreed the project should go out for bid.

Ms. Washington agreed that Council is not setting a precedent. She wanted to see this done right the first time.

Ms. Forrester moved, seconded by Ms. Washington, to direct staff put the project out to bid as soon as possible.

Mayor Foreman clarified that the water flooding Mine Road is not coming from Town property.

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.

C. PROCLAMATION IN SUPPORT OF NATIONAL CHILDHOOD CANCER AWARENESS MONTH – VICE MAYOR TONEY

Mr. Toney explained this item was initiated by an email that was forwarded to Council and feels Council should support it.

Ms. Forrester moved, seconded by Mr. Toney, to move the resolution to the consent agenda for adoption at the September 9 meeting and include it under presentations. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

D. APPOINTMENT TO THE PARKS AND RECREATION COMMISSION – COUNCILMAN WOOD

Mr. Wood moved, seconded by Ms., Reynolds, to move the resolution to the consent agenda for adoption at the September 9 meeting. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

E. BUSINESS LICENSE APPLICATION – MAYOR FOREMAN

Mayor Foreman stated this is a continuation for a series on economic development. He first addressed the 2020/2025 Vision Statement, which was discussed on March 14, economic development was discussed on June 17, and conditional use permits were discussed on July 22. He wanted to discuss the Town's business license application. He noted the property owner is not involved. He noted the reason he brought this up was that there was a business that got a business license, it was a by-right use, but when the business owner went to do something on the property it was questioned whether the business owner had the property owner's permission. There are numerous, counties, cities, and towns that have the application online, can be filled out, and submitted all at the same time. The Town's website is great place for finding the business license, and it states more than what is on the application itself. He noted the City of Manassas has a checklist that serves as a guide as to what people need to do. Prince William County's (PWC) application asks if you are a resident. Maybe a short guide can be added to the top of the application, which matches what is said on the website, and staff can explore the online vehicle for submitting the application.

Mr. Wood thinks being able to pay without coming in is beneficial. He feels it will move the process along faster.

Ms. Forrester moved, seconded by Mr. Foreman, to direct staff to research streamlining options and schedule the matter for an action item at a future meeting.

Mr. Brewer asked if the business license is already filled out whether it would have to be integrated with something else here with the Town.

Mr. Taber explained there are several things coming together other processes. He mentioned inspections was one.

Ms. Reynolds wanted costs to be included that are associated with building and maintaining a database and any equipment that would be required.

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.

F. PROCLAMATION IN SUPPORT OF NATIONAL SUICIDE PREVENTION WEEK – DAN TABER

Mr. Taber mentioned they were asked to get Council support on this cause. He noted a well-known celebrity recently ended his life by way of suicide. The Wounded Warriors program has a hotline, but sometimes we fail to acknowledge the fact that people every day are committing suicide. He thinks by passing the resolution the Council is at least encouraging individuals to do things short of moving forward with perhaps the intent to end their lives with other options that are available.

Ms. Forrester moved, seconded by Mr. Wood, to move the resolution to the consent agenda for adoption at the September 9 meeting and include it under presentations. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, absent; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

It was noted that Ms. Reynolds stepped away from the dais.

G. PARKS AND RECREATION COMMUNITY GARDEN POLICY – DAN TABER

Mr. Taber explained that this was to be addressed tonight since it was to include input from the Parks and Recreation Commission. The Commission did not have a quorum at the last meeting and was unable to discuss the policy. The application has been removed from the website until it can be addressed properly.

H. CITIZEN COMMENT POLICY – OLAUN SIMMONS

Mr. Simmons stated this first came before Council at the July 22 work session. Council suggested some amendments, which were made and brought back to Council at the August 6 meeting under the consent agenda. It was removed from the consent agenda for further discussion. The language was changed to the length of time for citizen comment and the limit of how many citizens can comment during that time was removed. The language was changed allowing a chair, representative of a board, commission, or committee the ability to speak for eight minutes. The suggestion of Council not being allowed to comment during citizen comment period was added too.

Mayor Foreman asked to remove the item from the consent agenda because paragraph five states, all remarks shall be addressed to Town Council as a whole and not to any member thereof. When citizens speak, there are times that they address the whole Council; however, there are also times when a citizen addresses an individual Council Member, the Town Manager, or staff. He has looked at other localities and it does not say as a whole, just addressed to the Town Council. He asked for a recommendation. He asked what Council is supposed to do if a citizen comes up and addresses a specific Council Member.

Mr. Simmons stated the language is a guide to the citizen on suggestions of what they should be doing when they come before Council. He did not think it was advisable to have a citizen sit down because he makes a comment to a specific Member. He thinks that the way it is written will be fine for the purpose.

Mr. Toney agreed Council should be addressed as a whole. The Council makes decisions as a whole.

Ms. Washington agreed with the language. She stated that whenever you go somewhere to address someone there is a special decorum. She asked that when the Mayor asks the Town Manager if anyone signed up to speak, that the Town Manager remind citizens of the amount of time they have and to speak to Council as a whole.

Ms. Reynolds moved, seconded by Mr. Toney, that the resolution be moved to the consent agenda for adoption at the September 9 meeting. The motion carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, absent; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: CLOSED SESSION

Mr. Wood moved, seconded by Ms. Forrester, 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 August 19, 2014; and

WHEREAS, the nature of the subject is the discussion and consultation with legal counsel pertaining to actual or probable litigation regarding zoning violations. The discussion of same in Closed Session is expressly permitted by Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended.

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

It was noted that Mr. Brewer did not attend the closed session.

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

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 August 19, 2014 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

IN RE: ADJOURNMENT

Mr. Foreman moved, seconded by Mr. Wood, to adjourn the meeting. The motion carried by the following voice vote: Mr. Brewer, absent; 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