



## DUMFRIES, VIRGINIA

Virginia's Oldest Continuously Chartered Town

CHARTERED 1749 INCORPORATED 1961

17755 Main Street  
Dumfries, Virginia 22026-2386  
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### DUMFRIES TOWN COUNCIL PUBLIC HEARING MINUTES SEPTEMBER 6, 2011, 7:00 PM

**Present:** Mayor Yohey, Vice-Mayor West, Councilors Forrester, Toney, Foreman, Jurgensen and Barr

**Others Present:** Daniel Taber, Interim Town Manager; Retta Ladd, Treasure/Deputy Clerk; Robert Forker, Interim Chief of Police; Greg Tkac, Dir. of Public Works; Debi Sandlin, Dir. of Economic Development & Marketing; David Moss, Planning/Zoning Administrator; Teresa Johnson, IT Manager; Christopher Padberg, Planning Commission Chair; and approximately 45 citizens.

Mayor Yohey called the public hearing to order at 7:00 PM.

Mayor Yohey stated there are three proposed ordinance amendment public hearing items that have been public knowledge for quite some time.

Mayor Yohey gave instructions on public hearings; comments from citizens are limited to three (3) minutes; those wishing to speak should state their name and address; and the public hearing is for just that, to hear the public, the public hearing is not to interact with Council.

Ms. Sanders advised that written statements can be submitted to the Town Clerk if the speaker is unable to finish in three minutes.

Mayor Yohey asked those wishing to speak to come to the podium.

Dr. Derek Grier, Bishop from Grace Church, highlighted a few items on the following letter that was submitted to Council.

# GRACE CHURCH

Real People. Real Lives. Real Change.

BISHOP  
DR. DEREK GRIER, M.ED., D.MIN.  
PASTOR  
YEROMITOU GRIER

July 31, 2011

Handwritten signature and date: July 31, 2011

Mayor Fred E. Yohe Jr.  
Town of Dumfries  
17755 Main Street  
Dumfries, Virginia 22026

Dear Mayor Yohe:

I am writing to express my concerns about a proposed zoning change being considered at the Tuesday, September 6, 2011 Town Council meeting. The specific change concerns the qualifying of organizations for B1 zoning.

As you know, this proposed change would eliminate churches and nonprofit organizations from B1 zoning classification. The change would require churches like Grace Church to file a change of use permit. Such a permit would cost our church thousands of dollars both in legal fees and other special requirements, greatly reducing our ability to serve the town of Dumfries.

Currently, Grace Church provides much needed activities for dozens of youth in the Graham Park and Williamstown area. These activities include a "Youth Night" event on Fridays, giving hundreds of local youth a safe place to congregate. We also provide tutoring services for youth and a food bank servicing hundreds of families within the community.

As an organization, we have invested over \$1M in the Town of Dumfries. Grace is a growing congregation, many of whom live in the Town of Dumfries. Most of our visitors frequent local businesses here as well. We are also in the process of looking for a new space in Dumfries that will accommodate this continued growth.

I mention all of these activities to illustrate and express my desire to continue being an impact organization in the Town of Dumfries. Removing churches from a by-right use in a B-1 zone would greatly hamper our ability to function as a growing church. Furthermore, it would deplete needed resources and negatively impact the community as a whole.

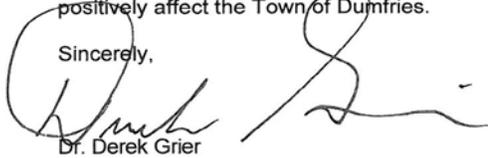
17889 Fraley Boulevard ~ Dumfries, VA 22026  
Phone: (703) 445-1299 ~ Facsimile: (703) 445-9057  
E-mail: [info@gracechurchva.org](mailto:info@gracechurchva.org) ~ Web site: [www.gracechurchva.org](http://www.gracechurchva.org)

I ask that you continue to welcome people of faith into the Dumfries community, by permitting churches such as our own to purchase in B-1 zone as by-right, as is the case in the rest of Prince William County.

Churches are not required to pay taxes but we do provide services for the community that far outweigh the taxes that we are spared. We consider ourselves to be a part of the community and hope you will see the in kind value we bring as well.

If you have any questions or need further information, please feel free to contact me at 703.445.1299. Additionally, I ask you to visit Grace Church and see how our activities positively affect the Town of Dumfries.

Sincerely,

A handwritten signature in black ink, appearing to read "Derek Grier", written over a circular stamp or mark.

Dr. Derek Grier

DMG/kgp

17889 Fraley Boulevard ~ Dumfries, VA 22026  
Phone: (703) 445-1299 ~ Facsimile: (703) 445-9057  
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Bishop Eugene Reeves, Co-President of the Prince William County (PWC) Ministerial Alliance, wanted to speak to this because it affects everybody in the County as well all as those in the Town of Dumfries. One thing that needs to be considered is the growth that has occurred in PWC. With growth, the housing and community have outpaced the ability for churches to accommodate this growth. The only way churches have been able to accommodate or have places to assemble is the use of B-1 businesses in the area. Churches are gradually catching up, but are far behind businesses in the County. Churches need the right to be able to go into B-1 zoning to use the built structures to accommodate churches until churches can catch up with having actual

houses of worship built or non-profits organized to coincide with growth in the County. Schools keep being built to accommodate the communities coming in. These are people of faith and need to have places to assemble and worship. If the B-1 right is taken away, this opportunity will be taken away from numerous places of worship. He asked that consideration be given to churches that are using B-1, who help the people in the community until and to have a place to worship until building can catch up with the population.

Karen Gaughan, Director, Dumfries Youth Center (DYC), has been before the Council before. The DYC is a part of Grace Church. The DYC was established because of the need in the community. DYC promotes healthy active lifestyles for the children in the community with activities like football, basketball, Frisbee, and tag. Over 130 kids come out every Friday to the DYC where there is a safe environment where the children can talk if they need to. She went over the numerous activities and opportunities that are available to the children. DYC is exposing kids from South Cove and Williamstown to activities and programs that they may not otherwise be exposed to. All of the activities and opportunities are increasing their self-awareness and self-esteem. DYC will be starting up a free tutoring program offered twice a week on Tuesdays and Thursdays from 3 p.m. to 6 p.m. for children in the fourth through twelfth grade. That is for any child that walks through the door that needs tutoring. DYC is fighting for lower teen pregnancy rates, dropout rates, and crime rates. DYC want the youth to grow up socially responsible adults for this community. She mentioned one youth who was giving back to the community already by volunteering.

Terry Milton spoke on behalf of Grace Church about the food pantry called "Bag of Hope" that provides food every other Wednesday to families. Recently an event was held that focused on food, school supplies, and gently used clothes that provided 182 backpacks filled with school supplies, 350 bags of food, and 1,200 bags of clothes. Financial support is offered to assist with rent, mortgages, and utility bills. Family crisis prevention and marriage intervention is provided at no cost. The Grace Learning Center provides breakfast, lunch, and snacks. If Grace Church is removed, or it becomes difficult, the community is going to have more people in need. Sixty five percent of the people who come to the "Bag of Hope" come regularly. Grace Church has given 4,000 pounds of food in just one quarter. There is a turkey drive every year where 100 turkeys are given away. Presents are given to 200 needy children every year for Christmas.

Tracy Wilson spoke on behalf of Grace Church about the girls' ministry and the alternative that has been provided the past four years to Halloween with a harvest festival.

Cleveland Anderson, managing partner for Liberty Village Professional Center, attended the commercial landowners meeting held by Debi Sandlin and David Moss on the rezoning when he was told with a clear voice "this is what we are going to do and we do not really care what you think." He hopes Council cares

what citizens think because this is wrong for Dumfries. The Town will control the sale of property, who buys the property, and the leasing of property. If someone wants to lease at Liberty Village and goes to Town Hall to get an occupancy permit they are going to be told it is a long slow approval process and at the end, there is no guarantee. He felt this would create a mountain of paperwork and invite lawsuits. The message that Dumfries should be sending out should state, "Dumfries is open for business." Instead, doors are being closed, free enterprise is being stopped, and when free enterprise is stopped, the future is stopped.

Devon Gray pointed out that if the change takes effect there is no way that one could say that resources would not be taken away from what Grace Church that would serve the purpose of the new permit that would have to be applied for. The legal fees and all the different things that would have to be applied for would take away from resources that have been provided at no charge to the community. He wanted to know how Council would take up for the services that are being provided. The Church is bringing in people who would not normally come here that are frequenting the businesses in Dumfries, which is income the Town will be losing. The Church is willing to work with the Town. The Church would like to work with the Town.

Arthur Stewart expressed concern on how the Town drew the line on what is allowed and what is not allowed. It was obvious that the line was being drawn on the faith-based community. Other business leaders want to know how this will affect them. If there is no other option, the Church will be forced to leave. He noted the Church is in the community because it loves the community. Business owners are here because it provides them with a place to operate and effectively run their business. He wanted everyone to know that not only are the faith-based entities needed, but also the businesses that the Town is trying to draw in will be affected by this change. Some of the plans for the Church will create some more businesses for the community from the leaders in the Church.

Tracy Cox, Cropper's Towing, Tires & Auto Repair, stated small town America is not just what you see on the list. You drive down any street, in any City or Town, and you see churches, automotive places, education facilities, bicycle repair shops and not just a select list. It seems like the Town is consistently, inconsistent with its staff and its zoning. She has been consistently hit since the B-1, B-2 thing has come out. She felt that this particular industry has almost been selected to be hit. Right now, she is in compliance, but it looks like she is closed. No one is coming in because she cannot show her wares. If she were a flower store, she would plant 1,000 flowers in the front yard.

Crystal Willis is not a member of Grace Church, but a volunteer at the DYC. Her son attends the DYC. She knows that the DYC is very beneficial to the community. She could not fathom what would happen to the children and the families if the DYC were closed.

Pete Singh represents an organization of four to five hundred people who come to Dumfries, work every day, and would like to see the Town grow. What is before the Council is a simple thing. He asked that nothing be enacted that would deprive him of his rights. He understood there has to be controls, those controls are vested in the elected body, and he urged the Council to do the right thing. He wished the people were there years ago and exercised their right to be part of the process then. He noted that it is true that there is a stigma against certain businesses. Every community has them.

Michelle Somers explained the difference between Social Services and the services that are being provided by Grace Church. She asked that the permit be reconsidered.

Leroy Burns gave his time to speak to Sherman Patrick.

Sherman Patrick, Compton & Duling, was before the Town representing several property owners in the Town. What he wanted to talk about was the proposed ordinance. He worked with Dr. Derek Grier on special use permits and non-conforming uses for another facility and Dr. Grier knows how complex these things can be. This is a complex issue and he did not feel that the Town Council has gotten a thorough analysis on this issue. There needs to be more study of this particular topic, more explanation, and more involvement of the community in the process. There may have been proper notification given, but he did not think that this came to the attention of the business owners in the Town and it did not come to their attention how significant and substantial these burdens could be if adopted. There are three people impacted by the change: the property owner, the existing business owner, and a taxpayer of the Town. If a property owner is not able to lease his property to a business, the Town is not getting tax revenue. The individual property owners and residents have to make up that cost difference. If the idea is to zone it and they will come and the Town could end up with vacant property because the demand for a particular type of use that is being targeted is not there. The result is that someone else has to pick up the burden. He noted that there are a number of uses deleted from the proposed zoning ordinance in the B-1 and B-2 districts that evaporate. He has been told that there will be amendments made later to correct that, but he suggested that be corrected now, and not be left uncertain. Things should not just be taken out of the zoning ordinance. That is down zoning. If you take something out, it needs to go somewhere else. There are other things being transferred to other locations. Those things need to be sure are being transferred to a zone in an area that is viable for that activity. There are things being transferred to a zoning district that is an industrial zone. You cannot put a car dealership in an industrial district that needs road traffic. Regulating these things and making them non-conforming is making it impossible for them to grow and improve. The conditional use process is also a very uncertain process, can cost tens of thousands of dollars, and there is no guarantee it will be approved.

Conditional uses were conceived by the State, and other governing bodies, to be something that would take uses that did not quite clearly fit into a particular zoning district, but could be compatible with the exception of having some operational characteristics that might be a little more intense than one would want otherwise. The impact of becoming a non-conforming use is it places substantial burden on the property owner to demonstrate that they lawfully exist at that location. The problem is the Town does not have very good records and those records do not go back very far. Yet, applicants and property owners are asked to go back 20 years, prove that they got the right permits, and that the permits received are clear. If the permit states retail, it needs to be understood that the retail activity included the selling of prepared food as well as canned food or whatever that distinction might be. There is a lot of "hair splitting" that goes into the administration of a non-conforming use process. He did not think that this was explained clearly. He recommended having a committee pick up the effort. It is commendable that Council wants to make things better, improve the community, and provide good regulations, but there needs to be outreach, participation, and people need to understand what they are getting into. There ought to be receding zones for all the uses that are being taken out and a clear reason for something becoming a conditional use permit and therefore more restrictive and costly. Include some very clear non-conforming use statutes in the ordinance that allow the Zoning Administrator to do his job, to allow the businesses that are here and viable to grow, expand and improve. He volunteered his assistance if needed.

Debbie Burns spoke at the last meeting. Since then she spoke with the Mayor and staff who have been generous with their time. She wished she had more time to speak with the other Council members individually. Her perception is that her concerns with the text amendment are being dismissed because her property is up for sale. While it is true that she is trying to sell her building, it does not make her points any less valid, and hopes that an open mind will be kept to all comments made. She attended the informational meeting and appreciated staff having it; however, the meeting was limited to one hour that was mostly spent explaining the amendment with a limited number of questions and answers, which there were many questions. She felt there were aspects of these changes that the Town Council and the Mayor need to consider. She asked if everyone knew that if this ordinance passed and there is a legal non-conforming business that wanted to expand that it would not be able to do so. She asked if everyone knew that if this ordinance passed and there is a legal non-conforming business that is severely damaged by a fire or earthquake that it would not be able to be rebuilt. Additionally, other businesses are being placed in a category that requires a conditional use permit that would have an added burden placed on it if those same circumstances were to happen to them. In this economy and with all the empty storefronts and office space in the Town does the Town really want to be adding to the burden of the local businesses? She pointed out that in the July 19, 2011 minutes the former Town Manager stated, "...the intent behind the changes is to clean up U.S. Route 1."

She was sure that many business owners in the Town who work hard every day employing several people would take offense to being characterized as something that needs cleaned up. It feels a little bit more like you are trying to clean them out. She requested slowing down the process until the changes could be looked at in a more comprehensive manner, the Town work with the businesses to find solutions that help the Town, its residents, and its business community. When the government and its citizens work together, there is a greater opportunity to create the type of community that is trying to be created. Reading from the Town's website, news from the Department of Economic Development today, it states that the Director among other things plans to facilitate existing business expansion. The Town Council has identified a few short term goals designed to be the foundation for the Town's Economic Development Program that include developing incentives to attract new business, to encourage the expansion of existing businesses, plus the creation of an outreach program for existing businesses, the retention of businesses, and for business attraction. This zoning text amendment seems to be in direct conflict with some of those goals.

Fred Johnson is personally against the zoning change. He knew that this was not the time for dialogue, but felt that Town Council needed to answer a few questions for the citizens of Dumfries. What was the rationale or consideration taken for making this decision? Other things need to be "cleaned up," such as porn shops and massage parlors. What he is hearing is that it is okay for those kinds of places, but places of faith that are doing good, helping families, and building the community up are not. He hoped Council was listening to what the community was saying. He asked when the Council's terms were up. What were the procedures were to apply for a seat on the Council? He asked Council to do the right thing.

Cathy Cosner, property owner, Dumfries Business Park, felt that everyone would agree that the text amendment before the Council was done with the desire to make Dumfries better. She is assuming specific studies have been done to determine that the change in fact does that. She asked where to go to see the studies, because unfortunately the Town of Dumfries is already at a disadvantage for businesses. Businesses pay real estate taxes to both PWC and the Town of Dumfries, which businesses in PWC only pay taxes to PWC. The Town of Dumfries has a Business/Professional/Occupational License (BPOL) tax that starts with the first dollar of income. In PWC, the BPOL tax does not start until a business reaches \$200,000 and Stafford does not have a BPOL tax. She felt the Town was already at a disadvantage and would hate to see anything done that would burden businesses even more. She was confused about some of the uses that are allowed by right versus a conditional use permit (CUP). She would be able to sell stamps and coins by right, but would not be able to sell bicycles without a CUP. She did not understand the difference between those types of businesses. She could open a bowling alley or a roller rink, but if she wanted to open a theater, she would need a CUP. She would think that those businesses

would have the same impact on the Town. She could open a college or a university, but if she wanted to open a seminary, she would need a CUP. She found it interesting that a Bible was in the lectern. She could not have a seminary to teach the Bible, but she could have a college. She hoped this was no one's intent, but it appears to her to be an infringement on the First Amendment Right and religious discrimination. She attended the public meeting where David Moss stated that there would be future amendments to the zoning ordinance to work out some of these issues. She asked if that was not somewhat backwards. Should the issues be worked out prior to passing the amendments? She respectfully asked that the proposed amendment go back to the Planning Commission and that business and homeowner input be included and given further consideration.

Diane Ford, Pastor, Citadel Worship Assembly, has been in the community since 1993. In October, it will be 18 years as a church, homeowner, business owner, and daycare owner.

Darryl Chichester, Leader at Grace Church, understands the importance of having the DYC down the road. One thing he has noticed about the youth is that they are full of energy and life. They have a place they can go where they can use that energy for things that matter, so that they can grow up to be leaders, role models, and become positive citizens. What would the youth do on Friday night if they have nowhere else to go? He asked if the Police or the Mayor were going to find something for the youth to do. He guaranteed that they will find something to do and it may not be in a positive manner. He deals with them all the time and one of the issues dealt with is discipline. The DYC is there to provide leaders, give guidance, to help them, and most importantly for support, so that they can grow to be positive citizens. He noted DYC does not just teach the youth, it is not just fun and games. Different principles are taught and how to live their lives accordingly, not to just think about themselves but to think of others.

Devon Martin, DYC volunteer, used to attend when he was in middle school. He applauded Council for trying to better the community and move the Town forward. That is honestly, what needs to be done for the whole country. If the amendment is passed, the Council will be shutting down a place for young children, teenagers, to go have fun and get some experience volunteering. He has seen the difference that has occurred with the teens in his neighborhood. He pointed out that the younger kids are coming up behind the people that are at the DYC volunteering, playing football outside, working at RiteAid, and doing what they have to do.

Santashia Guston, Grace Church member who lives in South Cove. When she moved into South Cove, there was a group of boys who played football and would curse. She persuaded them to have a pizza party in order to tell them no cursing and they could have a pizza party every other month. Shortly after that,

Grace Church started Friday night events. Her daughter gathers the kids up on Friday night and walks them over to Grace Church for a couple of hours. She no longer hears cursing when they are outside playing football. She noted that it was improving the children's attitudes and was one positive thing that has come from Grace Church. She mentioned vacation bible school is a week that parents do not have to pay for daycare; the kids get free lunch, and a t-shirt. She noted the summer camp is the cheapest around. The daycare facility allows a parent to drop their child off for one day and no other daycare does that. She thought that all churches should be in free zoning and none of that B-1 special permit type stuff.

Mary Herd asked Council whether they have asked themselves if they are serving the people that elected them. It seems to her that the Council is all for pushing out faith-based organizations. The Council is telling her that no one in the Town of Dumfries believes in God and have no faith. That scares her. She thinks the greatest gift to any community anywhere in the world is the fact that there is tremendous faith in the people. She is looking at bringing a business into the Town and one of her comfort zones is the fact that Grace Church is here. Her children attend the DYC. She substitute teaches in the area as well, so she is watching the influence on these children. She thinks they are getting an awesome experience with the adults that come through there. She asked the Council to imagine things without this type of influence, whether it is in the Town or from people coming from outside, of learning graciousness and attitudes. She asked Council if they knew all the business owners, all the people that Council represents, and what has gotten Council to the point where all these people have to show up to remind Council who they are. The Council is here to serve the people of the Town of Dumfries and not rule people's lives. God gave people the power to do that for themselves and Council has to trust that process. Go out, serve, and find out who these people are. That is the whole point. Really, find out the needs of the people. She felt that Council would be changing their decision. There will not be any places left to rent because this will be such an awesome place to live.

Jeff Cox, Cropper's Towing Tires & Auto Repair, has been to several meetings and there has never been the attendance that is present this evening. The Council needs to pay attention to these people. They may not come to every meeting but they will come to the one that is near to their heart. He had a business down in Triangle. See what Triangle looks like right now. He chose to come to Dumfries for his business. He has been able to grow over the time that he has been here. He has two businesses now, but now after all the hard work he has done, he is scared. The little businesses are what makes America. He does not have a vote in the Town but his taxes go to the Town. He noted that Council has a lot of people to answer for if the wrong thing is done.

Bob Stewart gave his time to speak to Dr. Derek Grier.

Dr. Grier was a little surprised to hear the adversarial tone when he came into the room. Grace Church is here to work with the Town. He came to the meeting concerned. He hoped that folks wanted to hear where Grace Church was coming from. He will knock on every door in this community to get a Town Council in Dumfries that is concerned about the people in future elections. He wanted Council to consider what Grace Church is doing. Grace Church has created eight jobs in the community. He could go on and on about what Grace Church does. He wanted Council to consider the way they are responding this evening and the demeanor. Non-verbal says a lot and he is reading many non-verbal cues that are really concerning him. He is going to work hard in the future to make sure to get a responsive Town Council in the future.

Mary Mason, Citadel Worship Assembly, has lived in Dumfries for over 20 years. She was one of those mothers out on the street doing everything except paying attention to the Lord. She received her salvation. Her children are also saved. If a mother like her, who came from the streets, who knows how to do bad things, stays on the streets and teaches kids, with no churches around, what do you think is going to happen in the future for children? If you notice there are a lot of churches in Dumfries. Why? That's right, there is a lot going on in Dumfries. Dumfries is the birth of PWC. She was just asking Council to think about what they are doing. There are a lot of mothers, and fathers, who know the streets and know the people.

Bobby Oh and his Mother drive from Alexandria Virginia to attend Grace Church. He noted that it would not hurt the people in the Church, but would hurt the people outside the Church, like Williamstown that the Church holds food drives for.

Gloria Jones grew up in a community in Pennsylvania that did not have any churches. She was one of the lucky ones who got out of that community without being pregnant, on drugs, or a high school dropout getting into trouble. Dumfries would be facing these things by taking churches out of the community. She is a living witness to that. There are not many from her generation left from Bloomsdale and Fleetwing in Levittown, Pennsylvania. They are either in jail or in the cemetery. The last time she spoke at a public forum like this she was a manager of a newspaper in New Jersey. She had disagreed with the Editor, his head rolled the next day. She asked Council to listen to and consider what the businesses of the community are asking, consider what is being done to the youth, and the future of Dumfries before making a decision.

Miriam McKinney gave his time to speak to Bishop Reeves.

The Mayor explained that an individual could only speak once. It was pointed out that it was done for Dr. Grier. After a brief discussion as to who the minutes were given to, the Mayor understood they were for Bishop Reed; however, it was Bishop Reeves who came to the lectern to speak.

Bishop Reeves reiterated that he was there representing all the ministries in PWC to include the Town of Dumfries and not just himself. There will be a meeting held on the 20th of this month and he was sure one of the agenda items would be the concern about what is happening with the by right uses of churches with B-1. He noted he was just reading the vision statement, which is a very powerful vision statement. He noted that wherever the vision is, is where the people will follow. He quoted the following from the vision statement. "The Town of Dumfries is a community where neighbors care about each other." "The spiritual anchor for our community can be found in the many churches in Dumfries and surrounding areas. To live in Dumfries is to experience a rare slice of Americana." He asked where the slice was heading. If this is where Council wants churches to go that is great; however, if Council does what it is doing then Council is not following its own vision and without a vision, the people perish.

Janelle Moore of Manassas is an employee and member of Grace Church. She would never have come here to stop at Dunkin' Donuts, 7-Eleven, Todos, and Rite Aid if she were not a member of Grace Church and employed by them. Her daughter goes to school in this area because she is employed at Grace Church. If this special passage passes and the Church leaves, her money will go with it because she has no other reason to be in Dumfries. Other members are not here tonight that come from Stafford and Columbia, Maryland. They stop at Dunkin' Donuts because they have to get up at o-dark-thirty to get to Church, but they stop in this community to help increase this community's revenue. If the change is made the revenue will go elsewhere. Please reconsider the choices that are being made. Make sure you consider all of the citizens, not just the ones in this community, but also the ones in this area who attend services in churches as well as frequent the businesses. Revenue is taken out when changes are made that are not completely thought through for everyone's benefit for a personal agenda.

Shannon Frank comes from Woodbridge and enjoys coming to Grace Church. He has not really gotten comfortable with a church until he moved to Virginia. He heard that the problems were really parking and taxes. He did not see a problem with the parking and if it were the taxes, would it not be easier to build a new corporation.

Tiffany Ups, leader, NYC mentioned that Officer Moody comes out and visits the kids and they love her. The kids do not run from the police, they run to the police. They feel confident and she builds confidence in them. The services of the law enforcement are also poured into the kids at the NYC. If a child just saw his brother get arrested, he comes to the NYC to talk, where would that child go if there were no NYC, probably on the streets in Dumfries making another statistic. The NYC opens Friday at seven o'clock and the kids are showing up at five asking if they can sweep. These children are learning service coming to the NYC and want to know how to volunteer. The youth are going to be our future.

Bobby Oh gets up at six in the morning to come to church, not because it is fun or he has to, but because he wants to. He felt that if Council attended one Friday night that they would change their minds and support Grace Church in every way. He noted that the decision would not just damage the Church but it would hurt someone in the future who might want to be saved.

Shanna from Woodbridge attends Grace Church and thinks that it is doing good things for the community. There are kids who prefer to attend NYC on Friday nights rather than be on the streets doing bad things because they have another choice. It is helping the kids do better in their lives. It has made a very big change in her life and it would devastate her if Grace Church had to move.

LTanya Chew from Alexandria is a member of Grace Church. The NYC is important not just to kids in Dumfries but also to kids in Alexandria.

DJ Grier noted that the NYC has done a lot for him and it gives him a place to go on Friday night. With the whole tax issue the Town is going through, NYC orders like 20 to 30 pizzas plus all the people that passing Dunkin' Donuts. He did not think that many people from the community are buying donuts and going to Papa John's. With the Church being in Dumfries, it has helped the Town out.

Jeff Cox pointed out that adults forget like kids do. The automotive businesses are greatly impacted by this change too. He saw 30 automotive businesses coming in to work today. He owns a towing company that tows for only the police: the Virginia State Police, the PWC Police, the Town of Dumfries, and the Marine Corps Base Quantico. When he tows someone broken down off Interstate 95 they are usually traveling from New York to Miami, or whatever the case may be. They do not know where they are at except that they are in Virginia. After the police are done, the towing company takes them to a hotel, fixes their car, and they stop at Harold and Cathy's Dumfries Café. What his business does impacts more than just his business.

Constance Turner from Stafford is one of the newer members of Grace Church. She is happy to see the things that the Church is doing because this is exactly what God has commissioned people to do, to be of service to the community, around and outside the community. As a realtor, she brought people into the Town of Dumfries who wanted to know what was in Dumfries. She now knows what is in Dumfries, Grace Church. There is nothing that God will withhold from his children. She knows they have the victory and that Grace Church was appointed to be in Dumfries.

David Grier attends Grace Church. NYC really helps families and kids. NYC has the "Bag of Hope" and provides something for kids to do. It helps discipline the kids.

Diane Pinkny lives in Stafford and works in Richmond. She mentioned that the "Bag of Hope" is not just for the homeless. It is for those who have not eaten, need food, trying to figure out how to get to the next week. This is an opportunity for the community to reach out and feed the homeless and the people in need. She asked Council to really think about what was being done and the people that are being impacted.

Deshon Pruitt (?), does transportation ministry at Grace Church and drives all over PWC, as far as Woodbridge, providing a service for people who do not necessarily have a vehicle. He thinks the Church helps the businesses. He has seen children who really do not smile, smile because of what is done at NYC. The Spirit of God is all about people and he believes that Dumfries is full of people who need people.

Elizabeth Dixon was before the Council to appeal to the woman about the woman's ministry at Grace Church. One in three women in this country has had a miscarriage or an abortion. Just recently, they had a woman from Gainesville who did not know where to go to help her through an abortion who was told about Grace Church in Dumfries. This individual came to the Church every week and purchased gas to get back to Gainesville and a soda or cup of coffee in Dumfries. This individual would never have come to Dumfries if Grace Church did not have that ministry. There is no other church in PWC or the surrounding areas that offers this ministry every quarter.

Natalie Omar, member of Grace Church, was appealing to the Council as human beings. When you do not invest in the people in a community the community goes down. She was sure that Council watched TV everyday and saw the crime and where the economy is heading. When a church invests in the people to make them better, good citizens, you do not do away with the growth. Grace Church is a light in a dark place.

Larry Maxwell explained that the people who have come here this evening are not there about Grace Church but about the principle. Some people come from the streets. He was one of those people, but being part of the Church, being connected to someone who showed him how to become a man, a father, how to love his wife. There are lots of people that need that support. He thinks some of the Council may be forgetting where they come from and who put them there. He felt that the Bishop was being disrespected. He did not think that the Council was actually doing what it says it is doing with the vision statement. He asked if someone wrote it for them. He challenged Council to think about what they were doing. The NYC, the churches, and the businesses will suffer because of this.

Sarah from Alexandria felt that Dumfries was lucky to have Grace Church in the community because of all the good things the Church does. She indicated

Council could try to stop the good that Grace Church is doing but Grace Church will thrive.

Joseph Clark has been blessed to be a member of Grace Church. He came here in 1993 from Barbados. The Church serves as his home and family. He asked if the Church was going to be zoned out of the community and what is the intent with the B-1 zoning issue. He explained that the Church is not just a religious organization but it is God's living organism.

Public hearing closed at 8:35 PM.

The question was asked by a member of the audience whether a vote would be taken this evening.

Mayor Yohey explained that State law requires two readings. Tonight there will be a vote on the first reading to move the item forward. The second and final vote will be in two weeks, on September 20. The meeting will be broadcast at Noon every weekday until September 20 on Comcast and Verizon.

The question was asked by a member of the audience whether the ordinance would be read.

Ms. Sanders clarified that if the ordinance is voted on that the document will be available publicly and would not be read verbatim; however, it is incorporated into the minutes as a written document. The document should be available on the website and available at Town Hall for viewing.

Ms. Sandlin was going to check into whether the document was available on the website. A citizen can call and a copy can either be emailed to them or mailed. The ordinances were actually read at the August work session.

Minutes transcribed by

Approved by

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Dawn Hobgood  
Town Clerk

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Fred Yohey, Jr.  
Mayor



## DUMFRIES, VIRGINIA

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### **DUMFRIES TOWN COUNCIL REGULAR SESSION MINUTES SEPTEMBER 6, 2011, 7:00 PM**

**Present:** Mayor Yohey, Vice Mayor West, Councilors Barr, Foreman, Forrester, Jurgensen, Toney

**Others Present:** Daniel Taber, Interim Town Manager; Christine Sanders, Town Attorney; Chief Forker, Interim Chief of Police; Greg Tkac, Public Works Director; Debi Sandlin, Community & Economic Development Director; David Moss, Town Planner/Zoning Administrator; Retta Ladd, Deputy Town Clerk; Teresa Johnson, IT Manager and approximately 11 citizens.

Mayor Yohey called the meeting to order at 8:55 PM.

The invocation was given by Bishop Derek Grier, Grace Church, followed by the Pledge of Allegiance.

#### **DISCUSSION ITEM**

##### **a. Policy Procedures for Public Comments**

Mayor Yohey asked Ms. Sanders to present this item.

Ms. Sanders stated she would yield to the Town Manager.

Mr. Taber read the following recommendations for public comments.

- Editing the Agenda and inserting at the top information about speaker limits. Speakers limited to three minutes for individuals and five minutes for individuals speaking on behalf of an organization or group and the ability to shorten these times depending on the length of the agenda or the number of speakers at the Mayors discretion.
- Speaker slips or a sign-up sheet will be provided for individuals to sign up to speak prior to the meeting.
- Comments can be emailed to the Clerk prior to a meeting to be made part of the record.
- Written comments, beyond the scheduled time allowed for citizen comments, may be submitted to the Town Clerk and made part of the record.

Ms. Forrester stated everything sounded good except for limiting or shortening citizen comments whether that be at the discretion of the Mayor or any Council member.

Mayor Yohey asked if this would be limited to public hearings.

Ms. Sanders stated the policy and procedures would be for any public meeting.

## **September 6, 2011 Meeting Minutes**

-2-

Mr. Toney suggested having the Mayor designate a timekeeper for public hearings to help with citizen comments and presentations. Also, rather than interrupt the speaker have a sign that can be held up to let the speaker know their time is ending.

Mr. Foreman agreed with Mr. Toney about interrupting a speaker. He felt that the three minutes was a good amount of time to hear from citizens even though he agreed with Ms. Forrester's comment.

### **CITIZEN COMMENTS**

Bishop Derek Grier recommended that Council postpone voting on the proposed ordinance amendments.

Mayor Yohey stated Council held the public hearing to hear from the public, there will be two weeks before the final vote, the vote tonight will be to move the item forward or not, and between now and September 20, Council will work hard to do what is right for the community. He explained that emails went out through the Dumfries Business Association (DBA) and he did not feel the process needed to be placed on hold.

Bishop Derek Grier advised that he found out about the public hearing from a friend. He stated that Grace Church would be unable to grow if the proposed ordinance goes into effect.

Ms. Sanders stated the citizen comment period is for non-agenda items.

Tracy Cox, Cropper's Towing, Tire and Auto Care, spoke with a couple individuals at Town Hall regarding a business she felt was in violation that turned out to be in compliance. Since she asked the question Cropper's Towing, Tire and Auto Care has received two zoning violation notices. People are afraid to say anything to Council or staff, in fear of being reprimanded.

Fred Johnson stated the Mayor made the comment that some of the comments made this evening have opened his eyes and the job of being a Councilperson is not an easy one. He understands that, but during the whole public hearing comment period, the Mayor did nothing but look at his watch. He was taught that you make eye contact when speaking with someone. It is called respect. He stated he would be participating in the Council meetings in the future.

It was questioned whether Mr. Johnson resided in the Town of Dumfries, which was determined that he did not.

Ms. West was not saying he could not participate in the meeting and clarified that the address he provided is not within the boundaries of the Town.

Mr. Johnson asked if that meant he could not participate on Council.

Ms. Forrester clarified that Mr. Johnson could participate in the Council meetings; however, he could not run for Council.

Sherman Patrick asked Council to consider revising the zoning ordinance regarding Article 5 that deals with the restrictions of non-conforming uses. There are specific provisions that restrict the continuation, repair and maintenance, restoration, and replacement of non-conforming uses. These are very difficult for existing businesses to comply with particularly those that are not

incompliance because of its use, the size of the lot, or how the businesses have evolved since the property has been subdivided and rezoned. Specific sections include 70-576, 70-578, and 70-580.

Debbie Burns noted the Mayor stated businesses had been notified by email. Emails may have been sent to the businesses, but the property owners did not receive an email so not everyone was fully informed. She pointed out that the email list was not inclusive of all the businesses in the Town and may not have gone to the property owner.

Jeff Cox, Cropper's Towing, Tire and Auto Care, has heard the term "move forward" a lot. As citizens, no one knows what "move forward" means. He wanted to know what the Town's vision was for the future.

Mayor Yohey advised the Town adopted, in November of 2008, the "Dumfries 2020 Vision" that explains what Council hopes to see, which is available for review at any time at Town Hall and on the website.

### **MAYOR'S COMMENTS**

Mayor Yohey had no comments.

### **STAFF REPORTS**

#### **a. Town Manager**

Mr. Taber advised that Springsted and the Virginia Municipal League have posted the Town Manager's position on their website with the closing date of October 1.

Ms. West asked if interviews had started for the Town Clerk position.

Mr. Taber is reviewing the applications, whittling them down to six, will schedule the interviews, and from there two or three will be scheduled for Council to interview to make a final decision.

Ms. Barr thanked the Town Manager for his efforts dealing with the issues caused by Hurricane Irene. Emergency preparedness needs to be a state of mind and everyone needs to be prepared. She would like a section on the website on basic emergency needs, i.e. phone numbers, etc.

Mr. Taber stated information dealing in general with emergency preparedness is easy to do. The information will be put on the website within a week; however, an emergency response plan for Dumfries will take a little time.

Ms. Jurgensen thanked Ms. Barr for the emergency preparedness link sent by email. She thanked the Town Manager and Teresa Johnson, IT Manager, for the notification on the website.

#### **b. Chief of Police**

Chief Forker handed out bumper stickers shaped like a school bus that read, "School is Open" and asked everyone to look out for children now that school is in session.

Ms. Barr thanked Chief Forker for including the ordinance violation ticket payment summary in his report.

Ms. Jurgensen thanked Officer Brian Fields for helping out on the first day of school.

Ms. West appreciated the Police Officer's enforcing the decal ordinance. She asked if the General Orders had been completed.

Chief Forker stated they were still being compiled and is not complete.

Mayor Yohey asked if the Town was still paying a contractor to review the General Orders.

Chief Forker stated it was still under the same contractor.

Mr. Taber stated the delay is not with the contractor and that staff is still collecting comments from Council.

Mr. Toney asked if Council was given a deadline to make comments.

Mr. Taber stated there was no deadline given. He noted this would be made a top priority.

**c. Director of Public Works**

Mr. Tkac thanked his crew for their work during the storms and the flooding caused by the stormwater runoff.

Mr. Foreman stated Richard West is a true professional and a nice addition to staff.

Mr. Tkac stated Mr. West comes to the Town having worked for the County's of Orange and Spotsylvania and is the Public Works Assistant Director. He will introduce Mr. West to Council in the near future.

Mr. Toney asked if there was a timeframe established by the Health Department on the prescription removal of the well and the two septic systems located on the Graham Park Road project property.

Mr. Tkac noted Prince William County (PWC) has been working on the prescription for about three weeks and anticipated receiving it within two weeks. He has not worked with the Health Department regarding this in the past and will try getting a definite timeframe.

Mr. Toney asked what a prescription meant.

Mr. Tkac explained the prescription is the site-specific requirements. Part of the prescription for removal of the septic systems and well include looking at the size and depth to determine what the requirements will be. Once this is completed staff will get cost estimates from the pre-approved list of contractors that PWC uses. Once he speaks with the contractors, he will be able to provide a better timeframe in which the work will be completed.

Ms. Barr asked what was happening in regards to the recent problems with flooding and having lane closures. She understood that the Virginia Department of Transportation (VDOT) was on scene and could not do anything. She did not see the problem going away and wanted to know if there was a plan in place.

Mr. Tkac explained there are a lot of factors that played a role in the flooding. Most of the flooding depends on where the tide is on Quantico Creek. When it rains and it is high tide, the flow from the pipes cannot go anywhere. He indicated there are some low-lying areas in the Town that are expected to flood no matter what is done. One of the recent problems was caused by clogged structures from leaves and debris that need to be addressed by Public Works. The issue with VDOT and Route 1 was caused by one of its structures not being able to handle the flow.

Mr. Taber stated VDOT was on the bridge on Route 1 this morning when it discovered some grading left a structure ineffective that caused the flooding. He understood that the structure was clear now.

Ms. Jurgensen was amazed at the amount of water coming across Mine Road from the overpass of Interstate 95 that was going into Quantico Creek.

Mr. Tkac stated that was bridge deck drainage, is aware of the situation, and has been in communication with VDOT about it.

Ms. Jurgensen took a video of the water because on the south side there was hardly any, which she thought was odd, and felt that the Town should not have to deal with the problem caused by Interstate 95.

**d. Director of Community & Economic Development**

Ms. Sandlin stated the Fall Festival “Extravaganza” is scheduled for October 22 from 10 a.m. to 4 p.m. An element that has not been a part of the festival in the past is “Dumfries has Talent” and will include four vocal talent categories. Confirmed participants in the festival so far are three wineries and 20 vendors.

Mayor Yohey asked where the event was going to be held.

Ms. Sandlin advised it will be held at Garrison Park, behind Town Hall, due to visibility and parking.

Ms. Barr asked if the grand prize of a \$500 gift card was for each of the categories in the talent contest.

Ms. Sandlin advised that was correct.

Mr. Foreman asked about the report on violations.

Ms. Sandlin stated they were omitted by accident.

Mr. Foreman mentioned the buses awhile back that are still parked where they do not belong. He is concerned with the way violations are being enforced. He gave the example of the barbershop with two signs, the antique store being allowed to display antiques outside but a tire shop was not able to display tires, and JoJo’s giant ice cream cone shaped trashcan. It appeared there were two different standards. He noted that PWC made companies move that chose Dumfries to relocate to and he wanted to make sure that everyone had a level playing field.

Ms. Sandlin asked where the buses were located.

Mr. Forman advised they were parked in the Dumfries Shopping Center.

Mr. Toney asked who the Committee was recommending to be the Grand Marshal for the holiday parade.

Ms. Sandlin stated Gwen Washington was being recommended as Grand Marshal.

### **ADOPTION OF MINUTES**

Ms. West moved, seconded by Ms. Forrester, to adopt the minutes from the August 2, 2011 and August 16, 2011 Council meetings. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mr. Yohey, yes.

### **ACTION ITEMS**

#### **a. Proposed Ordinance Amendment to Section 70-247 relating generally to General Business District B-1, Use Regulations; first reading**

Ms. Jurgensen moved, seconded by Ms. West, to introduce the amendment to Section 70-247 to be forwarded to the September 20, 2011 meeting for the second reading and action.

Mr. Foreman asked why churches were being moved from the B-1 District.

Mr. David Moss, Town Planner/Zoning Administrator, advised that churches and religious institutions are being moved from an allowed use to a Conditional Use Permit (CUP) in the B-1 District. He explained that he inherited this, but his understanding was that Council wanted uses to be looked at that might have a larger impact. There are some things that churches do that may or may not have a greater impact on the neighboring community who may want to comment on the matter. If a use is allowed by-right it can locate without public input. The purpose of a CUP is to give the neighboring community and Town Council a greater chance to review it and possibly place conditions on the use. The example was used of Grace Church moving to another location and that the Friday Night event for the youth, which currently is a by-right use and did not have to get a CUP, may or may not impact the neighboring community. Any use that is a by-right use gets no input from Council or the public and is simply an occupancy permit process. The CUP looks at several things like traffic impacts or safety issues with the hours of operation. It was his understanding that in the past there were issues with dance hall permits. If there are additional impacts Council may want to mitigate these by restricting events end by midnight on weeknights, or music cannot be played after a certain time, etc. Every use described as needing a CUP is because it might have additional impacts. The reason for churches is mostly for the exterior events. Most churches exist within the Sunday morning timeframe when no other cars are on the road; however, there might be additional services provided at night. It could be the case that just an administrative approval is needed because there are no real impacts.

Mr. Foreman asked if the Harley Davidson Shop was by-right.

Mr. Moss believed that the Harley Davidson Shop was rezoned sometime in 2000 from B-2 to B-1; however, with the zoning ordinance amendment made in 2003 automobile related sales and service can be in B-1 only with a CUP, so if the Harley Davidson Shop were to relocate to another parcel it would have to go through the CUP process. The Harley Davidson Shop, today, is a lawful non-conforming use due to existing prior to the change in the zoning ordinance.

Mr. Foreman questioned what the difference was between the Harley Davidson Shop and a church holding an outdoor event. The Harley Davidson Shop does things on weekends like cookouts, on occasion shuts the street down crossing, and frequents several local businesses.

Mr. Moss reiterated he did not know what the thinking was when the changes went into effect; however, he is assuming that in 2003, the thinking was the Town needed to require uses such as that to have a CUP because events like that happen.

Mr. Foreman was just trying to understand the logic. He was getting that the Town was saying it did not want any churches on Main Street. What is being said is that a church may impede traffic. Harley Davidson is lucky because it has a lot next to them; however, it still impedes traffic. He did not feel the logic was standing firm. He pointed out that there was no intent paragraph included in the changes for B-1, 70-247; however, there was one included for the B-2, 70-281, and 70-282. He felt the intent needed to be put in to allow a business owner to know what the Town is trying to accomplish. He asked who made the statement, and at what meeting, that the uses being zoned out would be addressed later. He was unable to attend the informational meeting, but if the matter gets pushed back tonight he will make every effort to attend all meetings from here on out.

Mr. Moss made the comment at the informational meeting that the zoning ordinance is a living document. He did not say it would be fixed later or that any changes that have been made now can be undone later. The zoning ordinance has changed many times since its adoption in 1979. There were a lot of piece meal zoning text amendments made back in the 80's. He explained that the zoning map and the zoning ordinance will continue to be amended and adjusted over time based on applications to rezone, text amendments, and changes to the Comprehensive Plan. The final decision for any change will be left up to Council with staff making recommendations. A request to make a text amendment to the zoning ordinance can be made by any citizen or business by applying for and paying \$306. The B-1 intent already exists, no proposed changes have been made, and the reason for it not being included in the proposed zoning amendment. The B-2 intent is being suggested for change. The current B-2 intent actually explains what the boundaries of the B-2 District are. This is inappropriate because there are parcels that have already been rezoned and is no longer accurate. There should not be a written zoning boundary in the zoning ordinance unless the Town is going to stand firm otherwise there will have to be an amendment done every time the Town allows a rezoning. The text needs to be replaced with something that is more substantial and better explains what the intent is in the B-2 District. The FB/O-1 District has intent too; however, the Planning Commission (PC) felt when reviewing it that it could be expanded on, that it was somewhat weak, and could be explained in a better manner. All of the proposed zoning ordinance changes before Council were properly advertised prior to the PC meeting and the FB/O-1 intent was not a part of the advertised changes. To change the intent for the FB/O-1 it would require a separate zoning text amendment from the changes already proposed since it was not properly advertised. Staff wrote a FB/O-1 intent that the PC reviewed, had questions, suggested changes, and the motion was made to bring a zoning text amendment forward in the future.

Mr. Foreman suggested changing the allowable use tourist homes to reflect what was understood to mean the Weems-Botts Museum to a tourist attraction or place of interest for clarification. He asked what it would cost to apply for a CUP.

Mr. Moss advised the CUP application fee would be \$306 and the applicant would have to pay the advertising expense for the PC and the Council public hearings that run approximately \$325

each, which precludes any legal fees attained by either party. The Town does not require that an attorney be hired.

Mr. Foreman asked if staff provided Council with a list of businesses that moved from an allowable use to an allowable use with a CUP.

Mr. Moss was not sure if that was part of his report.

Ms. Sandlin advised it was not part of the staff report.

Mr. Foreman explained he would be unable to determine what businesses were affected without having to compare the current zoning ordinance with the proposed zoning ordinance. He wanted a simple spreadsheet to show him how the businesses shifted. He asked why the informational meeting staff held was limited to an hour.

Ms. Sandlin explained it was an informational meeting to dispel any misunderstandings of what was taking place. It was announced at the meeting that anyone could contact staff with any questions or could stay after the meeting to speak with Mr. Moss.

Ms. Forrester asked for clarification that the proposed zoning amendment was being moved forward to the September 20 meeting for a second reading and a vote.

Ms. Jurgensen verified that was correct.

Ms. Forrester was concerned that this was being discussed as a church issue and would like to not talk about it as being one now. She was not sure if this was caused due to misinformation or whether or not the concerns being expressed are legitimate. The matter was brought forward for Council to consider for a very specific purpose and unintended consequences were not brought to Council's attention. She mentioned a citizen came to her a couple of weeks ago, she asked staff about those concerns, and was satisfied that a CUP would address the concern. She had not taken into consideration the cost of a CUP. Some other things have become known about non-conforming uses and how they can be handled that she was not aware of before. She wanted to make sure that everyone knew that citizen comments are part of how Council considers a matter and there is no reconsider. Listening to concerns in order to make a determination is part of the process; however, her original concern has been recreated. There apparently have been discussions about these unintended consequences that she was not made aware of. She felt staff has an obligation to take care of concerns Council may have and that staff's role is to grow and move government forward. Staff represents the interest of local government while Council represents the interest of the citizens. She would have liked to have been aware of the concerns and that these concerns were handled before coming to Council. She cannot vote on anything with the number of concerns expressed whether they are legitimate or not. If the concerns were not legitimate, they could have been easily handled before this point. She noted that \$1,000 is a lot of money for a non-profit especially without knowing what the outcome will be. She felt that was a legitimate concern. Her other concern is that she has heard that changes will come later to address some of the issues and she wanted to know why they were not taken care of now. She felt this was like a game of smoke and mirrors. Council has been presented with one intent and of course, there are going to be unintended consequences with any policy no matter how strongly it is written, that is a fact of legislation, and the reason Council has to listen in order to mitigate as much as possible. She did not think that Council, until tonight, got to hear all of the concerns and thought that staff failed in their responsibility to handle and address these concerns to the satisfaction of the citizens. She cannot vote to move this proposed zoning ordinance forward. She

asked that staff not bring things to Council in closed session and explain one thing when the issue is much broader.

Mayor Yohey asked for clarification on what was being brought to Council in closed session.

Ms. Forrester explained that the matter was brought to Council to handle one specific problem or issue that was forthcoming, as far as she knew that was the only issue or concern that staff and Council was trying to address, and now it is much broader. Surely, staff new they were going to find it was much broader.

Mayor Yohey advised that he attended the meeting and at no time did anyone state that changes were going to be made later and Mr. Moss made the same statements then as he is now.

Ms. Forrester mentioned that this last week Council received an email that stated changes were going to be made later. She reiterated if there are issues that are realized and need to be addressed this is the time to do so.

Mr. Moss wanted to make sure that it was understood that Council makes the decision on a CUP not staff.

Ms. Forrester understood that there is a process and that some permits will not even make it to Council due to inconsistencies or non-compliance.

Ms. Barr felt she was educated and learned a lot of good information about Grace Church tonight. She explained that the change was not designed to hurt anybody but it was designed to build a community that includes the community. When a church moves in, the community needs to be a part of it. The people who are going to be hearing the music, or have a problem getting to their home, need to have a say. She owned a business, a church moved in next door and they lost the ability to enter the business 20 hours out of the week. She did not think it was a bad thing to have community input. She did not think that \$1,000 was prohibitive. The design was not to keep one church out, but about a community and a community consists of not one church or one business. It is about the people who have owned homes here for 30 years or the person who has had a business here just as long. This is designed so that there is more inclusion in the process.

Ms. West advised that in the 1960's there truly were tourist homes. The White Haven Tourist Home was available for an individual to be able stop and spend the night. She believed that the two story white building that was known as the White Haven Tourist Home was being used as a rooming house now. She pointed out that the Weems-Botts Museum is not a tourist home.

Ms. Sandlin apologized for misinforming Mr. Foreman. She indicated she would get with Ms. West after the meeting to determine whether that needed to be taken out or a definition put in that explains what a tourist home is.

Ms. West felt that if the Town was going to have these then it needed to be identified like a hotel, because before there were a lot of hotels there were tourist homes. She indicated that a tourist home now would be more like a bed and breakfast.

Ms. Sandlin indicated that the definition would be flushed out that a tourist home would be for overnight travelers.

Ms. Jurgensen thought that the definition of a tourist home would be a place where a famous person lived like George Washington.

Ms. Sandlin understood from what Ms. West explained it was for overnight travelers and not an attraction to tour.

Ms. Barr called for the question.

Mr. Yohey advised Ms. Barr that if she wanted to call for the question, to cite Robert's Rules, and make a motion.

Ms. Jurgensen seconded the motion.

Mr. Toney advised it was clear this was an issue of importance that warrants taking time, be deliberated on, and respond to the people. It is all about satisfying the people. Council held a public hearing to solicit comments from the public and should take time to deliberate and determine if there needs to be any revisions. What he is seeing is Council moving forward as if nothing happened. He asked at what point Council takes into consideration the comments that have been made, look at the document, and make recommendations for revision.

Mr. Moss explained that it is up to Council to decide how to set it forth on an agenda. In the past, more often than not, there would be a joint public hearing with Council and the PC. The public hearing would close, the PC would meet and immediately vote on a recommendation, and then Council would meet and vote on the recommendation. The PC now has a separate public hearing. In this particular case with the B-1 and B-2 public hearing the actual hearing took 10 to 15 minutes with Bishop Derek Grier being the only speaker and then the PC deliberated for over 2 hours. He indicated that the PC went over the individual points, made changes to the small appliance sales and repair, and discussed the intent section then made the motion to move the proposed ordinance with modifications to Council.

Mr. Toney asked if Council, after holding the hearing from the public, was being afforded the opportunity to revisit the document or was it just being moved forward.

Mr. Foreman advised that if the motion fails, it could be readdressed.

Mr. Moss explained there are localities that hold a public hearing one night and then two weeks later vote on the matter. These are separated to allow the two weeks for questions, further deliberation, and the final vote at a separate meeting. He explained that the first and second reading is similar to that. Council could hold the public hearing one night, two weeks later have the first reading and deliberate on the matter, and then vote at the second reading. Council can set future agendas for public hearings by directing the Town Manager if this is the wish of Council.

Mr. Toney reiterated that he felt that Council should deliberate on what was expressed this evening.

Ms. Sandlin indicated that staff would revisit the process.

Mr. Toney mentioned manifest function, which means the intentional purpose, and the latent function, which means the side effects or unintentional purpose. He has served on the PC and is aware of land use and regulations. He felt Council needed to slow down, take the time to

deliberate, and did not feel as a representative of the people who elected him that it was in their best interest to move forward at this point.

Mr. Moss reiterated Council could set the schedule to allow time to deliberate on any matter.

Ms. Sandlin advised that staff would go back, revisit the process, and come back to Council with a recommendation for future cases.

Mayor Yohey was confused, upset, and getting frustrated because this is sounding like it is so insurmountable. Council knows it cannot be fixed in two weeks. The Town is not going to make any progress if Council admits defeat.

The motion on the floor to introduce the amendment to Section 70-247 to be forwarded to the September 20, 2011 meeting for the second reading and action carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, no; Ms. Forrester, no; Ms. Jurgensen, yes; Mr. Toney, no; Ms. West, yes; Mr. Yohey, yes.

**b. Proposed Ordinance Amendment to Section 70-281 and 70-282 relating generally to Neighborhood Business District B-2, Intent and Use Regulations; first reading**

Ms. West moved, seconded by Ms. Barr, to introduce the amendment to Section 70-281 and 70-282 to be forwarded to the September 20, 2011 meeting for the second reading and action.

Mr. Foreman noted he had the same issues and questions with this proposed ordinance amendment as the previous one, and the next one. He felt there should be a comparison provided of the number of businesses that are affected, the types of business, the monetary value of moving, since this would be displacing the way a particular business is doing business, and the way it will report. He asked that the information be provided prior to the next meeting on the matter.

Mr. Taber asked Mr. Moss how long it would take to compile the information.

Mr. Moss indicated it would take a couple of days based on the number of businesses that are in each of the zoning districts to establish what the exact business is, whether the business currently conforms to one of the uses being allowed by-right, or one of the uses that is becoming a non-conforming use. He has done a preliminary version but needs to go deeper in the analysis.

Mr. Taber asked if the information would be available by next Tuesday.

Mr. Moss indicated he could have it completed by then.

Mr. Foeman wanted staff to know he was not asking them to jump through hoops. He was asking for information that should have been provided up front. The Town has a vision statement that is very broad. He understands economic development. He knows what the Town wants to do to attract businesses, but he does not understand the rush.

Ms. Sandlin asked Council to send staff an email of exactly what needs to be addressed to allow staff to compile the information without missing anything.

Ms. Forrester's only concern was that the citizens concerns were not being satisfied.

Mr. Moss pointed out that staff has been working on a preliminary site plan for Grace Church, which can be administratively approved. If this approval occurs prior to September 20 that site would be conforming, vested, and would not require a CUP. It was clarified that the public hearing was on all three of the proposed ordinance amendments and the CUP requirement would also be needed in the B-2 District but not the FB/O-1.

Ms. West advised that Mr. Moss sent Council a very informative packet.

It was discussed that although Mr. Moss has been working with the consultants on the preliminary site plan there have been no discussions with Bishop Grier or the congregation. A meeting is scheduled with Bishop Grier.

The motion on the floor to introduce the amendment to Section 70-281 and 70-282 to be forwarded to the September 20, 2011 meeting for the second reading and action carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, no; Ms. Forrester, no; Ms. Jurgensen, yes; Mr. Toney, no; Ms. West, yes; Mr. Yohey, yes.

**c. Proposed Ordinance Amendment to Section 70-482 through 70-484 relating generally to Flex Business/Office District FB/O-1, Use Regulations; first reading**

Ms. Barr moved, seconded by Ms. Jurgensen, to introduce the amendment to Section 70-482 and 70-484 to be forwarded to the September 20, 2011 meeting for the second reading and action.

Ms. Forrester asked what the difference would be for a business in the Flex Business/Office District versus the B-2 District.

Mr. Moss explained that the B-2 District is more restrictive than the B-1 and the Flex Business/Office is less restrictive than the B-1 District.

Ms. Forrester asked what a business owner's concern would be if it were FB/O-1.

Mr. Moss explained that the FB/O-1 is limited to off Route 1 in the Town and would be related to the uses allowed.

Mr. Foreman wanted to make sure shooting ranges allowed in the FB/O-1 are indoor ranges. Of the three ordinances, this one is well written. He is still going to vote no until he sees the chart he requested on how the changes affect the various businesses.

The motion on the floor to introduce the amendment to Section 70-482 and 70-484 to be forwarded to the September 20, 2011 meeting for the second reading and action carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, no; Ms. Forrester, no; Ms. Jurgensen, yes; Mr. Toney, no; Ms. West, yes; Mr. Yohey, yes.

**d. Proposed Ordinance Amendment by deleting Section 18-70 and amending Sections 18-140 through 18-174 relating generally to Massage Therapy and enacting Sections 18-175 through 18-183 relating to Massage Therapy; first reading**

Ms. Jurgensen moved, seconded by Ms. Barr, to introduce the amendment to delete Section 18-70 and amend Sections 18-140 through 18-174 relating generally to Massage Therapy and enacting Sections 18-175 through 18-183 relating to Massage Therapy to be forwarded to the September 20, 2011 meeting for the second reading and action.

Ms. Sandlin advised that Council was concerned with the way the current massage therapy ordinance required a \$1,000 fee per massage technician. Council directed her to rewrite the massage ordinance. The fee has been eliminated for each massage technician. Rather than fix the ordinance it was decided that a complete rewrite made more sense to address more societal and cultural norms in respect to massage therapy in general as being part of a more holistic health and well-being regiment. It was noted that the following items were part of the proposed ordinance.

- Declaration of findings and policy
- Definitions
- Exclusions – for example, massages administered in a nursing home, medical facility, by a physician, or those associated with a manicure/pedicure.
- Violations and enforcement
- Regulations for massage therapist permit – this will require a State criminal background check.
- Regulation of massage establishments – this will be done in conjunction with Prince William County (PWC)

Ms. Jurgensen asked that the fees be gone over.

Ms. Sandlin noted that there is an initial permit investigation fee from PWC of \$204 for a massage establishment application, annually renewable for \$153, and the Town charges a \$25 fee. A massage therapist permit is \$50 and then any Business Professional and Occupational Licenses (BPOL) taxes.

Ms. West questioned the Police Chief preparing the application form and not the Town Clerk.

Ms. Sandlin explained that she would be developing the application in conjunction with the Police Department and because the Police Department is in a better position to review a criminal background report, the massage therapist permit will come through the Police Department.

Ms. West asked if it would still have to come through the Clerk.

Ms. Sandlin clarified that the Clerk would handle the establishment permit.

Ms. Forrester understood why the Police Department would review and approve the background check, but thought it was odd that it be involved in issuing a permit. She asked if the Town had a Memorandum of Understanding (MOU) with PWC.

Ms. Sandlin understood from discussions held with the Director of the Health Department that this is already being provided. The PWC provides Health Department related services and this would fall under that.

Ms. Forrester wanted to see a MOU.

Mayor Yohey questioned whether there was a MOU already in place.

Ms. Sandlin was not aware of one. She could prepare something.

Ms. Forrester felt the Health Department Director might feel it is something he is obligated to provide, but he certainly is not providing that now because there is currently one operating in the Town that did not go through PWC.

Ms. Sandlin clarified that the Town was regulating it and are now referring individuals to PWC who has a process in place.

Ms. Jurgensen advised that PWC is currently providing health services.

Ms. Forrester did not see what was wrong with having the expectations in writing. She did not see why a clarification of the relationship that will exist is a problem.

Mr. Taber clarified that the reason for the Police Chief to review the background criminal check is that the Town Clerk may not understand some of the legal terminology and what the charges may be. The Police Chief would be in a better position to determine whether those charges are of a nature that would preclude an individual from qualifying under the statute.

Ms. Sandlin noted that jurisdictions use the Police Department for permitting the individual massage technician for the reasons Mr. Taber provided.

Ms. Forrester offered the friendly amendment to add an MOU.

Ms. Jurgensen and Ms. Barr did not accept the friendly amendment.

The motion on the floor carried to introduce the deletion of 18-70, the amendment to Sections 18-140 through 18-174, and enacting Sections 18-175 through 18-183 to be forwarded to the September 20, 2011 meeting for the second reading and action by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mr. Yohey, yes.

**e. Theme Selection for Holiday Parade**

Ms. West moved, seconded by Mr. Toney, to accept “Toys on Parade” for the holiday parade theme. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mr. Yohey, yes.

Ms. Barr moved, seconded by Ms. Jurgensen, to add to the agenda an action item to vote for the Grand Marshal for the holiday parade. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mr. Yohey, yes.

**f. On Call Building Inspection and Residential Inspection Services; Temporary Contract**

Mr. Toney moved, seconded by Ms. Barr, to enter into a temporary agreement for on call building inspection and residential inspection services. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mr. Yohey, yes.

**g. Resolution for Community Development Block Grant (CDBG) Application to Prince William County**

Mr. Moss worked with the former Town Manager on the application based on feedback from Town Council and the two public meetings that were held asking for input on what the initial aspects of Ginn Memorial Park would be. A sub-committee was formed to figure out how to appropriately phase the development and what to put in with the initial grant application.

Mayor Yohey asked for a synopsis of how the park will progress as funds become available.

Mr. Moss advised that included in Phase One of the park is a community recreation center located on the top of the hill that will include space for a police presence, some playground equipment, and trails. As funds become available, there will be community gardens, cisterns to collect rainwater for the gardens, an amphitheatre, and the addition of a stage to the amphitheatre. Staff worked with William O'Kelly Russell, professional landscape architect, to develop an initial plan that will move forward with the initial application.

Mr. Foreman does not remember the plan coming before Council

Mr. Barr advised that the Council's committee moved it forward.

Mr. Forman wanted to look at the plans.

Mr. Toney stated that Mr. O'Kelly Russell developed a concept that Mr. Moss presented in a PowerPoint show of how the park would be phased in. He was hoping that a showing could be done so that all the Council members could see it and the public would have an opportunity too.

Ms. Barr asked if Council could see it at the next meeting.

Ms. Sandlin explained that the plan was to bring the presentation forward to Council to look at review.

Ms. Moss explained that the plan the Mr. O'Kelly Russell did is a concept plan to submit with the application to PWC and not the final site plan that will be used.

Ms. Barr explained that the park was derived from input received at the public meetings that were held. The sub-committee took the ideas, put them in order of funding needs, and placed them in stages.

Mayor Yohey stated what was driving this at this point is the need to get the application in which requires a resolution.

Mr. Taber noted that the issue that Mr. Foreman has could be addressed in paragraph three of the resolution.

Ms. West moved, seconded by Ms. Forrester, to approve the resolution authorizing the Town Manager to submit a CDBG application for the Ginn Memorial Park project. The motion carried and the following resolution was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mr. Yohey, yes.

**TOWN COUNCIL RESOLUTION TO PRINCE WILLIAM COUNTY  
FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION**

WHEREAS, the Town Council (hereinafter "Council") is applying to Prince William County, Virginia for FY 2013 Community Development Block Grant (CDBG) in the amount of \$225,000 for a project to improve Town property for use as a neighborhood park (hereinafter "Park") as described herein; and

WHEREAS, the Town of Dumfries will use CBDG funds to improve the Park a 2.39 acre parcel located 3876 Graham Park Road in Dumfries, which is located adjacent to Williamstown and within walking distance of South Cove and Port O' Dumfries (aka "the townhouse communities"), for the purpose of a recreational park to serve the residents in those communities. The property was acquired in April 2011. Subsequent to the purchase, the Town facilitated neighborhood and stakeholder meetings to guide the decision making process; and

WHEREAS, Council's FY 2013 CDBG funding request will be used for site work and the purchase and installation/construction of park, playground equipment, and other recreational or auxiliary/ accessory/ supportive facilities. Based on community input, the Town has determined a phasing plan for the relevant facilities over time. The initial programmatic elements of the park will include a community and recreational center with bathrooms, ADA-accessible walking trails, playground equipment, and basketball courts; and

WHEREAS, a primary concern of Town residents expressed in the public meetings was security, and the need for police presence on site. Part of the community and recreational center will include space for police to establish a regular presence at the site. In subsequent years, funding will be pursued for additional programmatic elements such as community gardens, cisterns for the collection of rain water for environmentally-sound irrigation techniques in these community gardens, an amphitheater, further enhancements to walking trails, and additional plantings and buffers; and

WHEREAS, the Town has signed a contract with Mr. Pete Singh to reallocate \$60,000.00 originally intended for improvements to Cecil W. Garrison Park to the Town for improvements to this park. The Town will also spend at least \$37,500 in general funds towards the improvements of this property, also listed as a match for the purposes of this activity; and

WHEREAS, the Town is committed to pursuing other sources of funding and in-kind donations to supplement this match and to maximize improvements of the area; and

WHEREAS, it is understood that the total amount of assistance provided to the Town by the County for rehabilitation and improvements will be secured by a Deferred Deed of Trust ("Trust") and Note on the property. The Trust will not be due and payable until the property ceases to be used for the designated purpose, or is sold, or the borrower fails or neglects to pay the taxes, assessments, or premiums for hazard, flood (if required) or mortgage insurance, or terms of the Deed of Trust are violated, the principal only amount of the loan becomes due and payable to the County; and

WHEREAS, the loan will not be subordinated at any time during the 30 year deferral period to a Home Equity Loan, or other loan. Nor will the loan be refinanced during the deferral period such that it results in removing of equity from the property for any

reason (i.e. cash, loan consolidation, debt repayment, home improvements, education expenses, etc.).

NOW THEREFORE, BE IT RESOLVED that the Town Council authorizes the Town Manager to submit the aforementioned CDBG application to Prince William County, and we proclaim our full support of this project in accordance with the terms set out above.

**h. Vote to Confer the Grand Marshal for the “Toys on Parade” Holiday Parade**

Ms. Barr moved, seconded by Mr. Toney, to confer the title of Grand Marshal on Gwen Washington for the “Toys on Parade” holiday parade. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mr. Yohey, yes.

**COUNCIL COMMENTS**

Ms. Forrester thanked the citizens for coming out tonight and stated she would like to see this kind of turnout at every meeting.

Ms. West stated that at the August 16, 2011 Council meeting, it became apparent that there was some misunderstanding concerning the responsibility that PWC has to the Towns and the responsibilities the Towns have by virtue that they chose to become self-governing. She thanked Melissa Peacor, PWC’s County Executive, for her thorough write up in the InsideNoVa editorial, published on September 1, 2011 explaining the towns/county responsibilities.

Ms. Forrester agreed it was a beautiful response and as always with staff at any level, you get a beautiful response.

Mr. Toney thanked the citizens for coming out on an issue that impacts them. He told the citizens that the Council does not operate in a vacuum and asked them to come back to all the meetings.

Mr. Foreman read the following statement.

“There have been concerns raised addressing the Town’s lack of support from higher government elected officials. While the focus of the discussion has been on the Prince William County, Potomac District Supervisor, I’d like to highlight a problem with our current elected officials from the halls of the Capital building in Washington D.C., from Richmond’s hallowed Capital building, to lastly our County Supervisors located just up the road.

Our current elected officials give the distinct impression that they are in touch with their constituents. These same officials will show up for Town Center type meetings, conduct socials, and maintain nice websites; but the truth of the matter is, that these same elected officials are out of touch with lower governments.

Ask any politician in Washington D.C., Richmond, and County if they are listening or paying attention to Town issues and they will reply that they are supporting the local government. Ask where the local government’s plans fit in with the bigger picture and you will be told that these same politicians are pushing monies and projects to enhance local communities down to the constituents. I can’t remember the last time that any

elected representative stepped up to the Town of Dumfries podium and said they are here to help, they are here to understand our needs and they are here to see where our plan fits into theirs.

I've been an elected official for a little over a year and during that timeframe I have yet to have any elected official from our Congressional Senate or House of Representatives in Washington, Our District Senator or Delegate from Richmond, or our County Representative call and ask me to discuss any issue we're confronting in the Town of Dumfries.

There should not be, but there is, a hierarchy when it comes to politics. It seems to wash out at the County level. It only makes sense to me that at each level . . . Federal, State, County and Town that there would be an open dialogue to ensure that services provided to constituents through taxation, by the way, be aligned via the budgets and that prioritization and a combined synergy be achieved to maximize resources.

This is not happening; Federal, State, and County elected officials are not meeting with your Town elected officials. If these officials are meeting it is in private, or at a social gathering that is sponsored by the elected officials office, or lastly at a paid campaign benefit. There may be some members of this Council that have a long-term relationship with Ms. Caddigan or Mr. Colgan - - don't miss my point. There is a place for one-on-one relationships, these relationship are formed over a lifetime of experience. We need dialogue as a Council to address Town and constituent concerns, not individual concerns.

I get it, there are individuals who can make appointments to see their elected representatives – any citizen can do that. While there are other individuals with whom our County Representative won't even put on the calendar. I, as a Councilmember, have no more access to elected Officials at any level than the average voter. What I am trying to highlight is that as elected representatives - - we as a Council, should have the ability to meet with our elected officials as a body. Voice our constituents concerns and align our agendas. This is not happening at any level.

We should meet with our County Representative on a quarterly basis and with our State and Federal Representatives on an annual basis, all meetings should be open to the public. In this way we can prioritize concerns, focus our budget to provide the right services, and ensure that government vision at all levels are aligned.

The real issue to me is not the Potomac District Supervisor's feelings being hurt or a damaged relationship with Prince William County; what I heard loud and clear is for elected officials at all levels to meet, discuss and support each other's goals for the betterment of our constituents finite monetary resources. This is an election year; there has been a lot of stomping from incumbents as well as new to the scene politicians concerning "being in touch with the people". For our Federal, State, and County representatives it starts here in this Town Hall."

Ms. Barr reminded citizens that these are Council comments and are the views of the individual Council member. She encouraged people to clip coupons to help with building an emergency preparedness kit. If there are none available in the paper usually the manufacturer will provide them if you call, write, or send an email. She encouraged those who have expired coupons to

**September 6, 2011 Meeting Minutes**

**-19-**

give them to Ms. Jurgensen who sends them overseas to military members who can use them for up to six months after the expiration date.

Ms. Jurgensen thanked everyone for coming out.

Mayor Yohey pointed out that Council has been meeting with the PWC Supervisors for years. He felt that the Council should meet with the Delegates and Senators that represent them in Richmond in the fall before the General Assembly opens.

Ms. West served for 12 years on the County's Social Services Board and every year in November, if it was an election year it was held after the election, a legislative breakfast would be held that the Delegates and Senators would attend.

Mr. Foreman asked when the next quarterly meeting is because the Council has not consistently met with the PWC Supervisors every quarter.

**ADJOURN**

Ms. Barr moved, seconded by Ms. Jurgensen, to adjourn. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. West, yes; Mr. Yohey, yes.

Minutes transcribed by

Approved by

\_\_\_\_\_  
Dawn Hobgood  
Town Clerk

\_\_\_\_\_  
Fred Yohey, Jr.  
Mayor