

AT A WORK SESSION OF THE DUMFRIES TOWN COUNCIL, HELD ON TUESDAY, SEPTEMBER 23, 2014, AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:

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

THERE WERE ABSENT: Charles Brewer

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 removing the Comcast Franchise Agreement, adding an Ordinance to Amend Section 70-247 Relating Generally to General Business District B-1, Use Regulations, and add to the closed session an item dealing with actual or probable litigation.

Mr. Foreman moved, seconded by Ms. Washington, to adopt the agenda as amended. The motion carried 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.

IN RE: CITIZEN COMMENT PERIOD

Pete Singh stated that on behalf of the Dumfries Business Association he expressed deepest sympathy to the Taber Family for the loss of their beloved son, Steven Taber. May the Lord welcome the divided soul in the shrine up in heaven and give the family strength to move forward.

IN RE: PRESENTATIONS

**A. GREATER PRINCE WILLIAM COMMUNITY HEALTH CENTERS-
FRANK PRINCIPI, EXECUTIVE DIRECTOR**

Mr. Principi discussed an opportunity for the Town and for the non-profit he serves as the Executive Director for. The Greater Prince William Community Health center first opened their doors at the Ridgewood complex off Prince William Parkway in November 2007 with a mission of providing

affordable access to healthcare for uninsured low-income families. They provide an integrated and coordinated delivery service model. He mentioned not only can you see a primary care physician; you can see a dentist, behavioral specialist, and an OB-GYN at the same office. The non-profit also provides enabling services. They assist people in enrolling in Medicaid, qualified health plan, and pharmacy services. You do not have to make an appointment to see a doctor. They have an onsite lab working with LabCorp. They have a patient portal. When he started six years ago, they had five employees. The Board of Directors wanted the center closed due to the revenue stream being pulled and he went to the Board and told them he was going to Plan B and fight back to keep the center open. They survived at Ridgewood and doubled the space. The Affordable Care Act allowed a second center to be opened in Manassas. They have seen a huge increase in patient demand for their services. They are working with Mr. Singh to open a location in Dumfries. They are applying for another Affordable Care Act grant to replicate the services and open third center in Dumfries. The hours of operation are five days a week with Monday and Wednesday closing at seven for those who work. The targeted service area, for the purpose of the grant, includes five zip codes; however, there are no residency requirements. There are approximately 12,000 residents in the low-income category in the area that they plan to do outreach to and bring them in for services. They anticipate this center will create 13 to 15 high paying jobs. Initially the center will open with 7,500 square feet and grow into the 15,000 square feet. He is there tonight asking for a letter of support from the Council to be inserted in the grant application. The grant is due October 7.

Mr. Toney thanked Mr. Principi for bringing this project forward. He asked him to elaborate on the people that have already been served by his organization.

Mr. Principi indicated they are already serving 800 to 1,000 residents in the Dumfries zip code.

Mayor Foreman stated he would be happy to write the letter on behalf of Council. He indicated that the Town covers two zip codes: 22025 and 22026.

Mr. Principi stated there are several factors that will help with their grant application. About fourteen percent of the population in those zip codes are well below the poverty level. From their research, they know that there are significant health disparities in this area.

Mr. Toney moved, seconded by Ms. Reynolds, to have the Mayor to draft a letter of support. The motion carried 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.

Ms. Washington was excited about the proposal and thanked Mr. Principi for choosing Dumfries.

Mr. Principi would return in May to let Council know if they were awarded the grant.

Mr. Wood asked why Mr. Principi was so passionate about the project, what drives him.

Mr. Principi responded that is a real personal question for him. He was born in northeast Mississippi and his family was under employed and uneducated, they were farmers. That social justice thing has stuck with him for a very long time and now he has the opportunity to do something about it.

B. VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) I-95 EXPRESS LANES – TOYMEIKA BRAITHWAITE-DINGLE

Ms. Braithwaite-Dingle noted she would provide a quick overview of the I-95 express lanes and construction and that her partner from Transurban would speak about operations. The I-95 express lanes is a \$1 billion dollar project that includes a 29-mile upgrade and expansion of existing High Occupancy Vehicle (HOV) facility. Free access will continue for three or more people. Two or less people will have to pay the toll. It will provide relief to bottlenecks and is one small piece to a puzzle. There is a lot of congestion in Northern Virginia. It is going to be a regional HOV/transit network with seamless connections to the I-395 and I-495 Express Lanes. It will also help address the impact of base realignment and closure on the I-95 corridor. The improvements include 14 miles north of Edsall Road on I-395 to the Prince William Parkway, which will be increased from two to three lanes. The existing two lanes will be improved for six miles from Prince William Parkway to where it currently ends in Dumfries and then they will be adding a nine-mile extension from Dumfries down to Garrison Road (Route 610). They will be adding new and improved access points. The Virginia Department of Transportation (VDOT) did not have the transportation funds so instead of raising taxes and having the people pay for it they decided to form a public-private partnership with Transurban-Fluor Lanes, the Department of Rail and Public Transportation (DRPT), and the Federal Highway Administration. VDOT put in about \$70 million and other partners raised the rest. Their Civil Rights Program is very important to them. The 95 Express Lanes Project has committed \$192.5 million, which exceeds their goal of \$189 million. Right now, they have 127 firms working on the job and they are going to continue with their good faith efforts to exceed the goal. VDOT has support services that include marketing. Outreach and certification. They have a robust database of qualified small and minority businesses. Compliance support and enforcement. Strong field assistance/work evaluation and individualized support to subcontractors. Construction is nearly 90 percent complete. All bridge, steel, and deck work are completed. There are about 1,500 employees working throughout the corridor completing paving, striping, guardrails, sound walls, and stormwater ponds. Sound walls are being installed in and around Dumfries. They had just over 3 million safe work hours, which means no loss time incidents. The project was split into four segments. Garrisonville Road to Dumfries Road, Dumfries Road to Prince William Parkway, Prince William Parkway to I-485, and I-495 to north of Edsall Road. There will still be some over-night closures. They are not doing any main detours or total

shutdowns. There may be some temporary stoppages along the way. They are installing some overhead signage and testing of the signs. They are doing close coordination with ongoing work throughout the I-95 and I-395 corridor. The projects include I-95 shoulder improvements in PWC between Prince William Parkway, the ramp from Fort Belvoir north to I-95 connection work, I-395 north auxiliary lane ongoing, and the I-395 HOV ramp at Seminary Road. As part of congestion relief strategies, they have installed real time signs to provide time for standard lanes compared to the HOV lanes. Updates are being done to the 501 system and they continue increasing their database that has over 5,000 people who receive traffic alerts and weekly lane closures. There is free bus service on Saturday's along I-95 from Woodbridge to Springfield. The ridership for this route has been so popular that they will extend it until the project is completed.

Mike McGurk, with Transurban, stated they are the long-term operator of the I-95 Express Lanes Project. They are also in charge of educating the greater traveling public on how these lanes work. His goal tonight is to give a better understanding of what to expect operationally. Exactly how the lanes work, what drivers will see on the road, to establish an open dialogue with Council as they go into this operations period. He offered himself and his team as a resource if Council starts to get a lot of questions. There will be an education campaign in place to explain these rules of the road to drivers throughout the region. There will be a robust paid media campaign to support all the information that is being presented this evening.

The tolls will change depending on the demand at the time. The goal is to have the lanes flow at 65 mile per hour. Commuters with three or more riders will need to obtain a special E-ZPass Flex. The express lanes add a little more capacity. These lanes will provide a new option allowing someone to pay for its use. The reversal process and method will be the same for the HOV lanes. The challenge will be reversing the new segment of express lane from Dumfries to Garrison. This road way has not been reversed before. These rules will be in effect 24 hours a day. This is a big change from the existing HOV lanes. Vehicles with the clean fuel license plates that can use the HOV lanes free without having three or more people riders will not be able to use the express lanes free. The lane reversal schedule is posted on their website. He overviewed the regulatory signs. They will only be unveiled once the road is ready for use. He went over the following information in a PowerPoint presentation.

- » Express Lanes will be reversible with similar timing as today's HOV system
- » Dynamic system with variable tolls will manage traffic
- » Mandatory E-ZPass for all users
- » HOV-3, transit and motorcycles will ride toll-free with E-ZPass Flex

- » Rules of the road will be in effect 24 hours a day, seven days a week
- » Reversible system with similar timing as today’s HOV lanes (the schedule is available online at 95ExpressLanes.com)
- » Drivers will know it is a sign for the 95 Express Lanes when you see the purple banner with the purple E-ZPass logo and "EXPRESS ONLY"
- » Toll-paying, carpoolers, and buses need an E-ZPass or E-ZPass Flex
- » Carpoolers with an E-ZPass Flex do not pay a toll
- » Pricing signage in advance of all entrances



- » Toll rates will adjust to keep lanes free flowing
- » Toll equipment will identify vehicle’s total trip distance
- » Sensors monitor traffic 24/7 and system adjusts toll prices as necessary
- » All-electronic -- no toll booths
- » Average rush hour trip \$6 to \$8 for a distance of 10 to 12 miles
- » Low of .20 cents to a mile to about .80 cents during rush

He showed Council the following access and exit map for the 95 Express Lanes. The express lanes are broken into segments and the driver only pays for the segment that they use.

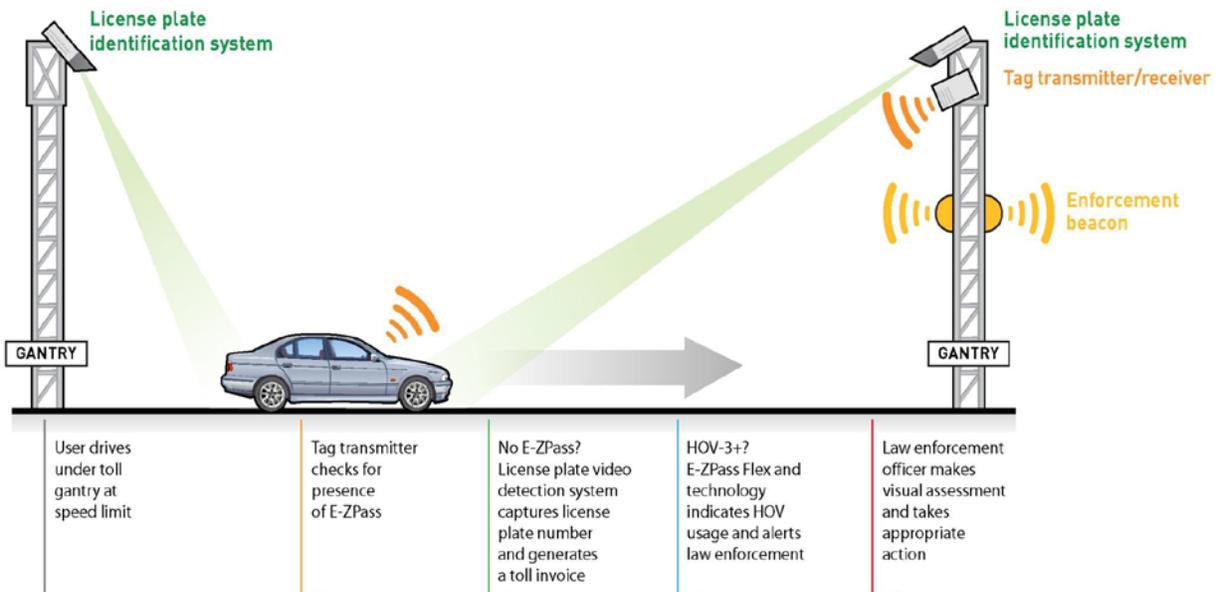
NORTHBOUND TRAVEL





- » HOV-3 qualifies for toll-free travel
- » Carpools and vanpools will need the switchable E-ZPass Flex
- » Now available through Virginia and Maryland's E-ZPass offices, retail locations in Northern Virginia and online
- » E-ZPass Flex works on all other E-ZPass facilities
- » In Virginia, E-ZPass is \$35.00

The northern area of the express lanes where the HOV lanes begin there is a fly over lane that allows the driver to exit to avoid entering the HOV lanes. Conversely, drivers coming from the north to the south need to have an E-ZPass to use the express lanes. There will be a fly over lane to bypass the express lanes.



The Virginia State Police will enforce the express lanes. They will be alerted when someone with an HOV vehicle goes into the express lanes without an E-ZPass. There are beacons that will flash to alert the Police.

- » 24-hour safety monitoring from Express Lanes Operations Center
- » Real-time traffic information and Express Assist
- » Express Assist incident response will work with law enforcement, VDOT and emergency services
- » Vehicle detection technology will assist with reversal of traffic flow

If there is a vehicle broken down there are dedicated express lane vehicles that have a six-minute response time. The goal is to keep traffic flowing. The black boxes above the overpasses are traffic management devices. These will be used if someone breaks down to warn drivers ahead of time to allow them the ability to switch lanes.

Mr. Wood felt that the consumer has to have a calculator in order to figure the cost. How did the test studies come out for the way it is being priced by segment? He noted that on 495 you know the cost for the whole length.

Mr. McGurk responded the focus group that tested it understood the concept. Customers will be able to check how much it will cost them to drive the route by looking at their E-ZPass account. Once they drive the trip on a regular basis they will learn quickly how much it costs.

Mr. Toney stated that things are getting more and more complicated with today's technology.

Mr. McGurk stated there was a learning curve with the 495 lanes. Unlike the 495 HOV lanes, the vast majority of travelers know if they are going to use the lanes or not.

Mr. Toney asked if the lanes would replace existing HOV lanes.

Mr. McGurk stated they would replace existing HOV lanes in the corridor except for the point where they end at the north.

Mr. Toney requested clarification regarding the difference between the flex pass and the E-ZPass.

Mr. McGurk replied that the regular E-ZPass does not have the switch at the bottom. This means that if you have three or more people in your car you will not be able to switch it to HOV mode and will pay the toll. Both passes cost \$35. There used to be a monthly fee, but there is not a monthly fee anymore.

Mr. Toney asked if he lived in Stafford County and traveled to DC during peak hours, on average, how long would \$35 last.

Mr. McGurk projected the cost would be about \$16 to go the full 29 miles one-way, but if you have three people in the car there is no fee.

Ms. Reynolds asked if she has an E-Z pass whether it could be traded in for an E-ZPass Flex.

Mr. McGurk stated that if it is a Virginia E-ZPass it could be traded in for a Virginia E-ZPass Flex. There would be no charge.

Ms. Reynolds asked if someone drives on the express lanes without an E-ZPass and does not get pulled over would get a ticket.

Mr. McGurk stated a picture would be taken of the license plate and log the trip. You have five days to contact them to settle the cost of the trip plus a \$1.50 administration charge. If the fee is not paid, they will contact the DMV and send a bill for \$12.50. If this fee is not paid in 30 days, it will increase to \$25. If that is not paid after 30 days, it is turned over to a collection agency.

Ms. Reynolds asked if they subsidize the cost.

Mr. McGurk stated they do not.

Ms. Braithwaite-Dingle pointed out that you can share one E-ZPass with multiple vehicles.

Mayor Foreman noted it was great the maintenance fee was removed. It is also better to get the E-ZPass Flex. It can be used in other states. When you establish the account for the E-ZPass, they ask you what license plates you want on the account.

Mr. Wood asked about the timing signs. These will make a difference for people deciding to use them.

Ms. Braithwaite-Dingle explained the signs would only show the general-purpose lanes congestion times. The express lanes has a contractual agreement to keep the express lanes running at 65 miles per hour (mph).

Mr. McGurk explained that the toll charge is what they use to regulate the traffic to keep it running at 65 mph.

IN RE: INFORMATION ITEMS

A. TREASURER’S REPORT (AUGUST 2014) – RETTA LADD

There were no questions.

B. POSSUM POINT SIDEWALK – RICHARD WEST

Mr. West explained the Possum Point Road sidewalk would extend from the existing sidewalk west of Leonard Street, continue all the way up Possum Point Road to Fraley Boulevard, and stop at the existing bus stop. They plan to start the work next week depending on weather. The Town has received the permit from VDOT for the sidewalk in front of the bus stop along Fraley Boulevard/Route 1. The agreement with PWC, the Town, and the Northern Virginia Transportation (NVTA) has not been fully executed for the 30 percent funding resulting from House Bill 2313 (HB2313). The only requirement to use those funds is that it be new construction.

Mayor Foreman asked if the agreement referred to is the Memorandum of Agreement (MOA) Council approved.

Mr. West noted it is.

Mayor Foreman requested a copy of the MOA with the Town and PWC signatures and once NVTA signs the MOA provide Council a new copy. The way HB2313 works is the Town is supposed to provide a list to the County. The Town what the priorities are on the projects. Right now, the Town is only sending one project to the County. He asked if this met the intent of HB2313.

Mr. West confirmed it did. He read the following from the MOA.

“ 1. Use of 30% Funds by Town of Dumfries.

- a. Town of Dumfries shall use its portion of County of Prince William's 30% Funds as distributed to it by County of Prince William solely for the following purposes in a manner determined by Town of Dumfries: (1) for additional urban or secondary road construction; (2) for other capital improvements that reduce congestion; (3) for other transportation capital improvements which have been approved by the most recent long range transportation plan adopted by NVTA; or (4) for public transportation purposes. Town of Dumfries shall not use any of the revenues distributed to it by NVTA to repay debt issued before July 1, 2013.”**

He further explained the funds cannot be used to maintain or repair an existing sidewalk. The funds can be used to build a new sidewalk. The funds are for urban or secondary road construction and capital improvements that reduce congestion.

Mayor Foreman stated it meets some of those categories; however, the idea was that towns would provide a list of several projects.

Mr. Taber stated that a list of projects would be presented to Council. This will provide priorities allowing the Town to plan for other projects.

Ms. Reynolds clarified the sidewalk project starts at Overlook Road not Leonard Street.

Mayor Foreman stated the bus stop gets 15 total people a day. This location meets the requirements for a shelter. He asked if the Town is talking to Potomac and Rappahannock Transportation Commission (PRTC) and VDOT about getting a shelter.

Mr. West had not spoken with them but would reach out.

C. PRINCE WILLIAM ESTATES STORM DRAINAGE – RICHARD WEST

Mr. West explained that after the recent flooding they looked at the drains that cross Eby Drive and Dominion Drive. The culverts have been cleaned out and debris was cleaned off the streets. A tree was found under Dominion Drive. A crew was hired to clean the storm inlets. A stormwater pond, that the Town owns, was rehabilitated. Staff worked with a private owner of a pond to get it cleaned up and an inspection will be done tomorrow. Staff is working with another property owner on a second pond that has not yet been cleaned up. More direct action may be required if they do not get voluntary compliance. The Town is still working on a drainage channel that runs through several citizen's backyards between Curtis Drive and Lyda Lane. It appears to be a grass-covered channel, which may have originally been a stone channel that has some tree and root growth that caused some local flooding. On the original plat there was an easement; however, it appears it was never deeded to the Town. They need to get permission from the property owners to access the area in order to do maintenance and then determine who will continue the maintenance on the drainage channel.

Mayor Foreman asked if they have worked with the church in Richmond about their property.

Mr. West confirmed the property that has fixed their stormwater pond is the church, which the Town will be inspecting tomorrow.

Mayor Foreman stated that when VDOT installed the sound wall it changed the topography of the land. The Town needs to ensure that this wall does not cause more drainage issues to the neighbors. He wants staff to walk the site with VDOT to make sure that more water is not being diverted on the homeowner's property.

Mr. Wood indicated he was unable to visualize where Mr. West was talking about and asked that in the future photos of the area be provided in order to see what is being talked about.

Mr. West replied that staff has photos of the before and a few after that he will be posting].

Mayor Foreman stated it would help to see a map with the area highlighted.

D. FRALEY BOULEVARD LIGHTING UPDATE – RICHARD WEST

Mr. West stated that four light locations have been identified along Fraley Boulevard. Those locations were sent to PWC's Lighting Director, which he shifted them a little, but they are still on existing poles. PWC has talked to Virginia Dominion Power and a work order has been issued. The funding for the project has been sent to PWC and once the check clears, PWC will forward the money to Virginia Dominion Power in order to get the work started.

Ms. Reynolds thanked staff for all of the hard work on this project.

Mr. Toney thanked staff as well. He asked for specificity on where the lights will be placed.

Mr. West clarified the lights will be located on Fraley Boulevard between Graham Park Road and Canal Road. He will get a sketch to show the locations for Council.

Mr. Toney stated the dark area exists between the initial entrance to the suites that Grace Church occupied toward Canal Road. He wants to ensure the dark areas get the lighting. He suggested placing the sketch on the website.

Mr. West commented the total cost of the project was \$3,541.37.

Mayor Foreman stated that in the last Council package the location of the lights was included. The lights are going up on existing poles; no new poles are being put in place. There may be a dark spot, because VDOT would not allow additional poles. The cost is minimal and PWC pays for the electricity.

Mr. Toney does not want money to be wasted; however, the dark areas need to be illuminated.

Mr. Taber stated they would not know how it works until the lights are installed.

E. REDUCING THE SPEED LIMIT ON CAMERON STREET TO 15 MILES PER HOUR (MPH) IN THE SCHOOL ZONE – DAN TABER

Mr. Taber stated that at past Council meetings there were discussions about whether the Town should lower the speed limit on Cameron Street near Dumfries Elementary School from 25 mph to 15 mph. One of the State's requirements is demonstrating a need. Cameron Street does not meet those requirements. With the improvements to Cameron Street, two new school zone signs have been put up and staff will continue to monitor the area. The matter will be relooked at to determine the need.

Mr. Toney asked if the improvements with the curb and gutter and sidewalks along Cameron Street have been completed.

Mr. West responded the concrete work is done, there are a few little field adjustments being done. The milling of the pavement began today, so final paving has not been done yet.

Mr. Toney noticed there is a six-inch gap between the curb and gutter and the existing pavement. He asked if when the milling is done the gap would be filled.

Mr. West stated they would pave right up to the gutter pan.

Mayor Foreman noted that in front of the Weems-Botts Museum near the handicapped space there is a sunken spot now from the construction truck that has been parking there that will need to be fixed. He commented there is a six-inch gap that is prevalent along Possum Point Road that needs to be filled, which is filled with dirt and grass now.

Mr. West made note of it.

Ms. Washington indicated there is a piece of broken concrete on the sidewalk on the corner where Prince Street runs into Cameron Street. She believes one of the construction trucks ran over that curb. She would like someone to look at it. She felt it was very important to have someone go out and look at the sound wall and the drainage, because whenever there is rain the runoff from I-95 is unbelievable. That whole area floods.

IN RE: DISCUSSION ITEM(S)

A. PARADE THEME AND GRAND MARSHALL – RYAN GANDY

Mr. Gandy wanted to discuss the parade theme and the grand marshal since the event is quickly approaching. He suggested a Star Spangled Christmas for the Christmas parade since it is the 200th anniversary. A second suggestion is to have a community contest, which would allow citizens to determine the theme. Citizens would submit suggestions and Council would then whittle it down to three and then vote. He suggested if Council goes with the Star Spangled Christmas the Council could invite the Quantico Marine Corps Base Commander to be the grand marshal. Other suggestions would be to invite the Town's oldest resident, community nominations, or the contest theme winner could serve as the grand marshal.

Ms. Washington loves the idea of the community contest. She did not care for the Star Spangled Christmas. She likes the idea of the oldest Town resident being the grand marshal, but if that individual has already served then her second choice is to have the contest theme winner serve as the grand marshal. This would be a great way of getting people excited and involved.

Ms. Reynolds liked the Star Spangled Christmas theme.

Ms. Reynolds moved, seconded by Ms. Forrester, to go with the Star Spangled Christmas theme.

Mayor Foreman would like to go down the dais, get everyone's opinion, and then make a motion.

Ms. Reynolds removed her motion.

Ms. Forrester would like to have Colonel Maxwell be nominated as the grand marshal.

Ms. Reynolds would also like Colonel Maxwell.

Ms. Forrester preferred the Star Spangled Christmas theme.

Mr. Toney indicated he had no preference and in the past staff provided three names and three themes well in advance of the meeting with Council. He liked the Star Spangled Christmas theme and having Colonel Maxwell as the grand marshal.

Mr. Wood recommended not doing the community contest because they will not have enough time and he did not care for the Star Spangled Christmas theme.

Mr. Gandy wanted to get the community involved and the reason for the suggestion.

Mr. Wood would like to see the community involvement. He asked if Colonel Maxwell would be available.

Mayor Foreman stated if they chose Colonel Maxwell they might get another person in his place that he chooses to stand in for him. He noted there might need to be a secondary plan.

Mr. Wood did not have a preference for the theme and he was okay with Colonel Maxwell.

Ms. Washington noted Christmas is a Christian holiday. She does not want to mix more elements into it. The colors would be different from the traditional colors. She is still for the community contest and believes they can pull it off. She would like the grand marshal to be a resident of the Town.

Mayor Foreman indicated that he could go both ways. If Council decides to go the community route, they could use Dumfries Elementary School students to choose the theme. They could also utilize the Heiser Boys and Girls Club, or have the six Boys and Girls Scout troops in the Town choose.

Mr. Gandy stated they could use the website.

Mayor Foreman noted the word could get out quickly and is not in favor of using the website. He then overviewed the comments of the other Council Members.

It was the consensus to ask Colonel Maxwell to be the grand marshal and to have the community contest. He asked that it be brought back to Council in two weeks to discuss it further.

Mr. Gandy asked if Colonel Maxwell was not available and it was the second in command would that change their opinion.

Mr. Toney stated it would.

B. SITE PLAN GAMBINO PROPERTY – LAURA O'DELL

Ms. O'Dell received a site plan for 17360 Dumfries Road. This is the property with the 7-11 and the dry cleaners. The site plan was submitted for an addition on the front of the building, which includes

approximately 1,870 square feet for the proposed use being restaurant space. She is recommending approval of the site plan as it meets all of the zoning requirements.

Ms. Washington asked who is responsible for ensuring that the fumes from the cleaners does not affect the restaurant space and vice versa.

Ms. O'Dell stated there would be two separate air systems for the air coming in and out and would be inspected by the Building Official.

Ms. Washington asked if the space would be large enough to accommodate a kitchen area.

Ms. O'Dell stated the space would be for a small-scale establishment and not a sit down restaurant.

Mr. Toney asked if this would be a carryout restaurant.

Ms. O'Dell indicated the applicant should answer that question.

Steven Smith, architect for the Gambino's, stated he designed the proposed building. At this point, they do not have a tenant to go into the space, but there are several that have approached them. For example, Jimmy Johns and Subway. All they are proposing to build at this time is what is called a warm lit shell. Whoever leases the building would come back to the Town and apply for the appropriate building permits.

Mr. Toney stated that things should go together and was concerned about possible impacts of the drycleaners adjacent to a restaurant space. He feels that this may be an incongruent use for the site.

Mr. Smith clarified that there is no connection in the building to the other spaces. The spaces will be separated with a fire rated walls, so there is not a channel for fumes to mix with other spaces.

Mr. Wood was comfortable with the use and pointed out that there are several of these type of developments within the area.

Mr. Wood moved, seconded by Ms. Forrester, to move the approval of the site plan to the consent agenda.

Mayor Foreman stated the staff report should overview the Commission's recommendation and conditions for approval

The motion carried 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.

Mr. Taber clarified the Commission's recommendation is on the agenda item form; however, in the future it will be included in the staff report.

C. APPEAL ARCHITECTURAL REVIEW BOARDS DECISION FOR THE TOWN HALL SIGN – LAURA O'DELL

Ms. O'Dell noted that about a year ago the Public Works Department installed a sign at Town Hall without seeking approval from the ARB first. A design was proposed to the ARB, but the ARB was not in favor the design. The ARB would like to see architectural features added to the sign such as decorative posts and frame, in addition they are not satisfied with the proposed mantle. The Town Attorney has submitted an appeal of this decision to Council and is requesting permission from Council to move forward.

Mr. Wood moved, seconded by Ms. Reynolds, to move forward with the process of authorizing the Town Manager advertise a public hearing. The motion carried by the following roll call vote: Mr. Brewer, absent; Mr. Foreman, no; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, absent; Ms. Washington, yes; Mr. Wood, yes.

D. FEE SCHEDULE- LAURA O'DELL AND DAN TABER

Ms. O'Dell commented that staff has been asked to review the fee schedule and a revised fee schedule has been proposed. It was noted that every department proposed updated fees.

Mayor Foreman asked if the fees are lower than or equal to Stafford and PWC.

Ms. O'Dell indicated they were.

Mayor Foreman asked what a public dance hall license is.

Mr. Taber responded that is going to be reviewed before Council votes on whether to approve the fee schedule. He was out last week and was unable to research that prior to the meeting. A discussion needs to be had at the staff level to determine whether there is a need for that being in the fee schedule.

Mayor Foreman asked about the categories for the different type of conditional use permits (CUP's).

Ms. O'Dell clarified the uses are currently in the zoning ordinance and allowed only by a CUP.

Mayor Foreman asked if these uses were going to be looked at.

Mr. Taber clarified that the zoning ordinance would have to be amended to remove the use as being permitted by a CUP.

Mr. Wood asked what churches pay for a CUP.

Ms. O'Dell responded that there is a \$500 for a conditional use permit plus the cost of advertising, which puts it close to \$1,000. The different CUP's are broken into categories depending on how much time it takes for staff to review them. Category A is a standard CUP application where there is not a lot of staff time involved.

Mr. Wood asked about the 30-day language being added to the temporary sign banner.

Ms. O'Dell explained that the wording was in another place and was not easy to see, so it was moved in order to make it clear.

Mayor Foreman asked if flag signs are the same as banner signs.

Ms. O'Dell noted there is a distinct difference between them.

Mr. Wood asked if flag signs were allowed.

Ms. O'Dell stated the Town does not allow for flag signs. The ordinance does not allow for any movement, fluttering, spinning, or motion.

Mr. Wood felt Council needed to discuss allowing flag signs.

E. THE DUMFRIES TOWN COUNCIL 2020 VISION STATEMENT- DAN TABER

Mr. Taber noted that several months ago staff reviewed the 2020 Vision Statement. He did not have a clear understanding of what Council wanted. A rewritten Vision Statement was given which should probably wait until 2020. The key here is that Council is not there yet in the Visions Statement and Council has five more years to get there. The 2020 Vision Statement talks about revitalization of the "old port". This would take longer than the year 2020 and he needs to know if Council wants to keep it in. The other statement is in regards to Strong Foundations, which indicates that traffic will flow seamlessly through Town. The Route 1 widening project will not be completed by 2020 and this may create false expectations. The underground utilities will not be completed by 2020 either. Under the Environmental Commitment Enhances Our Beauty, it mentions the creation of a Green Council. This does not exist. Either Council can create a Green Council or it should be removed. Town staff needs to put more of an emphasis on recycling and educating the public regarding recycling, which can be done by 2020. The idea of the summer work program would require cost and logistics along with the liability limits the ability to effectively implement and manage such a program. The Town does hire summer interns and meets the vision to some degree. He recommended removing the language. He has explored the Dumfries Membership card idea with the Dumfries Business Association (DBA) to see if they had any interest in starting a program. He believes this is a private business matter and not a Town issue. If the businesses wanted to organize and provide discounts to card holders, it would be up to them. He suggested adding a statement that sums up how Council feels about their Town. He suggested something like; the Town of Dumfries remains proud of our history and excited about our future. He recommended that Council read his comments and send him an email with any thoughts or ideas.

Mayor Foreman suggested discussing the 2020 Vision Statement when they meet to discuss economic development. Council can go through the statement, provide input, and then staff can make the appropriate changes.

Mr. Toney agreed with the Mayor. He is the only one currently on Council that was part of the retreat. There was a lot that went into developing the statement.

Mr. Taber stated that his intent was not to pull the 2020 Vision Statement apart, but to look at updating the statement.

Ms. Washington agreed. She believed that since they have only five years left that Council should update it. She believes that the DBA could really take on the summer employment program and the Dumfries Business Card.

F. REVISED BUSINESS LICENSE APPLICATION AND ATTACHED REQUIREMENTS – DAN TABER

Mr. Taber indicated that one of the things that should be focused on is how individuals become members of the business community. This happens through the business license application process. They have reviewed the current application and developed a revised application, which contains more information. The biggest change is that applicants can now type right on the form from the website.

Mr. Wood asked if the form was online.

Mr. Taber stated it would be if there were no additional changes.

Mr. Wood asked about paying online.

Mr. Taber is talking with the Information Technology Director, a survey of the surrounding jurisdictions is being conducted, and an update will be given at a future meeting.

Mayor Foreman complimented staff for the new form and the automation. He mentioned that PWC and Stafford County have a business guide that detail the specifics of each step. The Town currently has a guide and it should be updated.

Ms. Forrester and Ms. Reynolds left the meeting during the discussion.

G. ECONOMIC DEVELOPMENT – PROFFERS POLICY/SCHEDULE – MAYOR FOREMAN

Mayor Foreman stated that economic development is an ongoing series he wants to talk about. He wants the citizens and Council know what proffers are. The Council has the responsibility to manage growth. Growth requires investment and infrastructure that service all aspects resulting from the increase in use of facilities and infrastructure. Proffers are voluntary offers by a landowner to provide public improvements that will mitigate the potential unfavorable impacts of a proposed development. A proffer is a voluntary offer by the developer to abide by certain development conditions. The best-known type of proffer is a cash proffer. Cash proffers are funds offered by developers at the time of rezoning to help defray capital facilities costs associated with development. The proffer system should be a major tool that

the Town uses to implement recommendations of the adopted Comprehensive Plan (CP). It should be a flexible tool that allows staff, the community, the applicant, the Planning Commission (PC), and the Council to address the unique circumstances of a particular property. The Town does not have proffers. PWC has them. The proffer system has proven to be a workable, flexible, and practical tool in the regulation of development. Consistent and reasonable implementation of the system has generated public confidence. It enhances the public private sector cooperation and the developments are individually tailored and responsive to the particular circumstances. Council has talked about buildings and what it has done to the Resource Protection Area (RPA). Council has talked about buildings and easements onto roadways. Noise. Height restrictions. The conditions in a proffer statement typically address issues, the layout of the proposed features of the site, noise mitigation measures to be employed, and commitments to address transportation impacts. If Council is going to take on projects like the Pete Singh project, or other areas of the Town, the Council should have a proffer system. Proffers are used for buffering, landscaping, urban design features, architectural elements, other similar designs, environmental protection, such as preserving green space, streams, and or eco-systems, implementing water quality protections, which ultimately effect areas in the Chesapeake Bay. All proffers should be determined in a uniformed, codified, manner. Fees should be established and only adjusted to reflect the Town's requirements and marketing conditions. On the whole, it is generally accepted that the proffer system has mutually benefited local jurisdictions, the citizens, and the development industry. The proffer system has allowed localities to be assured of a site-specific commitment in a manner that relies on zoning regulations.

Mr. Toney first heard the term proffers about ten years ago when he served on the PC. They are supposed to be a volunteered improvement.

Mayor Foreman commented the Town is allowed to collect proffers. He would like staff to work with the Town Attorney and come back with recommendations.

Ms. Washington indicated she looks at proffers as the type of improvements that Mr. Singh is doing with his project.

Mr. Wood wants to have the types of proffers defined by staff.

H. VENDORS ON PUBLIC PROPERTY – OLAUN SIMMONS

Mr. Simmons stated this ordinance would govern how the Town handles vendors selling things at public parks. Council requested that the ordinance be broader and include public property. He has incorporated suggested changes from Council.

Mayor Foreman noted that in the ordinance it states that all individuals doing business on public property have to pay \$50 for a business license fee. The fee schedule states that there is a \$5 fee for selling

on Town property. He wondered if \$5 is enough; but he understands now that the individual has to have a business license. When they have vendors at Town events, a fee is charged. In some cases, the fee has been waived. He asked if a fee is being charged.

Mr. Taber indicated that there is a fee charged.

Mayor Foreman asked how much the fee was.

Mr. Taber believed the fee was \$30.

Mayor Foreman asked if the Town is charging a fee to participate in a Town event, what stops the individual from setting up across the street and paying the \$5 without having to actually participate in the event? Should the fee be commensurate with what is charged for an event?

Mr. Toney commented that at Town events, there are large crowds that would justify the higher fee, whereas if they set up at a park without an event there would not be a large crowd and \$5 may be enough.

Mayor Foreman pointed out that at the Christmas Parade people were setting up along the street and were capitalizing on the event without being in the event.

Mr. Toney moved, seconded by Mr. Foreman, to move the resolution under the consent agenda for the October 8 meeting authorizing the Town Manager advertise a public hearing on the proposed ordinance. The motion carried by the following roll call vote: Mr. Brewer, absent; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, absent; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

I. TRIANGLE PLAZA ENTRANCE/GRAHAM PARK ROAD – OLAUN SIMMONS

Mr. Simmons noted that Council is concerned about the traffic flow between Main Street and Fraley Boulevard on Graham Park Road and asked him to look into whether the Town can close the entrance on the north end of the Triangle Shopping Center. He believes that they have the legal authority to do so; however, he recommends that Council proceed with caution. The case law is clear the locality can use roadways to promote the health, safety, and general welfare of the public. The issue is that this case will end up in court because the owner will argue inverse condemnation. This is where the argument will come up that the Town has impeded on the use of their property.

Mayor Foreman suggested this conversation be moved to a closed session discussion at the next meeting.

J. PROPOSED ZONING TEXT AMENDMENTS – OLAUN SIMMONS

Mr. Simmons provided Council with the results of the PC's recommendations regarding the proposed zoning text amendment. This amendment deals with animal hospitals. They made the following changes to chapter 70-247(A) number 15:

- Removed, dog grooming, without indoor or outdoor kennel facilities.
- Added, State licensed veterinary hospital with indoor boarding kennels and outdoor exercise runs.

They recommended two additional changes to 70-247(B), number 17 and 23:

- Removed, including boarding kennels on the premises, leaving just, pet shops.
- Removed, veterinary hospitals and boarding hospitals.

These amendments are scheduled for a public hearing on October 8. He would like all further changes added before the public hearing.

Mayor Foreman stated that he attended the meeting and the business owner and his attorney attended. They are in favor of the language.

K. INVOCATION POLICY – OLAUN SIMMONS

Mr. Simmons commented that at a previous meeting Council discussed a new case that permitted legislative bodies the ability to pray before its meeting. Council asked him to look at the last two policies to determine whether it meets the requirements handed down by the Supreme Court. He drafted language that mimics the Town of Greece's policy, because the Supreme Court has already accepted this policy.

Mayor Foreman asked about the policy stating that no member of the Town Council or staff shall direct the public to stand or bow. He is concerned with the word "stand." This language needs to be crafted to allow him to direct people to stand for the Pledge of Allegiance.

Mr. Simmons stated the way it is being done now is okay because you are asking people to please stand and you are not requiring people to stand.

Mayor Foreman asked about introducing the speaker invited to give the invocation and invite only those who wish to participate to stand. He thinks the beginning of the agenda will need to be changed. He will work with the Town Clerk to make sure the procedures are in place. They can do the call to order, roll call and then depending on whether you should pray before the Pledge of Allegiance or after that would be the next two steps.

Mr. Toney stated that whoever is praying could invite the public to stand or participate.

Mayor Foreman brought up the frequency of allowing any one individual to pray. This policy allows one person to pray up to 25 percent of the time in a year. The previous policy stated no more than three times a year and not more than two times consecutively.

Mr. Simmons clarified that this sets a limit of not being able to do more than six.

Mayor Foreman explained that what happened in the past was the invitations were sent out and the same religious leaders were coming back. He is just thinking that six times is a lot.

Ms. Washington stated one of the problems before was that you could not say anything about Jesus and the new proposal does not dictate that. She thinks more people will be willing to do the invocation.

Mr. Taber would like the effective date to be at the beginning of the year in order to provide sufficient time to prepare.

Ms. Washington did not have a problem with saying no more than six times per year.

Mr. Wood moved, seconded by Mr. Toney, to move the invocation policy under the consent agenda for the October 8 meeting for adoption. The motion carried by the following roll call vote: Mr. Brewer, absent; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, absent; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: CLOSED SESSION

**A. CLOSED SESSION UNDER VIRGINIA CODE SECTION 2.2-3711(A)(3)
(ACQUISITION OR DISPOSITION OF PUBLICLY HELD PROPERTY)**

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, absent; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, absent; 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 September 23, 2014; and

WHEREAS, the nature of the subject is the discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Town and consultation with legal counsel pertaining to actual or probable litigation. The. The discussion of same in Closed Session is expressly permitted by Section 2.2-3711(A)(3) and 2.2-3711(A) (7) of the Code of Virginia, 1950, as amended.

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

Mr. Wood 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, absent; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Reynolds, absent; 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 September 23, 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 Ms. Washington, to adjourn the meeting. The motion carried by the following voice vote: Mr. Brewer, absent; Mr. Foreman, yes; Ms. Forrester, absent; 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