

AT A CONTINUED MEETING AND A WORK SESSION OF THE DUMFRIES TOWN COUNCIL, HELD ON AUGUST 20, 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 (joined the meeting during the first public hearing)
Helen Reynolds
Gwen Washington
Derrick R. Wood
Daniel Taber, Town Manager
Christine Sanders, Town Attorney

THERE WERE ABSENT: None

PLANNING COMMISSION (PC) PRESENT: Christopher Padberg, Vice Chair
Naeem Arshad
William O’Kelly Russell
Louis Praino

PLANNING COMMISSION ABSENT: John Webb, Chair
Selonia Miles
Louise Waggy

IN RE: CALL TO ORDER AND ROLL CALL

Mayor Foreman called the continued meeting to order. Dawn Hobgood, Town Clerk, took roll call for the Council and the Commission.

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 asked to add to the agenda Item VIII-C, Information for the Public to Dispel Rumors of an Event Advertised to Occur at Ginn Memorial Park.

Mayor 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, absent; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: ACTION ITEMS

A. JOINT PUBLIC HEARING – WORD OF FAITH CHRISTIAN FELLOWSHIP CHURCH – LAURA O’DELL

Ms. O’Dell stated the Town received a conditional use permit (CUP) application for 17650 Possum Point Road for a daycare facility with up to 100 children between the hours of 6:00 am and 6:30 pm. This

is a permitted use under a CUP for the FB/O-1 district. There is currently a church operating from the property so the daycare would be a secondary use. Located on the site is a very large building that is used for a work out facility where they hold personal group training. She recommends approval of the application. The Planning Commission has concerns with parking on site. The parking regulations state that any building built after 1978 has to conform to the parking regulations in Town Code. She was told it was built prior to the 70's; however, there were no building permit applications on file for the property because at that time there was not good record keeping. It was stated that in 1975 it was a flea market, then a roller skating rink, and then a church. She did not agree with it being a reasonable request to require the parking lot be paved for the use of a daycare. This is not an application like a rezoning where you can require a paved parking lot for an entire site as a proffer. It is a CUP that can only have conditions put on the application that is being applied for.

Mayor Foreman stated he would save his questions until the Planning Commission held its public hearing.

The public hearing was opened to public comments.

Jeanette Coats stated they were just trying to do something in the Town that will help with employment and a safe haven for children. She has operated a daycare for many years, which originally started in her home. She noted there are State regulations that they will have to follow. They have already started the process for all of the other licenses and permits required.

Duane Coats, Pastor for Word of Faith Christian Fellowship Church, was before the Commission twice and was given things to be done. The first time they complied with the requests and the second time, he felt the requests were very unreasonable. He believed they were in compliance, would meet all of the Town and State standards, and have gone through the proper permits and preparing for ones that are still needed. He asked for the requirements at the second meeting be provided to him in writing because he did not understand them and he was never provided with a response.

Samone Walley has been attending the Word of Faith Church for over 10 years and worked at the daycare that was previously located in the Dumfries Shopping Center. She thought this would be a very positive thing for the community. The people who are going to be running the daycare are experienced and stay in compliance with the State. There have never been any issues with parking since she has attended the church.

Mr. Wood asked Pastor Coats to elaborate on his statement of unreasonable requests.

Pastor Coats said he was asked to pave the parking lot, stripe the parking spaces, and bring the building into compliance with Town Code or the building would be considered noncompliant. He asked

for a definition and was not provided any clarity. He felt the property owner should have brought the building into compliance when the building was purchased. He asked for clarity on exactly what needed to be done and what it meant to conform after 1978.

Ms. Forrester arrived in the middle of Pastor Coats response.

There being no further comments the public hearing was closed.

Mayor Foreman recessed the Council meeting to allow the PC to hold its public hearing.

The PC commenced its public hearing.

Mr. Padberg clarified the application was discussed during a work session and at a regular meeting. This is the first public hearing for the PC.

Mr. Russell explained the main issue the PC had was the existing surface of the parking area not being adequate. When the application came before the PC, the PC had questions, and did not feel the application was complete. At the second meeting, the applicant provided a plat showing the layout of the parking area that met the required parking. The PC needed clarification on how the play area in the rear was being confined. The application showed two fences; however, along the property line there was no delineation of a fence. The applicant stated a fence was already in existence along the property line. The issue came up again with the parking and the circulation of traffic for dropping off children. It was clarified at the second meeting that there was not going to be a drop off area, vehicles would be parked, and a guardian or parent would walk their child into the building. On the plat with the traffic circulation there was a U-turn shown in the middle of a travel way, which was very confusing to some of the PC Members. The recommendation was made that the applicant show a circulation pattern as to where the cars would go through and not make a turn that was not possible. The only other issue outstanding from the last meeting was the treatment of the parking surface and whether it should be paved or left as gravel. The applicant has stated that is something they are not responsible for and is the owner's responsibility.

Mr. Arshad had issue with the parking spaces not being marked.

Mr. Praino explained the reason the application was kicked back was because of ordinance section 70-13, which reads as follows. "Every use or structure instituted, constructed, erected, enlarged, or structurally altered after January 18, 1979, shall provide off-street parking and loading facilities in accordance with the provisions of this article, except as otherwise provided for in this article." The fact is in 1979 there was a roller skating rink there. In 1981/82, it was a thrift market. Currently there are four separate businesses operating out of the building. A church with a possible day care center, a gym, and a tax preparation business. Each of these uses have requirements. On the blueprint of the floor plan provided in the application from Killelte and Associates it reads alterations to a structure. If it was never done in

the past or caught in the past for whatever reason, it is before the PC now. Another problem is shared parking. There are four businesses operating from that location and some operate during the same hours. A shared parking agreement is required in the zoning ordinances. Code states “shall provide” and leaves no lead way for the PC. If you do something to a building after 1979, the ordinance applies. Site plans are specific to the way they are supposed to be submitted; however, the Zoning Administrator (ZA) has a little lead way. The PC goes by what she needs and provides to them. He recalled that Mr. Padberg mentioned at one of the meetings that a specific detailed traffic pattern has to be on file to show where children will be dropped off, where the vehicles are going to park, etc. It appears that the application as written has a few things missing. The ordinance states when there are five or more parking spaces, such spaces shall be laid out on the parking surface with paint or plastic stripping. He did not believe the occupant should be the one who provides this and should have been mandated when permits were issued and a certificate of occupancy was issued, which would place that on the property owner.

Mr. Padberg stated the project was brought to the PC at a work session and no public hearing has been held on the application. A system is offered in the Town where if a property owner, developer, or tenant has an idea about developing or improving a property they are welcome to come to any of the PC meetings. Sign up with the ZA to get on the agenda to come in and explain to the PC what their idea is. It is a relatively new process and is very productive. It provides a developer to come to the PC prior to spending money with a consultant to get feedback on what the PC would be looking for. It is not a checklist and it is not a matter of saying if these five things are done you will be approved. It is to open the process up as much as possible. He feels this may be what started the confusion with the applicant in this case. He pointed out, as Council is aware, there are many business sites in the Town that are legally non-conforming or grandfathered. That simply means I have a business use on my property that no longer conforms to the zoning district for any number of reasons. To keep from placing a hardship on the property owner the business is allowed to continue. If the business moves out and no longer operates for a specific period the right to have the same type of business is lost. This is what has happened with the property being discussed. It seems to have slipped into a retail shopping center through several iterations. During that time, none of the improvements to the site were made to conform to the current guidelines. Things like the parking lot and stormwater drainage. This is outside of the PC’s hands; it is not a decision that they can make.

Mr. Russell moved, seconded by Mr. Arshad, to recommend Council approve the CUP for the Word of Faith Christian Fellowship Church to operate a daycare with the conditions set forth that Mr. Praino outlined to come into compliance with the ordinance. The motion carried by the following voice

vote: Mr. Arshad, yes; Ms. Miles, absent; Mr. Padberg, yes; Mr. Praino, yes; Mr. Russell, yes; Ms. Waggy, absent; Mr. Webb, absent.

There was a brief discussion about whether the recommendation could or should be made without a mechanism of enforcement in place. It was determined the PC makes a clear recommendation to Council who has the final decision on whether the CUP is approved.

The PC closed its public hearing.

Council resumed its meeting.

Mayor Foreman stated the owner provided a letter of support to approve the project. In his opinion, it is incumbent on the owner to make the building safe. In order for him to approve this, a bond needs to be provided by the owner to improve the parking lot. There needs to be some sort of accommodation made where the roof drains to keep it from going into the playground. Doorknobs would need to be placed on the outside of the doors, as he is certain the knobs are only on the inside. The application states there would be 95 children at the daycare throughout the day; however, 30 children are not accounted for in the details of the application.

Ms. Coats stated the numbers are an approximation. The State will measure each room and give an exact number of children that can be in each room.

Ms. Reynolds asked who the owner of the property is. She wanted to know why one business was being singled out and none of the other businesses are being made responsible. She asked if the concerns have ever been addressed with the owner. She felt very regretful that the PC was being unreasonable. She asked if there was a checklist in order to be consistent in measuring each business the same. She wanted the PC to get with the owner because there is a business getting ready to start. From what she has heard and read in her mind, the PC did not do its job.

Ms. Forrester stated the PC could only work within the rules that are there. There have been other businesses that have wanted a CUP but when the building is a non-conforming use, the Council does not have the legal ability to grant a CUP. The PC has outlined what needs to be done in order for a CUP to be granted. She did not object to the Mayor's suggestion of having a bond with the owner, if the Town Attorney agrees that will work. The owner of the building wants to make money. It is a good incentive if the owner has to pave his parking lot in order to rent space; however, it is not on the property owner. The owner of the business should have some responsibility and awareness of what problems may arise with the location they are looking at. The CUP cannot be approved by Council and could be the victim of a lawsuit for not following the law. She was not certain how the other tenants of the building were not subject to the ordinance. Council cannot openly ignore the law now. She did not understand why the Town

would go into a bond agreement. The issue seems to be a landlord-tenant issue. It would be impossible for Council to grant a CUP, because the property owner has not discussed the issue and the property is still nonconforming.

Ms. Sanders explained a CUP could be permitted with the condition a bond with the property owner to pave and stripe the parking lot. Until the conditions are met, they could not occupy the building. There may be other conditions placed on the applicant related to the business. There certainly are proper zoning concerns with the health and safety of the traffic flow, where the parking is, and how it functions.

Ms. Forrester understood things differently. She thought if Council approved the conditions given by the PC, then if the conditions were not met, that the Council would be in a position to shut the business down until the conditions were met. However, what she was hearing is that the business cannot operate until the conditions are met.

Ms. Sanders agreed. Once the bond is in place, if the property owner does not meet the terms of the agreement, the Town could pull the bond and do the work.

Ms. Forrester did not understand. She explained that if Council approves the CUP dependent upon the property owner posting a bond, there is no way to guarantee the work will be completed. She indicated that if Council approves it upon the conditions of the PC that gives the business owners a little more control to either do the work themselves or use that requirement to get the property owner to do it in order to rent space.

Ms. Sanders stated the conditions of the agreement could be set up to ensure the work is done to the property.

Ms. Forrester would approve the CUP with the condition that the business owners could choose the terms of the agreement, whether it be a bond or another type of agreement.

Mr. Brewer noted the plat shows delineated parking. There is no delineated parking because it is a gravel lot. There are no traffic flow patterns. He asked if the daycare was providing meals and the type of fire protection in the building. He asked if the play area was free of any hazards. From what he has seen so far there are utilities near the play area, which is unsafe. The PC cannot bend the rules based on one business verses another. There are guidelines that the PC has to go by. He did not see a checklist would be feasible based on the number of businesses that go before the PC and want various things. He thinks a bond with the property owner would be the best option. It is the responsibility of the Town to ensure the safety of whoever inhabits the building in question. He agrees with the recommendation made by the PC.

Mr. Wood moved, seconded by Ms. Forrester, to approve the CUP with the recommendation made by the PC that the property owner bring the parking lot into conformity with the ordinance by posting a bond.

Ms. Forrester wanted to make sure there were options and that one of those options would be posting a bond. In other words, as long as the conditions are met without being specific as to how.

Mr. Wood agreed with the change in the motion.

Ms. Washington agreed with the PC. She felt sorry for the church because they are caught in a difficult situation. She believed the parking lot should have been done previously when the other businesses started to come in. She knows, as a property owner, that it is the property owner's responsibility to maintain and upkeep the property. She was adamant that this should be the responsibility of the property owner.

Mr. Toney asked Ms. O'Dell to elaborate on what she considered in reviewing the application to give the recommendation to approve the CUP.

Ms. O'Dell explained the CUP portion of the code does not have specific requirements that an applicant has to follow. The parking regulations, if the building was built prior to 1979, does not have to follow the regulations.

Mr. Toney asked if Ms. O'Dell if her determination was that the regulations did not have to be followed.

Ms. O'Dell explained that every use or structure instituted, constructed, erected, enlarged, or structurally altered after January 18, 1979, shall provide off-street parking. This building was built prior to that.

Mr. Toney asked if any of those things have occurred to the building after 1979.

Ms. O'Dell would argue the building has not been structurally altered because movement of load bearing walls, changing and effecting the structural stability and integrity of the building has not occurred.

Mr. Toney was hearing that if the building was built prior to 1979 and there has been no alteration to the footstep, etc. after 1979 then the zoning ordinance would not apply.

Ms. O'Dell agreed. She noted there is not a tax business in the building, there are four units in the building, and two of them are vacant.

Mr. Toney asked if any of the businesses in the building came before the PC or her for an occupancy permit.

Ms. O'Dell stated they had not.

Mr. Toney understood the business was trying to go through the proper process, as the ZA the determination was made that they meet the criteria although the interpretation of the PC is different. The PC believes alterations were made to the building internally, which constitutes an alteration so the laws that were promulgated later apply, to which Ms. O'Dell does not agree with.

Ms. O'Dell did not agree with the PC's interpretation.

Mr. Toney noted that was a point that needed to be clarified. Council needs to work with businesses and get them in the Town. This Town does not have a reputation of being friendly toward businesses. He agreed there should be checklist and that one could be put together. He served on the PC and thought there was one. He is hearing that the ZA, who has all kinds of experience and credentials, states the business meets the requirements; however, the PC, who are lay people like him, who have to interpret the rules do not agree.

Mayor Foreman stated the Town of Dumfries is friendly to businesses, has the lowest business, professional, occupational license (BPOL). He wants to see BPOL eliminated in the next budget. The Town is open to businesses. He has seen where Council has asked and staff has provided their opinions. He respects Ms. O'Dell's and the PC's opinion. This would be different if the church owned the property; however, there is a property owner involved. The property owner has never come before Council or staff and provided designs or ideas for growing the businesses in his building. Putting a bond on the owner does not alleviate, mitigate, or take any responsibility on the business owner to work with the property owner. He stated the bond gives the Town the ability to tell the property owner if the work is not completed by the agreed date, money from the bond will be used to complete it.

Mr. Brewer asked the PC if the building had been altered.

Mr. Padberg stated the building started as a roller skating rink. It has now been demised into a retail shopping center.

Mr. Brewer stated the building has been altered from a single entity building tenant to multiple tenants where you have dividing walls. Council understands the burden should fall on the owner. If the property owner wants these tenants in the building, he will put a parking lot in. The reason the other businesses were allowed to move in was because they were a conforming user, but this new use of the building makes it nonconforming. The PC is not singling one business out over another.

Ms. O'Dell stated it was not a nonconforming use, but only a CUP would permit the use.

Mr. Brewer stated the existing businesses are conforming.

Mr. Padberg clarified the term for the site is legally nonconforming with respect to the legal occupancies that are there of which, if he heard Ms. O'Dell correctly, do not have occupancy permits.

Ms. O'Dell stated the businesses do.

Ms. Washington was concerned with more than just this incident. She felt that Council needed to decide what changes means. To her, if this was a skating rink, then a flea market, and now a mini mall, that is a change. Her understanding, as a business owner, was that if you change the use of a business you cannot go back to that use again. It needs to be made clear what is being said in order to keep this issue from occurring again. When the PC brings something to Council, Council should be able to look at it and understand what is being discussed when talking about changes. People need to know if they can break a single use business up to several uses and not be considered a change.

Ms. Forrester agreed the full responsibility is on the owner, but the owner has the right to stop renting his property if the expenses become too high. The business owner must select a location they feel comfortable operating from. She has all the trust in the ZA; however, there have been four or five since she has been on the Council and each one has had a different opinion. She did not agree with the ZA in this case.

Mr. Wood asked the Town Attorney if the building was in compliance with being a conforming or a nonconforming use. It did not seem to be either of those. There seems to be different interpretations of the law.

Ms. Sanders said the use is an allowable use only with a CUP. She said it is necessary to look at the use, determine impacts on the site and adjacent properties, the nature of the business, and then the business can be allowed subject to those kind of concerns.

Mr. Wood was hearing that Council could allow use with a CUP with the condition that the owner conform to the Town's Code.

Ms. Sanders agreed.

Mayor Foreman asked what the motion was on the floor.

The motion on the floor made by Mr. Wood, seconded by Ms. Forrester, is to approve the CUP with the recommendations made by the PC that the property owner bring the parking lot into conformity with the ordinance by posting a bond or by using another option.

Mayor Foreman asked if Council passes the motion. The business cannot open until the parking lot is paved, so what incentive is there for the property owner to agree to pave the lot in order for the new business to begin operating.

Ms. Sanders suggested flushing the motion out with greater particularity about the specific conditions Council wants met in order for the business to operate.

Mayor Foreman mentioned the CUP for Badr Academy included a list of conditions that were required for them to operate. He thought that Council would write down the conditions since there has been discussion of more than one. The motion on the floor only deals with one.

Mr. Toney asked the PC restate the recommendation made.

Mr. Padberg stated the PC's recommendation was for approval on the condition that the parking lot come into compliance with the Town's Code.

Ms. Sanders stated that Council is the one who has the authority to approve the CUP and the PC just makes a recommendation.

Mr. Toney was concerned with putting a hardship on the applicant. Being specific might help the applicant reach compliance. The ZA recommended approval. He would like to see this come into fruition.

Ms. Forrester noted the PC has made recommendations in the past because those sites had more extreme concerns than the site presently in question. The number of children and the safety of playground will be dictated by the State.

Mr. Wood reiterated his motion was to go with the recommendation of the PC to approve the CUP leaving it up to the property owner as to whether to issue a bond or to meet the requirements another way.

Ms. Reynolds asked if the business could operate while the Town worked with the property owner to bring the building into compliance.

Ms. Sanders would not recommend it if Council's issues were about public health and safety concerns. She mentioned Council might want a parking agreement since there are four businesses located on the property. It could be a private property issue, but it could be something that the Town wants to address and could come back to Council as a problem if there were no parking improvements, in terms of other uses on the property.

Ms. Reynolds was hearing that no matter what the business cannot open until the property is in compliance.

Ms. Sanders clarified that is Council is going to condition a use based on certain things it makes sense to make sure those conditions in place, or a mechanism to have them in place, prior to the use opening.

Ms. Reynolds reiterated that the business cannot open until the conditions are met.

Ms. Forrester understood the business could not operate until the conditions were met and if that is untrue she will withdrawal her second.

Ms. Reynolds wanted clarification.

Ms. Sanders stated she cannot tell Council how to vote.

Ms. Sanders recommendation for Council is to condition the use on certain conditions to be in place prior its operation.

Mayor Foreman has no doubt that the applicant talked to the property owner, the property owner was okay with it, the applicant has gone through the process they needed, and it is now before Council. The property owner has put the Council in a position, as a governing body, to make the decision based on the Town's Code. The property owner should be present to discuss what is going to be done with the property as a business. The owner is not present, so there should be a bond or other options to work it out. The business cannot open until the owner comes back and provides a plan to get into compliance. He thought Council should address the playground area.

Ms. Forrester was concerned because it sounded like it was being said that the applicant could begin operating and the property owner would have time to come into compliance.

Mayor Foreman clarified that until the property owner is present and a bond is in place, they cannot operate.

Ms. Forrester said that even after the bond is in place and a plan is approved the business cannot operate until the property is in compliance.

The motion on the floor made by Mr. Wood, seconded by Ms. Forrester, is to approve the CUP with the recommendation made by the PC that the property owner bring the parking lot into conformity with the ordinance by posting a bond or by using another option. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, no; Mr. Toney, no; Ms. Washington, yes; Mr. Wood, yes.

B. JOINT PUBLIC HEARING – AGAPE CHRISTIAN ACADEMY – LAURA O'DELL

Ms. O'Dell stated a CUP was received for a private school to operate from Dumfries United Methodist Church with a minimum enrollment of twenty students and a maximum enrollment of seventy-five students. The playground will be located adjacent to the church on property owned by the church. The playground will be approximately 45 by 45-feet in area, around 2025 square feet, with a four-foot wooden fence around it. Changes were made to the application that may not be reflected in the materials provided to Council. A letter was also submitted stating that five parking spaces at Dumfries United Methodist Church will be used during the hours of 6:00 am to 6:30 pm, Monday through Friday, for Agape Christian Academy staff. Three of the spaces are located in the front of the building where the driveways curves around the building and the other two are locate don't he side of the building close to Washington Street.

The public hearing was opened to public comments.

Karen DeVito, a resident of Triangle, has attended Dumfries United Methodist Church for almost 11 years and she appreciates the Town's positive support for the academy. She believed the Agape Christian Academy would be good for the church, the Town, and the children.

Cynthia Lee will be the Director of Admissions. She has 14 years' experience as a special education teacher, a Master's Degree in Education, a Bachelor's Degree in Psychology. She has ran a preschool in her home for approximately four years and hopes to bring it to the church in order to fully reach the community and bring business to the Town.

Dale Gillis, Pastor, Dumfries United Methodist Church, was told the Agape Christian Academy would not be started for a year because of a requirement to have a \$19,000 traffic study performed. That requirement has since been reconsidered due to the low impact the business would have on traffic. The church has done everything the Town has asked for, and if there are any issues with the CUP in the future, he is certain the business will rectify any issues that come up.

There being no further comments the public hearing was closed.

Mayor Foreman recessed the Council meeting to allow the PC to hold its public hearing.

The PC commenced its public hearing.

Mr. Padberg asked Mr. Arshad to provide a summary of where the PC has been on this application.

Mr. Arshad noted the PC had similar discussions about this application. There were discussions about traffic flow and the safety of children being dropped off. The traffic pattern was laid out to accommodate those concerns. There is enough parking at the facility. One concern was the children leaving the church going to the playground area. Orange cones will be placed in order to block traffic for the short period of time it will take to get the kids to and from the playground area.

Mr. Padberg clarified that the PC is for planning and zoning. Safety concerns of the buildings are valid concerns; however, that is something the building official would regulate.

Mr. Praino asked if there was a parking agreement between the property owner and the applicant.

Mr. Padberg understood there is a parking agreement in place.

Mr. Arshad moved, seconded by Mr. Praino, to recommend Council approve the CUP for the Agape Christian Academy to operate a private school at the Dumfries United Methodist Church. The motion carried by the following voice vote: Mr. Arshad, yes; Ms. Miles, absent; Mr. Padberg, yes; Mr. Praino, yes; Mr. Russell, yes; Ms. Waggy, absent; Mr. Webb, absent.

The PC closed its public hearing.

Council resumed its meeting.

Ms. O'Dell clarified that part of the change to the application was the fence was going to be chain link and not a wooden fence.

Mr. Toney asked about the comment made earlier about a traffic impact study.

Ms. O'Dell noted staff initially asked for a traffic impact study because of the volume of trips added to a residential neighborhood.

Mr. Toney asked why the study was not required later.

Ms. O'Dell said staff withdrew the requirement.

Mr. Taber explained there was no State requirement for a traffic impact study be done. It was a recommendation made by a former staff member.

Ms. Reynolds asked what the difference was between the two applications other than one is a daycare and one is a school.

Ms. O'Dell explained the difference between the two is one is providing an education and would be a daycare facility. The range of ages is different. The zoning districts are different with one being in the flex business/office district and the other is in a residential district.

Mr. Brewer moved, seconded by Ms. Washington, to approve the Agape Christian Academy's application for a CUP. 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.

The PC adjourned its meeting.

IN RE: CLOSE CONTINUED MEETING/OPEN WORK SESSION

Mr. Foreman closed the continued meeting and opened the work session.

IN RE: CITIZEN COMMENT PERIOD

There were no citizen comment.

IN RE: PRESENTATIONS (NONE SCHEDULED)

IN RE: INFORMATION ITEMS

A. TREASURER'S REPORT

Mayor Foreman stated that his questions had been answered by the Treasurer and shared with the Council.

B. APPOINTMENT OF CHIEF EDWARDS TO BULL RUN ALCOHOL SAFETY ACTION PROGRAM (ASAP) POLICY BOARD – DAN TABER

Mr. Taber noted serving on this Board when he was Police Chief, as did former Chief Forker, and now Chief Edwards needs to be appointed to serve. The Policy Board gives advice to the Bull Run Alcohol Safety Action Program, and that the Town has benefited for several years due to the Policy Board's free

provision of alcohol sensors to help with DUI enforcement, and what will take place at the next meeting to confirm that.

Mr. Brewer moved, seconded by Mr. Wood, to move the resolution to the Consent Agenda for adoption at the next Council 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.

**C. INFORMATION FOR THE PUBLIC TO DISPEL RUMORS OF AN EVENT
ADVERTISED TO OCCUR AT GINN MEMORIAL PARK – DAN TABER**

Mr. Taber reported he had been made aware of two websites advertising the purchase of tickets for a three on three basketball tournament that would take place at Ginn Park on August 31 for \$50.00 per team. He or the Council has not sanctioned the event. It was advertised that there would be music, food, the tournament with awards, and drinks. He contacted one of the individuals responsible for the website who told him he received permission to hold the event from the Parks and Recreation Commission. Money cannot be charged for events held at the Park and a majority of the participants has to be residents of the Town. They were informed that because of issues such as security, safety, parking, and health regulations, the event could not be held. He wanted to make clear, not just to Council, but also to the citizens that may have already paid money or shown interest in the event that the event would not be occurring. He would be contacting the press the next day and discuss with them the fact that there will be no sanctioned event at Ginn Park.

Mayor Foreman asked why, when talking to an individual, when any event comes to the attention of the Town, the Town cannot say in a more concise manner that the individual cannot use the park.

Mr. Taber clarified that he advised the individual that the event would not be occurring. The process in place is for the Parks and Recreation Commission to discuss and make suggestions to Council as to what events/programs they would like to hold. The ultimate decision rests with Council.

Ms. Reynolds asked what mechanism was in place for people to use the Park to keep this from happening again.

Mr. Taber stated he Parks and Recreation Commission was developing rules and procedures and have made it a priority for that information to become clearer to the public, which will be posted on the website and at the Park. To hold an event like this, they would need to get authorization, as it would not be fair to reserve the Park for an event like this that prevents others to use the Park.

Ms. Reynolds asked why no one was aware of this event since it was advertised as being a Town sponsored event.

Mr. Taber responded that there was no confirmation as to who set up the website, but he was expecting to hear from web security.

Tameisha Carter came forward and stated she was not aware that permission was needed in order to use the Park for a three on three basketball tournament. She was used to paying to play which covers the cost of jerseys etc. If they can play without paying that was fine too. The \$50.00 being charged was to cover costs for music, food, moon bounce, etc. She had stopped by Town Hall a week ago and spoke with Cydney about whether or not a permit was needed for the event. She was notified that there was no need for a permit or any other documentation. She may not have mentioned that she would be charging people for the event.

Mayor Foreman suggested talking with the Town Manager to discuss the event in order to work with the Parks and Recreation Commission or staff to determine what exactly would occur so a synopsis could be provided to Council and go from there.

TaShawn Carter stated they have not seen any community involvement since they moved into the area. She noted it is just a park and no one goes to it. If the issue with the event is the money, the event could be free.

Mayor Foreman felt the intentions were good, and perhaps they might want to join the Parks and Recreation Commission.

Ms. Reynolds said there were some statements made that were inaccurate. The Town's website has information on activities occurring in the Town as well as the Park. Residents do use the Park. The Parks and Recreation Commission was created to keep things like this from happening.

Mr. Brewer noted the Town is limited on what can occur in Ginn Memorial Park. Due to the conditions of the grant that purchased the Park the event described cannot occur. Any events that occur have to be sanctioned by the Town.

Ms. Washington stated that any facility used, with or without a fee regardless of the location, permission must be granted by the individuals who oversee/own the property to use the premises. She mentioned there are volunteer opportunities that were available and hoped the individuals would leave their names and get involved.

Mr. Toney explained a Parks and Recreation Commission was created to set up a use policy and programs for the Park. The Commission consists of five members of the community. He suggested starting with the Commission in order to see things happen. He believed there was a vacant seat available to serve on the Commission. He mentioned the Commission was given \$25,000 to hold programs in a safe

environment, like a three on three basketball tournament. A stipulation of getting the grant money was that the Town could not charge anyone to use the Park for five years.

Mr. Taber asked Tameisha and TaShawn Carter to contact him to further discuss the issue at hand.

Mr. Wood indicated the Parks and Recreation Commission has a database of people who are interested in events like basketball to be held at the Park. There was a “meet and greet” session two weeks ago in the Park, to get ideas of what programs the citizens were interested in having available to them. He confirmed there was a vacant seat on the Parks and Recreation Commission.

Ms. Reynolds announced there would be a jazz concert in the park Friday if any of the citizens would like to attend and the website has information on upcoming events citizens might be interested in attending or participating in.

Mr. Taber stated the intentions to hold the three on three basketball tournament were fantastic; however, logistically the event cannot occur at this time. He asked them to contact him and he will put them in touch with the Parks and Recreation Commission. He ensured them that there will be three on three basketball tournaments in the near future.

IN RE: DISCUSSION ITEMS

A. UPDATE ON PICCARD HOMES – RICHARD WEST

Mr. West stated there has been no visible progress made, but the Town Attorney and he have been in contact with the developer, the bonding agent, and the contractor who have indicated an interest to complete the work. The developers need to be pressed to complete the non-seasonal work, such as sidewalks and street lamps. Utility easements for the property have been received and will be given to the proper departments and agencies. He asked Ms. Sanders if the easements had been recorded.

Ms. Sanders advised the easements have been recorded and part of the Town’s records.

Mr. West will be pressing the developers for a more definite time line for when the developer plans to for the construction and plantings. Section 1 of the development has been built, completed, and the bond was released before a Homeowners’ Association (HOA) was put in place or a long-term maintenance agreement for the stormwater management being executed. He will be bringing to Council a proposed stormwater management ordinance, as part of the requirements of the MS4 program, which will not allow any land disturbance activity without having a long-term maintenance plan installed and executed.

Mayor Foreman stated a requirement of Virginia State Code is that there be a stormwater management plan, that sets money aside, as well as a maintenance plan. He asked where the money was for the set aside.

Mr. West did not know.

Mayor Foreman asked what Piccard Homes says.

Mr. West noted that needed to be pursued in further depth with Piccard Homes.

Ms. Sanders advised that Piccard Homes' statement was that the bond was released; therefore, they have no more responsibility.

Mayor Foreman pointed out the HOA where he lives was required to set aside a certain amount of money for perpetual maintenance and the HOA, when audited, found out they were supposed to have a certain amount of money set aside for retaining walls. He was not concerned about Section 1 since they are all together and maintain the area, but for Section 2 and 3, which are two streets that are not together. He pointed out in Section 2 the homeowners are mowing the common area. Should the Town or can the Town ask Piccard Homes where the HOA is? He asked who had the responsibility to maintain the stormwater management if there is no HOA.

Ms. Sanders explained that Piccard Homes still owns the property, so Piccard Homes still has responsibility.

Mayor Foreman would vote no for the second set of homes to release any bonds until Piccard Homes shows there is an active HOA, covenants are in place and voted on, signatures from all the homeowners, and there is a maintenance plan for the common areas. He said Council might need to hold a closed session to discuss what recourses the Council has.

Mr. West, as the Director of Public Works, has no intention to request Council release any bond until a much firmer hold is secured.

Mayor Foreman wanted it to be understood that Council supports Piccard Homes or any builder but before clearing nay development, the amenities must be upheld for the citizens that live in the development.

B. UPDATE ON QUANTICO CREEK STREAM RESTORATION ASSESSMENT – RICHARD WEST

Mr. West provided the full Quantico Creek Stream Restoration Assessment Summary to Council, which sums up what the Town's consultant, The Berkley Group, and their subcontractor, McCormick Taylor have done to preliminary address the current status of Quantico Creek and some current possibilities for improving it. The Creek has been divided into four reaches starting at the Town limits, up by Interstate 95 (I-95). The first two reaches go down to Main Street. The other two go down from there. The current budget allowed for the study work will begin in the next fiscal year. Staff comments were made and are being incorporated into the draft study assessment and finalizing that. They have started addressing the Army Corp of Engineers to review the document; however, he was advised that the work that will be performed there does not require approval from them. The consultant and sub-consultant have been asked to review and find any grants or funding opportunities that may be available.

Mayor Foreman asked if there was any way to put the report on the website for the homeowners along the Creek to make them aware of it and to get their input.

Mr. West stated the documentation of the restoration was available in PDF and Microsoft Word formats and he would work with the IT Department to get it on the web. It is a rather large file so it may not be the full version.

Mayor Foreman restated the citizens need to know what was occurring.

Mr. Brewer noted a company was previously hired by the Town to do the same project. He asked if this study is a second one that is being done, or if it was the original document.

Mr. West explained the study is a new one, an updated one.

Mr. Brewer asked what the total restoration cost is.

Mr. West did not recall the estimated amount, but the study was for this year and there is currently \$40,000 set aside for the next few years.

Mr. Brewer noted the document describes an “estimated restoration cost,” but he did not see the cost.

Mr. Taber explained the next step in the process would be agreeing on an actual cost for the project, after consulting with the Army Corps of Engineers.

Mr. Brewer asked if the cost was going to be broken down into four reaches.

Mr. West indicated that was correct.

Mr. Brewer asked if the estimated costs would be broken down using different ways of hardening the Creeks edges.

Mr. West noted there are recommendations on each of the reaches based on what and where the Creek edges need to be hardened in order to bring the Creek back to a more natural flow and streambed. They are also looking at flood control, water quality enhancement and bringing wildlife back into the area.

Mr. Brewer asked if permits were required to do the work along the Creek.

Mr. West did not believe so unless wetlands were being affected. There are some wetlands in the southern reaches of the Creek.

C. DISCUSSION ON ADOPTING VIRGINIA MAINTENANCE CODE – LAURA O’DELL

Ms. O’Dell explained the Town was enforcing the Virginia Maintenance Code (VMC); however, it has not officially adopted it. The Uniform Statewide Building Code (USBC) is required to be adopted. The VMC is a supplement of the USBC and adoption is recommended; however, it is not required. She provided the following information in a PowerPoint presentation.

VA Property Maintenance Code

Purpose Common Code Violations Process

Purpose Sect. 102.1

- Provide building regulations that facilitate the maintenance, rehabilitation, development and reuse of existing buildings at the least possible cost to ensure the protection of the public health, safety and welfare. To establish minimum standards of maintenance and care.

Why Enforce?

- Prevent Blight (blight vs. vacant)
- Preserve existing buildings and structures
- Maintain property values
- Provide a minimum level of health and safety for all

Common Violations Exterior Areas

- Vacant and Open Structures
- Rodent harborage
- Sidewalks and driveways
- Swimming pools
- Protective Treatment
- Gutters and Downspouts - Roofs and drainage
- Protective Treatment
- Overhang extensions – marquees signs, fire escapes, exhaust ducts, canopies
- Stairways, Balconies, handrails, and guards
- Decks and Porches
- Accessory Structures
- Window, Glazing, and Door Frames
- Chimneys
- Electrical Hazards

Interior Structure Violations

- Occupancy – habitable spaces
- Hoarding – Interior Surfaces, Fire Prevention, Cooking
- Fire Code - window coverage, accumulation

Process

- Complaint Filed
- Inspection Performed
 - If it is determined that there are code violations then a Notice of Correction will be issued.
 - If compliance is not achieved within a given amount of time then court and civil penalties may be pursued.

Process Landlord/tenant

- Tenant must provide evidence that landlord has been made aware of the problem and that landlord was given adequate time to make repairs.
- Tenant must submit written statement that they are in good standings with landlord and that a civil dispute has not begun between the two parties.

- Town will not become involved if legal proceedings have begun.
- Complaint Filed
- Inspection Performed
 - If it is determined that there are code violations then a Notice of Correction will be issued.
 - If compliance is not achieved within a given amount of time then court and civil penalties may be pursued.

Adaptation to Dumfries

- Typical: Jurisdiction allows 30 days for property owner to make repairs. Once 30 day notice expires the property owner will be fined \$150 per code violation every 10 days until repairs are made.
- Dumfries: XX days to make repairs, once notice expires owner will be fined \$XX per code violation every XX days until repairs are made.

Mr. Wood asked if the VMC was for residential and business.

Ms. O'Dell stated the VMC only applied to residential areas.

Mr. Wood asked how you would determine when it was necessary to go onto someone's property.

Ms. O'Dell explained it could occur when a tenant expresses concern over a landlord not fixing problems. Another way is if you went to speak with an individual and can clearly see there is a health hazard in the house. The Fire Department may make the Town aware of an individual who is hoarding after receiving a call to rescue someone from the home.

Mr. Wood asked if the VMC would take the place of the rental ordinance.

Ms. O'Dell indicated the rental ordinance is quite cumbersome. If the new ordinance were adopted, it would take the place of the rental inspection program, which would keep staff from having to inspect every rental property. The VMC would be enforced on a complaint basis.

Mr. Taber mentioned previous discussions about the rental inspection program and the fact that is unfunded. Council also had expressed concern about the programming targeting certain areas. There was concern about the cost of getting all of the properties registered too. The VMC would be a tool that would help deal with the most important and pressing issues that are brought to the Town in the form of complaints without all the added work and expense. Adopting the VMC was a viable alternative to the rental inspection program.

Mr. Wood asked if there was anything dealing with heating, ventilation, and air conditioning systems (HVACS).

Ms. O'Dell stated there was a lot about HVACS, plumbing, etc. The VMC is very detailed and lengthy.

Ms. Reynolds asked what would happen if a property owner began making repairs and had an issue with getting part or something else that would prevent the completion of the repair within the 30-day requirement.

Ms. O'Dell explained the official would work with the property owner first and give them some time with the thought that some people may not have the money or the time to make repairs right away. If the property owner did not make the repair or was unwilling to, a notice of violation would be issued giving them 30 days to rectify the problem. If at the end of the 30 days the work was not finished, they would be taken to court. Council would determine the penalty amount that would be assessed per day and that would be what the Town would ask the judge to award. The judge would issue an order for the property owner to pay until the repairs are finished.

Ms. Reynolds said the wording is very specific and that someone may not give the property owner the time needed to finish the repairs before taking them to court.

Ms. O'Dell noted that Council could change the wording and make it 60 or 90 days.

Ms. Forrester felt adopting the VMC was a good idea but the rental inspection program is a separate matter and needs to be handled separately.

Mr. Taber noted it was just a suggestion to do away with the rental program and would not be addressed until later.

Mr. Brewer moved, seconded by Ms. Forrester, to move the adoption of the VMC to a regular meeting for a vote, with the time allowed for repairs being changed to 90 days, with a \$150 fine every 30 days the property owner is in violation.

Mr. Toney felt that 90 days was too much time for someone to correct a safety risk.

Ms. O'Dell agreed. She pointed out there is a chapter in the code that states if the hazard is an immediate life safety issue a placard can be placed on the property deeming it uninhabitable.

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

Mr. Taber pointed out that a public hearing is required in order to adopt the VMC.

Mayor Foreman noted Ms. Forrester was not absent and was just not present when the vote was called.

D. DISCUSSION ON ADOPTING NUISANCE ORDINANCE – GRAFFITI – LAURA O'DELL

Ms. O'Dell stated the Town has received several complaints about graffiti and there is no ordinance that covers graffiti. She proposed amending the nuisance ordinance to include the following:

“14. Graffiti Prevention and Removal

1. It shall be unlawful for any person to willfully or maliciously damage or deface any public building, facility or personal property or any private building, facility or personal property.

(a) *Definition.* "Defacement" shall mean the unauthorized application by any means of writing, painting, drawing, etching, scratching or marking of an inscription, word, mark, figure or design of any type.

(b) *Graffiti declared a nuisance.* Damage to or defacement of property within the Town is expressly declared a public nuisance, and is subject to the removal and abatement procedures specified in this article."

Mr. Brewer asked if the amendment would fall under the Police Department as well as zoning.

Ms. Sanders explained the Police Department would not be involved unless it was gang related or the individual(s) were caught in the act of vandalizing a building.

Mr. Brewer moved, seconded by Ms. Forrester, to move the amendment to the nuisance ordinance to include graffiti to a public hearing. 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. 2013 CHRISTMAS-HOLIDAY PARADE THEME AND GRAND MARSHALL – COUNCILWOMAN WASHINGTON

Ms. Washington stated at the last Events Committee meeting discussions were had about the Christmas Parade and Grand Marshall. Suggestions were made for the parade theme parade and the grand marshal. She noted that this does not keep Council or the Mayor from making suggestions.

The Parade Themes suggested are as follows:

Dumfries Colonial Christmas

Star Spangled Christmas

The Sights and Sounds of Christmas

The Grand Marshals suggested are as follows:

Melvina Michie, Principal of Dumfries Elementary

William O'Kelly Russell, Town Resident, Volunteer, Member of the Planning Commission, Parks and Recreation Commission and the Architectural Review Board

Clyde Washington, Town Resident, Volunteer, and 28 year member of the Dumfries Town Council

She asked if anyone had any additional suggestions.

Mr. Brewer suggested asking the family of Officer Chris Yung, who was killed in the line of duty, be invited.

Mr. Wood suggested The Gift That Keeps On Giving and a Reverse Christmas in July, a Beach Boys Christmas, for the parade theme.

Ms. Reynolds asked what a Star Spangled Christmas meant.

Ms. Washington said the thought was something like the Fourth of July, celebrating America.

Ms. Reynolds asked what Sights and Sounds meant.

Ms. Washington explained it would be the visual and sound aspects of Christmas.

Mayor Foreman suggested Francis Harris, Action in Community Through Service's (ACTS) Executive Director, for the grand marshal. He suggested having "In Memory of" banners for those individuals who have done so much for the Town who have passed away like Officer Yung and Lee Lansing.

Ms. Reynolds asked if the banners would be given to the families.

Mayor Foreman advised the family would, just like the grand marshals, get to keep theirs.

Ms. Washington noted the parade theme and marshal would be voted on until September 3.

F. DISCUSSION ON MOVING THE TOWN'S BIENNIAL ELECTION TO THE NOVEMBER GENERAL ELECTION – CHRISTINE SANDERS

Ms. Sanders noted the Prince William County Electoral Board asked the Town of Dumfries to consider moving its biannual election to the November general election. In order to do so it would require a change to the Town's Charter. If the Town decides to change its elections from May to November, the Electoral Board would absorb the costs and would not charge the Town, as is the current practice. Council would need to request a change to the Town's Charter at the next legislative session and then subsequent to that an ordinance would need to be passed that would change the election date. It cannot be passed between January and May of an election year. Council Member terms cannot be shortened, only lengthened.

Mayor Foreman asked if this item could be placed on the ballot in May or does a public hearing have to be held first.

Ms. Sanders noted a referendum was not required.

Mayor Foreman questioned if a discussion could be held tonight and the matter moved to the next meeting to vote on placing it on the May referendum to let the voters decide.

Ms. Sanders explained the Council could; however, she had not researched the referendum piece. She was advising Council on the most direct route to getting this done. A referendum is not required. If Council chooses to go that way, she would come back with more information.

Ms. Forrester stated that if the rest of the Council supported a referendum, she would agree to it, but did not believe it was necessary. She did not support the change because the people who vote in May know the issues and come out for a purpose, which is important. It also preserves some of the integrity of the fact that Town elections are supposed to be independent. During fall elections when there are political parties represented at the polls samples ballots are handed out. Therefore, all of a sudden, you have lost your ability to be truly independent because you will be on a sample ballot with one party or another or if you are truly independent, you will be lost in the mix so; you are forced into making a choice with that.

Mr. Brewer agreed completely with Ms. Forrester.

Mr. Wood asked for confirmation that the Electoral Board has agreed to absorb the costs.

Ms. Sanders indicated that was what the letter stated.

Mayor Foreman moved, seconded by Mr. Wood, to move it to a referendum for the May ballot for the public to decide.

Ms. Forrester asked if the motion was to have a referendum on the May ballot or for the Town Attorney to provide information on what it would take and then a decision will be made by Council as to whether or not to go forward with a referendum.

Mayor Foreman agreed that was correct.

Ms. Sanders noted there might be costs associated with printing the ballot, etc.

The motion for the Town Attorney to research and provide information to Council on what it will take to place a referendum on the May ballot carried by the following roll call vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, no; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

G. AMENDMENT TO TOWN FUNDRAISING AND DONATION POLICY – CHRISTINE SANDERS

Ms. Sanders reminded Council that a fundraising and donation policy was adopted this past winter, and since then, the Town has created a Parks and Recreation Commission. It has come to the attention of staff that the Commission may want to hold events that encourage donations and/or fundraising and the policy should be amended to allow for this. At least one program is a grant-funded program that was not included in the original policy. The Dumfries Cares program. New language was included in the amendment for more integral accounting processes in the collection of donations at events.

Mr. Wood asked if the Dumfries Scholarship Program could be added.

Ms. Sanders explained that the program needed to be set up before being added to the policy.

Mayor Foreman asked if there was a way for language to be added that allowed for monetary additions to grants in general.

Ms. Sanders stated that could be added.

Mr. Taber stated Dumfries Cares is an overall program that is currently grant supported. It will be in its third year and is a three year limited grant so, the grant funding will go away. It will be up to Council to determine whether the program will continue.

Mayor Foreman used the example that the town may get a grant for amenities at Ginn Memorial Park and someone wants to provide additional funds. By making the policy generic, individuals could donate money if they so desired for any grant funded program/project.

Mr. Brewer asked if a line item would be placed in the budget.

Ms. Sanders stated it would.

Mr. Brewer felt this information should be included in the Treasurer's monthly report.

Ms. Sanders agreed. She explained that Council would need to flush out the details of the Dumfries Scholarship Program in order to include it as an amendment to the policy.

Mayor Foreman felt the Council needed to go back to the 2020 Vision Statement and talk to the business owners in order to start discussions.

Mr. Taber has administered a scholarship program for the FBI National Academy Associates and what the Town Attorney is trying to get at is that there needs to be specific criteria. It is important to set up the process and he would be happy to present something to Council in the future.

Mayor Foreman stated that Council might determine the Scholarship Program may become too difficult to put together, which would require removing it from the 2020 Vision Statement.

Mr. Brewer indicated the 2020 Vision Statement needed to be revisited since some Members of Council were not a part of it and may not agree with it.

H. UPDATE ON COMCAST CABLE FRANCHISE AGREEMENT – CHRISTINE SANDERS

Ms. Sanders stated that there was no information to report.

Mr. Brewer spoke to a Comcast representative and it was made clear to him that the company had no intention of opening an office in Dumfries again.

I. AMENDMENT TO THE FEE SCHEDULE – CHRISTINE SANDERS

Ms. Sanders stated the Town has received interest from a business for a rezoning to special district (SP-1). There was no fee associated with that or with temporary banner signs for religious institutes and nonprofit organizations. These items should be published in the fee schedule. There would be no fee for temporary banners. In reference to the SP-1 zoning it seemed reasonable, given the nature of that district, to have a fee similar to the industrial, limited district (M-1).

Mayor Foreman wanted to make clear that the previous work Council did regarding temporary banners had not been lost, it is in the Town's Code, but there was simply no indication in the fee schedule that there was no fee. He pointed out that Council worked very hard to keep any fees the Town has equal to or lower than Prince William County or Stafford. He asked if that was the case with the SP-1 zoning.

Ms. Sanders was not certain whether the rezoning fee for the SP-1 was researched; however, it could be researched and brought back to Council.

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 August 20, 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 August 20, 2013 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 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, absent; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Gerald M. Foreman
Mayor