

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON SEPTEMBER 9, 2014, AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:

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

THERE WERE ABSENT: None

IN RE: CALL TO ORDER AND ROLL CALL

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

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

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

IN RE: APPROVAL OF THE MINUTES

Mr. Foreman moved, seconded by Mr. Brewer, to approve the minutes from the April 23, 2013 and April 30, 2013 meeting as presented. The motion carried and was approved by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: ADOPTION OF THE AGENDA

Mr. Taber asked to add to Item XVI, Closed Session, personnel.

Mayor Foreman asked to move the public hearings on the agenda to be after the presentation.

Ms. Forrester moved, seconded by Mr. Brewer to adopt the agenda as amended. The motion carried and was approved by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, no; Ms. Washington, yes; Mr. Wood, yes.

IN RE: CONSENT AGENDA

Mr. Brewer moved, seconded by Mr. Foreman, to adopt the consent agenda as presented. The motion carried and the following resolutions and ordinance were adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

RESOLUTION TO ADOPT THE TOWN OF DUMFRIES POLICY ON PUBLIC COMMENT AT TOWN COUNCIL MEETINGS

WHEREAS, the Town Council acknowledges that citizens are authorized to provide comments during Town Council meetings during citizen comment time, and

WHEREAS, Town Council wishes to formalize a policy that instructs citizens with regard to the rules associated with citizen comment time as follows:

TOWN OF DUMFRIES POLICY ON PUBLIC COMMENT AT TOWN COUNCIL MEETINGS

1. It is the policy of the Town Council of the Town of Dumfries (hereinafter “Town Council” or “Council”) to permit comments by members of the public at open meetings of the council or any subsidiary committee on current agenda items and other matters of public concern. The Town Council will permit comments by members of the public at regular Council meetings at a time specified on the agenda for “Citizen Comment Period.”
2. Each person wishing to provide comment to Council will be allowed a maximum of 5 minutes of speaking time that will begin from the time they are recognized by the Mayor or his designee. At the discretion of Town Council, the person providing public comment may be allowed to comment more than 5 minutes or the Chair may direct the person to submit further comment to the Mayor in writing for distribution to Town Council at a later date. Comment provided in this manner should be directed to Town of Dumfries, Dumfries Town Hall, 17755 Main Street, Dumfries, Virginia 22026. A chair or representative of a board, commission or committee may speak for up to 8 minutes.
3. Each member of the public seeking to address Council shall sign the public comment form prior to the meeting indicating their name and contact information. A speaker cannot give his or her allotted time to another speaker to increase that person’s allotted time.
4. No person shall address Town Council without first being recognized by the Chair or his designee.
5. Each person desiring to address Town Council shall first state his or her name and address for the record, state the subject, state whom he or she is representing if he or she represents an organization or other persons, and shall limit his or her remarks to five (5) minutes. All remarks shall be addressed to Town Council as a whole and not to any member thereof.
6. Public comment is not intended to require Town Council or Town of Dumfries staff to provide any answer to the speaker. Discussions between speakers and members of the audience will not be allowed. Town Council will not respond to the comment provided at the public meeting at the same time the comment is given. Consideration will be given to the public comment and further research may be required before Town Council takes any action regarding the public comment. Although questions may be asked of Town Council members or a member of Town of Dumfries staff, those individuals may decline to answer when a complete answer requires research or deliberate consideration.

7. In order to expedite Town of Dumfries business and avoid repetitious presentations, whenever any group of persons wishes to address Town Council on the same subject matter, it shall be in order for the Chair to encourage that a spokesperson be chosen from the group to address Town Council. If additional matters are to be presented by any other members of the group, the Chair may limit the number of such persons and limit the presentation to information not already presented by the group spokesperson.
8. Town of Dumfries residents shall be given priority in addressing Town Council. Visitors' statements and comments shall be limited to matters relating to the Town of Dumfries.
9. Comments shall be presented in a respectful manner, and participants shall conduct themselves in an orderly and civil manner. Comments or language of a lewd, insulting or provocative nature shall not be permitted.
10. After the speaker has made his or her comment, he or she shall be seated with no further debate, dialogue or comment.
11. The Town Council reserves the right to remove anyone who becomes hostile, argumentative, threatens the public's or an individual's safety or is disruptive to the meeting. If the party being asked to leave does not voluntarily leave or ceases the behavior, law enforcement will be called to remove the person.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Town of Dumfries Policy on Public Comments at Town Council Meetings is hereby adopted on this 9th day of September, 2014.

**RESOLUTION PROCLAIMING SEPTEMBER
NATIONAL CHILDHOOD CANCER AWARENESS MONTH**

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection Inc. report cancer is the leading cause of death by disease among U.S. children between infancy and age 15; and

WHEREAS, this tragic disease is detected in more than 15,000 of our Country's young people each and every year; and

WHEREAS, one in five of our nation's children loses his or her battle with cancer; and

WHEREAS, many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

WHEREAS, founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Walter Reed National Military Medical Center, Children's National Medical Center in Washington, D.C.,

as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor nationwide Courageous Kid recognition award ceremonies and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

NOW THEREFORE BE IT RESOLVED that the Town Council hereby proclaim the month of September as National Childhood Cancer Awareness Month.

**RESOLUTION MAKING AN APPOINTMENT TO
THE PARKS AND RECREATION COMMISSION**

WHEREAS, the Town Council, hereinafter "Council," created Commissions to be responsible and give oversight over the functions of Town government and administration; and

WHEREAS, Council created the Parks and Recreation Commission, hereinafter "Commission," at its February 5, 2013, meeting; and

WHEREAS, the Commission serves in an advisory role to the Council; and

WHEREAS, the Commission's by laws allow for up to two, non-resident, voting positions, whose term shall be a staggered two-year term; and

WHEREAS, Mr. George Guthrie, who is a non-resident, submitted his resume to be considered by Council for one of the non-resident, voting positions; and

WHEREAS, on May 13, 2014, Council reviewed the resume and letter of interest submitted by Mr. Guthrie and decided to proceed with the selection process for the Commission; and

WHEREAS, on July 28, 2014, the process was completed and Council is now prepared to make an appointment to the Commission to fill the second, and last, of the non-resident, voting positions.

NOW THEREFORE BE IT RESOLVED, that the Town Council does hereby appoint Mr. George Guthrie to the Commission to serve for a term that shall expire on June 30, 2016.

**RESOLUTION PROCLAIMING SEPTEMBER 7th
THROUGH SEPTEMBER 13th AS NATIONAL SUICIDE PREVENTION WEEK**

WHEREAS, in the United States, one person dies by suicide every 18 minutes, and 1,056 Virginians died by suicide in 2012; and

WHEREAS, suicide is the second leading cause of death among those aged 20-34 and the third leading cause of death among those aged 15-19; and

WHEREAS, suicide is the 11th leading cause of all deaths in the United States, and mental health issues will strike one in five adults each year regardless of age, gender, race, religion, or economic status; and

WHEREAS, many of those people who died never received effective behavioral health services, for many reasons including difficulty of accessing services by healthcare providers trained in best practices to reduce suicide risk, the stigma of using behavioral health treatment and the stigma attached to losing a loved one to suicide; and

WHEREAS, agencies such as ACTS Helpline are committed to reducing the frequency of suicide attempts, the pain of survivors affected by the suicide death of a loved one, through community education, intervention services, and bereavement services; and

WHEREAS, ACTS Helpline provides 24/7 telephone support since 1981 to individuals in crisis, information and referral numbers to community resources, community education and outreach throughout the greater Prince William community, Manassas City, and Manassas Park.

THEREFORE BE IT RESOLVED that the Town Council of the Town of Dumfries hereby proclaims September 7th through September 13th, 2014 as

NATIONAL SUICIDE PREVENTION WEEK

...and commend ACTS Helpline for responding to over 2,000 crisis calls a month, promoting mental health, providing education on depression, suicide prevention, intervention, and post-vention in our community.

**ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES,
VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 70 ZONING, ARTICLE I IN
GENERAL, SECTION 70-22 TEMPORARY USES BY ADDING SUBSECTION 3,
YARD SALE**

WHEREAS, it has been noted that yard sales have been held in the Town along Route 1 that creates a concern for public safety; and

WHEREAS, pursuant to the public necessity, convenience, general welfare, and in the interest of good zoning practice the Planning Commission discussed proposed language to regulate the use, frequency, and location of yard sales; and

WHEREAS, the Planning Commission held a duly advertised public hearing on March 10, 2014 and voted to forward the proposed ordinance amendment to Council for review; and

WHEREAS, Town Council discussed the matter at their March 18, 2014 meeting and directed staff to move forward with scheduling a public hearing on an ordinance to adopt the amendment to Article I, Chapter 70, Section 70-22 by adding subsection (3) yard sale: and

WHEREAS, Town Council held a duly advertised public hearing on May 7, 2014; and

WHEREAS, Council directed staff to further amend the ordinance to allow for businesses to display/sell wares outdoors; and

WHEREAS, staff amended the ordinance and Council reviewed the suggested change at its June 17, 2014 work session and directed staff to move forward with scheduling a public hearing; and

WHEREAS, Town Council held a duly advertised public hearing on August 6, 2014.

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries on this the 9th day of September, 2014, that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending and adding Section 70-22(3) to Chapter 70, Article I and is enacted as follows:

Sec. 70-22 Temporary Uses

(3) Yard sale: the sale of used or unwanted household goods being personal items, held on private property. The temporary sale of goods will be allowed provided that they shall not be held on: Rt. 1, Main Street, Fraley Boulevard, Graham Park Road, and Rt. 234. Yard sales may be held, provided that:

- a. A permit is obtained from the town prior to the event, and will be issued free of charge.
- b. Permits shall only be issued to property owner/s or to a tenant with written permission by the property owner/s.
- c. No more than three permits will be issued per lot in a 12 month period.
- d. All yard sale permits are temporary in nature and shall be valid for no longer than two days.
- e. All merchandise and staging equipment must be removed at the conclusion of the sale.
- f. A setback of 10' must be maintained from any street, front, side, or rear yard.
- g. Temporary signs may be allowed in accordance with Sec. 70-14 of the Zoning Ordinance, however signs for yard sales may not be displayed longer than 5 days prior to the event, and must be removed once the sale is over.
- h. This section shall not pertain to businesses displaying/selling wares outdoors on their property.

This ordinance shall become effective on September 9, 2014.

IN RE: CITIZEN COMMENT PERIOD

David Nemerow spoke about the flooding that occurred in the area during the early Summer, late Spring and the misconception that there was no property damage. He lives at the bottom of Dominion Drive where a lot of the stormwater, when it floods over the storm drains, slams into his house in the middle at the bottom. He has on three different occasions had to vacuum inches and inches of mud out of his pool, which does not necessarily equate to property damage; however, he lost a \$14,000 Scion in May. The he considers as a lot of property damage. He heard there were funds to fix these problems; however,

he understands now those funds have been diverted. He has been a property owner for 30 years in the Town. He owned property in Williamstown and now owns property in Prince William Estates where the problem is. He does not know if he will stay if the problem continues. He asked Council to reconsider diverting the funds. He mentioned his neighbors have sustained property damage too, which does not include any damage done by the creek. He asked what Council has done to address the situation and what the plans are for the future. He knows the Town is aware of the problem because he has seen people drive through every time it floods.

Mr. Taber advised the matter is scheduled to be discussed at the next work session and information will be available to the public then.

Nancy West announced being the Potomac District appointee to represent the Area Agency on Aging. The Prince William County (PWC) Board of Supervisors proclaimed September 24 as Senior Center Month. In PWC, there are two senior centers. One located in Manassas and the other is in Woodbridge. These centers offer lots of activities and she encouraged all of the seniors in Dumfries to partake in the activities. She has been authorized to provide cards to seniors who want to visit one of the centers at no cost.

IN RE: MAYOR'S COMMENTS

Mayor Foreman clarified no funds have been diverted away from Prince William Estates or Quantico Creek. The Town has a stormwater management fund. Ginn Memorial Park has a stormwater management issue that needs to be addressed, so funds have been allotted to fix the problem. There have been no funds diverted that have been put in place. Staff is looking at all the areas in Town that have flooded or have potential of flooding.

IN RE: COUNCIL MEMBER COMMENTS

Mr. Toney encouraged citizens who have concerns to come before Council and speak.

Mr. Wood thanked everyone who attended the last concert. He continues to look forward to Dumfries being a destination place.

Ms. Reynolds thanked the Boys & Girls Club for sponsoring, the Washington Redskins for choosing, and Betty Covington for assisting in the Dumfries Elementary School being provided with backpacks. This Thursday, Longhorn Steakhouse will be sponsoring a fundraiser for the Boys & Girls Club.

Ms. Washington encouraged citizens to get active in the Town by getting involved with things taking place in Town. She mentioned not only the social activities, but also attending meetings, calling Council members, and that staff has an open door policy. She has seen changes made to projects when

citizens bring their concerns forward. If you have questions, comments, or suggestions, Mr. Taber's would be glad to listen to them. She noted that you are not always going to get the answer you want or the problem is not always going to be fixed, but you will be listened to and the best will be done to solve the problem that you may have.

IN RE: PRESENTATIONS

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

Mr. Toney read the resolution that was passed, under the consent agenda, earlier in the meeting.

IN RE: ACTION ITEMS

A. PUBLIC HEARING – ORDINANCE TO AMEND CHAPTER 70, ZONING, ARTICLE III, DISTRICTS, DIVISION 9, FLOODPLAIN DISTRICTS FP-1 – RICHARD WEST

Mr. West explained the ordinance was being done in accordance with the Federal Emergency Management Agency (FEMA). The regulations have been updated while rolling out the new floodplain district maps that include the flood zones. The primary purpose in updating the ordinance is to keep the Town in accordance with FEMA in order to be able to participate in the National Floodplain Insurance Program (NFIP). The Planning Commission (PC) has held their public hearing and voted to move it to Council with a recommendation to adopt.

The public hearing was opened to public comments.

There being no comments the public hearing was closed.

Mr. Wood moved, seconded by Ms. Washington, to introduce the ordinance to amend the floodplain districts and move it to the October 8, consent agenda for adoption. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

B. PUBLIC HEARING – ORDINANCE TO REQUEST THE GENERAL ASSEMBLY AMEND ARTICLE III, SECTION 3.01(B) OF THE TOWN CHARTER BY MOVING TOWN ELECTIONS FROM MAY TO NOVEMBER – OLAUN SIMMONS

Mr. Simmons reminded Council that the idea and proposal to change the election date from May to November was first brought to Council's attention by a petition that was submitted in June of 2013 to the Council by the PWC Electoral Board. At that time, the Electoral Board wrote a letter to the Mayor and members of Council petitioning the Town of Dumfries to move the biennial Town election to the November general election. The reason provided by the Electoral Board for the recommended change was that the Electoral Board believes that if the election date is changed to November the Town of Dumfries

will have a larger voter turnout in the election cycle. In addition, the petition submitted by the Electoral Board makes it clear that the electoral ballot itself is protected so that only Town of Dumfries voters will be allowed to vote for Town issues and Town candidates. Finally, in this petition the Electoral Board informed Town Council that if the elections were held in November instead of May then the Electoral Board would absorb the election costs, which will ultimately save the Town money. At the August 20, 2013 Council Meeting, Council began discussing the matters related to changing the election date from May to November and began discussing the process for doing so. Council continued its discussion during the October 1, 2013 meeting and decided to schedule a public hearing in order to request input from the citizens. During the December 10, 2013 meeting, Council held a public hearing in order to get input from the citizens regarding the proposed election date change. On July 22, 2014 Council passed a resolution that authorizes the Town Manager advertise for a public hearing regarding the proposal to change the election date from May to November, as a result the public hearing is scheduled for this evening. If Council passes the ordinance requesting the General Assembly amend the Town Charter, what will happen next is the Town will contact the Senator for the Virginia 31st District to inform them that we passed an ordinance to amend the election date to the Town Charter. We will also ask the Senator to introduce a bill to the General Assembly to effectuate the election date change. It has to be done this way because the Town cannot amend its own Charter. The General Assembly has to do the Charter amendment. So, at the close of the public hearing and subsequent discussions the requested action is for Council to make a motion to introduce the ordinance with adoption of the ordinance October 8, under the consent agenda.

The public hearing was opened to public comments.

Mr. Brewer noted on the presentation it indicates that the date is being moved to November but you are not indicating when the new officials, if elected, would take office. He knows in the rest of the State, if you are elected in November, you usually take office January 1. So, if that is the case it needs to be spelled out in the ordinance.

Mr. Simmons indicated that could be done.

Mayor Foreman clarified that State Code Section 24-221.1, Alternative election of mayor and council at November general election in cities and towns, sub-paragraph A states, “notwithstanding the provisions of § [24.2-222](#), the council of a city or town may provide by ordinance that the mayor, if an elected mayor is provided for by charter, and council shall be elected at the November general election date of any cycle as designated in the ordinance, for terms to commence January 1.” The State code already states when. The reason the elections would be pushed, our elections are currently for May of 2016, we cannot short term an elected official, we can however extend an elected official, which is why it would go

to a November 2016 election, not November 2015. They would be seated to commence January 1 or the first working day thereafter. State Code just needs to be cited if the ordinance passes.

Brenda Via is a taxpayer in Dumfries. She is not for changing the Town election. The Town is separate from the regular election in November. To her that is when you get to come out and have more of a Town niche. You see more of the community and it is non-partisan, it is not any special Republican, Democrat, or anybody. She hopes Council will leave it as it is. The little bit that it costs, the taxpayers pay already.

Chris Padberg believed that our predecessors got it right when they set the Town elections in a different season from the State national elections. This has for the most part kept our politics local and non-partisan. By virtue of being a small Town, our government gets down to the granular issues of citizen life. At times competing needs for money and attention can divide people. We do not need to add the divide that political party influence will have if we combine election days. The candidates at the State level are spending incredible amounts of money on campaigns and simply having a Dumfries Town Council candidate at their table on Election Day in the parking lot can turn our election into a popularity contest. I would prefer that our elections be about Dumfries issues. The only way to ensure this is to leave the election dates alone. I have heard little logical justification for moving these dates, thus; I am surprised and somewhat concerned about the motivation of doing so. The budgetary argument to me does not make sense. I am the first one in line to save a buck, but the small amount it costs us to hold a separate election is a drop in the bucket when contrasted against the benefits of keeping us independent. We spend Town resources and taxpayer dollars on other things that set us apart, such as parades, festivals, and concerts. Let us not throw away our political independence. Combining these elections would burden new candidates with getting their message heard through the distraction of big spending State and National campaigns. Again, it is important for our citizens to be voting on the issues that are important to them, not just flipping a lever for the person with the best stickers at the National Party table. We have all come down to the poles to vote for the President only to be surprised by a bond referendum we have not read. You end up voting on this simply because you have to make a decision in order to cast your vote. This is not the way we should be electing our Town leaders. You may force more people to vote this way, but this is not the way to do it. I ask any of you who have supported this to search your conscious and ask why you are doing this. Is it really benefiting our residents or just you? If you still feel compelled to make these changes then you ought to be confident enough to let the citizen's vote on the matter at a future election. There should be no hurry in changing these dates. Figure out a way to get this on our next ballot and let the folks who elected you decide if it is right for us.

Thelma McGlothlin mentioned she has been in Dumfries for fifty some years. This has been a long tradition the Town has had with having its own election. She asked if the other towns were asked to do the same. If it does change, we will be voting for the party and not the person. She votes for the person who is going to do the job for the Town of Dumfries. She thinks it would be a very bad move to vote for the change. You need to listen to the citizens, the taxpayers, and let them tell you what they want and listen to them for once. If it is kept the way it is, it is a staggered Council. There will be some people on the Council that knows what is going on, if not you can have all new in an election and it would be very confusing. She has been there, so let us keep it the way it is.

Khristina Padberg pointed out that if the elections were moved, people would have to stand in long lines in November, like what occurred three or two years ago. That was not fun. There were people carrying chairs. That is not healthy. It is not good for the elderly people who have to come stand in line because they do not get precedence to come to the front of the line. She did not see anything wrong with the May election. There is nothing broken about it. So, moving to November she thinks would be a lot of confusion in the Town. If it is kept in May, then the citizens get to personally see who is running. She thinks it would be confusing if it were blended with the November elections. She asked that the elections be kept in May to keep everything simple.

Selonia Miles was in support of moving the Town elections to November. At a time when our Nation has had a consorted effort to suppress the vote. Our elected officials have an opportunity to increase voter turnout by creating uniformity and eliminating confusion. The recent May election yielded a 10 percent drop in voter turnout and this Town has struggled to notify citizens of elections. As a result, many do not participate in these elections. Holding the elections in November will increase the voter turnout and allow the Council to get a broader base of constituent support. To not support this shift in the election is supporting voter suppression. To support moving the shift in the election will increase voter turnout.

Nancy West was very much against moving the Town elections to November for all the reasons that Council has heard from the other speakers this evening. She moved to Dumfries in 1963 and it was about the time of the re-chartering of the Town. She thinks she has voted in every elections since then. The Town's election is very unique. It is one of the things that is a joy of living in a small town. We come down here, we meet our neighbors, we know the candidates, and the Town elections are non-partisan. She agrees with some of the other speakers. We do not want to get our Town elections mixed up with all the party politics that go on in a National Election. For all of the many reasons that Mr. Padberg has spoken about, Ms. Via, and Ms. McGlothlin she urged the Council to keep the Town's elections in May and keep Dumfries, along with the other towns in PWC, a unique experience.

There being no further comments the public hearing was closed.

Mayor Foreman asked the Town Attorney to confirm that a yes vote would move the election to November and a no vote would leave the election in May.

Mr. Simmons agreed.

Ms. Forrester did not want to belabor the point, but she has made her point every single time this has been discussed. She will not be supporting this because she does not agree with involving the parties in Town elections. The idea of voter suppression is a new one on her. She thought that everyone on the Council, regardless if his or her party, can say that nobody has been suppressed. Every one of them knocks on doors like crazy people. They have volunteers that will go and pick people up at their doors if they want to come. No voter is suppressed. She thinks that is laughable and cannot believe that was brought up. She also thinks that the Democratic Party would not be bringing some of their members to speak to Council if they were in an 80 to 90 percent Republican District. We would not be so concerned about voter suppression. As always, she is an independent and has many friends in both parties, so she does not have a dog in the fight for that. She would like to keep the conversation about what it truly is, the real issues, not issues that are added in to get support. She has even heard from the dais that if they get more voters voting then they represent more people. We all represent the same just under 5,000 people. If just two people show up or all 4,800 show up we still represent everyone here. Personally, she does not want to come up on Election Day and have somebody check a box because a certain party has endorsed him or her. Either party is, as she has said before, not endorsing her because she is not involved with either party. People come up and just follow the lead. They come up here for a certain purpose and then they vote for people. They do not know anything about the Town's issues, they do not know anything about the candidates, but they vote that way because that is how they were told to vote. She wanted Council to ask themselves if the district was reversed, not a strong Democrat hold, but a strong Republican hold, would you be asking for this change. She thinks the answer would be no. If this goes the way that it is going, changed, she is going to be asking everyone involved to vigorously investigate and follow the Town's non-partisan rule. That means that no names of members on Council should appear on a sample ballot with anyone from any State or Federal election, period. It should not be on a separate card, so that when the Republican hands their sample ballot for State and Federal that they hand out at the same time one for the Town. If you are here representing a Town candidate with sample ballots on Election Day then you should have no involvement, not be standing near the party tents, not be handing out party materials. That is the way it is supposed to be. It is not even that way now in May. The parties come out and the parties get involved. She will be out here loud and strong to make sure that neither party is handing out materials

for Town candidates. She really hopes that this does not pass, but if it does, she hopes nobody in the parties are sitting there celebrating because this is not going to go down the way they think it will. There are very strict rules about non-partisan politicking in the Town and she will make sure that it is followed.

Mr. Wood thanked everybody for his or her comments. It was some interesting feedback. He noted that Mr. Padberg brought up a great point about why it was not taken to the polls to let the people vote on it. He thought that was great. He thought that was brought into a previous discussion. He did not know why the Council could not make that happen, or if that is still even a possibility, to let the people be the voice. It would be on the May ballot for the people to come out and have their voice be heard by voting. This way it is not just the seven Council Members making that decision. The people can come to the polls and actually have that opportunity to make that decision. He asked if that is still an option.

Mr. Simmons stated, absolutely.

Mr. Wood clarified for the people to come and vote.

Mr. Simmons reiterated, absolutely.

Mr. Wood asked if a motion could be made today for this to just be wiped off and it will just be taken to the election.

Mr. Simmons again replied, absolutely.

Mr. Wood would rather go that route then doing this. He was willing to make that motion for Council to let the people's voice be heard in May.

Seconded by Ms. Forrester.

Mr. Brewer explained the reason it was not done the last time was that Council did not have enough time before the election. The Mayor had discussed doing that, but there was not enough time to get it on the ballot. The second thing is that even if Council asks for it, it does not necessarily mean that Council will get it. Council can ask the General Assembly to change it, but unless they vote for it, it may or may not happen. He thought the people have spoken tonight and thinks it would be a good idea. Let us take it to the people.

Ms. Washington pointed out that Mayor Foreman did not do his usual asking if there was any other citizens who wanted to speak after listening to the ones who had signed up. She noted there is an individual who specifically came to speak on this issue who is an ex-council member and ex vice-mayor.

Mayor Foreman asked if there were any other citizens who would like to make comments on the matter.

Claude Thomas noted hearing a lot of comments and he did not want to echo the things that have already been said. He is in support of continuing to hold the Town elections in May. He has heard a lot of

talk about numbers. Getting more people to participate. He did not know that more is better. He can assure Council that the 400 who come out in May are concerned for the Town of Dumfries. If you get 1,000 out in November. He did not know if a 1,000 is going to be concerned with what is going on in Dumfries. When he says Dumfries, he means property in the Town of Dumfries. He served on Council for 10 years, was vice-mayor for five, and he would like to leave the elections in May.

The motion on the floor made by Mr. Wood, seconded by Ms. Forrester, to have the decision placed on the May ballot for the citizen's to decide passed by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, no; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

Mayor Foreman clarified, for the citizens, that the item has been moved to the May 2016 election as a referendum, does not affect the elections as they sit for May 2016, and would go into effect at the 2018 elections if passed. If it does not pass, it stays as a May election. He asked if he stated it correct

Mr. Simmons indicated that was correct.

C. PUBLIC HEARING – UNCODIFIED ORDINANCE MAKING ADDITIONAL APPROPRIATIONS TO THE FY15 BUDGET – DAN TABER

Mr. Taber explained this issue has come up as a result of funding that was appropriated in the fiscal year 2014 (FY14) budget, but for circumstances beyond the control of the Town the money was not spent; purchase orders were issued. One was for a construction project and the other dealt with some individual funds for a grant that covers a two-year period. The money for the construction project was Virginia Department of Transportation (VDOT) funds and VDOT's rules are very clear that the funds have to be carried over to the next budget year. Staff did not realize in time that the project would not be completed, so when the FY15 budget was prepared there was no way of knowing the money was not going to be expended. He is requesting that Council move the resolution making the additional appropriations to the consent agenda for adoption. He explained, for the citizens, that this would increase the budget with funds that went back into the general fund at the end of FY14 that were not spent or placed into the FY15 budget.

The public hearing was opened to public comments.

There being no comments the public hearing was closed.

Ms. Forrester moved, seconded by Mr. Wood, to introduce the ordinance and move it to the October 8, consent agenda for adoption. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

D. DESIGNATION OF VOTING CREDENTIALS FOR THE 2014 VIRGINIA MUNICIPAL LEAGUE (VML) ANNUAL CONFERENCE – DAN TABER

Mr. Taber noted that at the VML Annual Conference, there is a business meeting and at that meeting, there is a potential for issues to be brought to a vote. Each member jurisdiction, which Dumfries is, has a right to vote. Usually the Mayor votes; however, in the absence of the Mayor, an alternative is named from an existing representative of the Town. The Mayor will be attending the Mayor’s Conference but will not be there for the business meeting. It was noted that Mr. Taber would be the only Town representative in attendance. He was asking Council, if they desire, to give him the ability to vote for the Town if any issues come up at the business meeting.

Mr. Foreman moved, seconded by Ms. Washington, to designate Dan Taber as the voting delegate for the Town. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

IN RE: BOARDS AND COMMISSIONS REPORT

A. ARCHITECTURAL REVIEW BOARD (ARB)

Laura O’Dell, Planner/Zoning Administrator, on behalf of the ARB reported the following items.

- ✓ Timothy Jabs was elected Chair.
- ✓ William O’Kelly Russell was elected Vice-Chair.
- ✓ The ARB reviewed the landscaping plan and the comprehensive sign plan for the First Town Center project. The ARB is awaiting VDOT’s review and a finalized site plan before moving forward with a vote.

B. BOARD OF ZONING APPEAL (BZA)

There was no report.

C. HISTORIC DUMFRIES

Joann Barron was unable to attend. It was noted that a report would be sent to Council.

D. PLANNING COMMISSION (PC)

John Webb, Chair, reported the following items.

- ✓ Reviewed and discussed during the work session a Zoning Text Amendment to the B-1 Zoning District, kennels.
- ✓ Reviewed and discussed during the work session a Zoning Text Amendment to the B-2 Zoning District, Residential Amenities.
- ✓ Reviewed and discussed during the work session a Conditional Use Permit (CUP) - CUP 2014-004 - God's Living Word Church.

- ✓ Reviewed and discussed during the work session a CUP - CUP 2014-005 - Spirit of Truth Deliverance.
- ✓ At the regular meeting, the minutes available for adoption were moved to the September 15 meeting.
- ✓ Reviewed and discussed at the continuation of the work session a Commercial Addition Site Plan, 17360 Dumfries Road.
- ✓ Reviewed and discussed at the continuation of the work session the First Town Center Promenade Site Plan.

IN RE: COUNCIL REPORTS

A. BOYS & GIRLS CLUB

Ms. Reynolds reported that during the summer the Boys & Girls Club sponsors a program called Send a Kid to Camp. Over \$14,000 was raised for the program and over 58 youth were able to attend camp. On September 10, a fundraiser is being held called Dining for Dollars. If you go to Longhorn Steakhouse on Liberia Road, ten percent of your bill will be donated to the Boys & Girls Club.

B. PARKS AND RECREATION COMMISSION

Mr. Wood reported the following items.

- ✓ The Commission did not have a quorum to conduct any business.
- ✓ Finished the planning for the concerts that were held in August.
- ✓ Tony Craddock was the entertainment for the first concert held 8-17. There were about seven vendors present, face painting, and a bounce house for the kids.
- ✓ Marcus Johnson was the entertainment for the second concert held 8-24. There were about eight vendors present, face painting, and a bounce house for the kids.

C. NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

There was no report.

D. PLANNING COORDINATION ADVISORY COMMITTEE (PCAC)

There was no report.

E. NORTHERN VIRGINIA CIGARETTE TAX BOARD (NVCTB)

There was no report.

IN RE: STAFF COMMENTS

A. DIRECTOR OF COMMUNITY SERVICES – RYAN GANDY

Mr. Gandy reported the following items.

- ✓ The attendance at the 8-17 concert exceeded 150 people and the attendance at the 8-24 concert exceeded 250 people.

- ✓ This Saturday is the Fall Festival, which starts at 11:00 am. There are 43 confirmed vendors. An additional bounce house has been added to the event. It was announced that volunteers are still needed to assist.

Mayor Foreman asked what the prizes were going to be for the talent competition.

Mr. Gandy explained there is only one individual signed up for the talent competition. It could be a certificate that staff would generate. He did not see spending Town funds if there was not going to be more than one participant. If there are enough participants, a gift card could be purchased.

Mayor Foreman asked for a list of volunteers that assisted with the concerts in order to send thank you letters out.

Mr. Gandy would provide a list of the volunteers for that event and would provide them for the Fall Festival after the event is over.

Mayor Foreman asked about the newsletter that was scheduled to go out in August.

Mr. Gandy noted the electronic version would be on the website by Friday.

Mayor Foreman asked if he had time to update the letter he provided since school would be letting out soon.

Mr. Gandy agreed three was enough time to update the letter.

Mayor Foreman asked when the next Dumfries Cares Family Fun Night would be.

Mr. Gandy received an updated list of upcoming events the other day. An email would be sent to Council with that information.

Ms. Washington questioned the fee for the talent competition. She explained that \$30.00 might not seem like a lot of money, but to younger folks it is. She assumed the reason the fee started was the cash prizes being awarded. She asked if it could be considered, for the next festival, that the fee be waived for the talent competition.

Mr. Gandy noted the funds received from the festivals go into the general fund. He would look into making that change, which should help with participation.

Mr. Wood suggested adding the talent contest to the blackboard messages being sent out.

B. PLANNER/ZONING ADMINISTRATOR – LAURA O'DELL

Ms. O'Dell wanted to clarify what was brought up earlier about God's Living Church. The Church continues to operate. They have not been approved for their CUP. The property owner across the street is not willing to sign a letter stating that they have permission to use the property even though he is telling the Church that they can. It is a zoning violation; however, since the Church was trying to go through the CUP process staff was working with them. She will speak with the Town Attorney and depending on what

comes out of the discussion she may have to pursue issuing a notice of violation. She did some research on economic development in the area. In particular, what everyone came back with from the Haymarket meeting. She contacted people in Haymarket who stated they did not hire anyone outside to help with the planning. It was a matter of development coming to the area. She asked Haymarket if someone was helping them from Loudon. Haymarket said they did not. She was a little confused. She was not sure how Haymarket got help. What she was told is that Haymarket had help from one of their part-time people who does not work anywhere else. Haymarket was happy to come speak to Council about how planning is done there. Research was done on what the State has to offer as far as incentives to businesses in economically depressed areas. The State has a program called the Virginia Enterprise Zone. Townships, cities, or counties can apply for grant funds for incentives to be provided to local businesses. The next opportunity to apply would be April 15, 2015. She will work on the application to apply for grant money.

Ms. Washington felt those were the type of things that there needs to be more initiative in. She commended Ms. O'Dell on her research and Mr. Taber for allowing Ms. O'Dell to work her schedule in order to do that research.

Mayor Foreman asked when the updated fee schedule would be presented.

Ms. O'Dell noted at the work session this month.

Mayor Foreman asked if there was a home and business inspection program in the Town.

Ms. O'Dell stated yes.

Mayor Foreman asked if it was funded and does it works. The home inspection one he is familiar with.

Ms. O'Dell asked what was meant by home inspection.

Mayor Foreman explained receiving calls from renters stating the program does not work.

Ms. O'Dell asked if it was the rental inspection that was being asked about.

Mayor Foreman explained that is probably what he is leaning toward.

Ms. O'Dell explained staff only goes in a home when they are initially built to issue an occupancy permit. There is a rental inspection program that was approved and adopted by Council; however, there is no funding for the program. There would need to be significantly more staff to make that a successful program or to even get it started. It is quite a bit of work to go into each and every rental unit to make sure that they are up to code for living standards for tenants.

Mayor Foreman asked if the Town has a program that is unfunded, someone calls the office with a rental problem, whether staff would be sent out to do the inspection, or that it is an unfunded program.

Mr. Taber explained it would depend on what the circumstances are. Many of the matters are civil issues between the renter and the property owner. Several months ago, staff brought forward another program for Council's consideration.

Ms. O'Dell explained the program is the Virginia Maintenance Code. Staff would respond on a complaint basis opposed to inspecting every single rental property in the Town every year. This will allow staff to do an inspection and deal with the property owner on any issues. Currently we are waiting on establishing an appeals board, which she believed the Town Manager was working with PWC on to get a memorandum of understanding.

Mr. Taber reminded Council that during the discussion about the program the question was raised about who would pay for the inspection; the renter or the property owner. He believed this process would allow staff the capabilities to accomplish the same thing. Clearly, instead of having to set up a schedule for every time the renter changes to perform an inspection this would be on a complaint that comes in. Right now, he is working with PWC. He explained advertisements for volunteers to sit on the appeals board were made. It is the opinion of Town Council, and he agrees, that it would be improper to enforce that right now without a means for people to appeal. He is working with PWC, who is working with their appeals board, at his request, to hear any appeals the Town may have and be paid the same fee the Town would pay if it had its own appeal board. An update will be provided in no more than two months on the process involved.

Mayor Foreman asked if there was a business program.

Ms. O'Dell explained that when a business begins to first operate, before opening, they are required to get a business license and a commercial occupancy permit, which is when an inspection is performed for compliance; however, a business that has been operating for 20 or 30 years would not have an inspection unless someone complained.

Mayor Foreman mentioned T & O located at 17939 Main Street beside the post office came by to talk to him. The property has always been used for overnight storage of vehicles. The lot is fenced to ensure the view is covered from the street. They are asking the Town to review their initial permit and application. He requested they provide the original business license and any conditions there might have been. He received the current business license. He asked if the Town has records that go back that far to show their original permit.

Ms. O'Dell stated there are files on the property.

Mayor Foreman asked that staff contact them to set up a meeting.

Ms. O'Dell noted she could; however, she has several times. She will make sure the Town Manager is present at the next one. They are operating an industrial type business along the main street in Town. She drove by their earlier, there were about seven large industrial dump trucks sitting there, the gates do not stay closed, and it is visually unappealing to have that type of a business along the main street in Town. The business does not meet zoning.

Mayor Foreman understands that. The question was asked if they were already in business and a rezoning occurred that would grandfather the use. He told them, he would bring the matter up to the Town Manager. The Jehovah's House Thrift Store located at 17740 Main Street has parking lot sales on the weekends. Items are on the sidewalk in front of the building and the entire back parking lot is closed off leaving only street parking. He received a call from Dumfries Nursery & Garden Center complaining about their customers having to look at it, that people are walking in the street, and that when the sale is over everything is dumped in the trashcan on the side of the building that ends up blowing into the street and they are picking it up. He asked that staff speak with the two businesses. Specifically, can the parking lot be closed off and if street parking is allowed.

Ms. O'Dell stated streets are for public parking; there is nothing stating they cannot. At the last Council Meeting, it was made very clear that businesses could display their wares and sell their goods outside.

Mayor Foreman was okay with that. He asked if there was anything about closing the parking lot off. The parking lot is there to do business. They have on street parking with people walking in the street in front of another business that is affecting the way people are coming in and out.

Ms. O'Dell explained the only way it could be an issue is if there is a site distance problem with seeing around the cars, which the police department could address. Unless it specifically states no parking, anyone can park along the street.

Mr. Taber clarified that if the goods are actually on the sidewalk blocking pedestrians from passing that could be addressed. He would follow up on the matter.

Mr. Brewer told Ms. O'Dell that he has a book about Enterprise Zones in Virginia that he would give to her after the meeting.

C. DIRECTOR OF PUBLIC WORKS – RICHARD WEST

Mr. West asked if Council had any questions for him.

Ms. Reynolds asked for an update on the sidewalks along Possum Point Road.

Mr. West explained that staff is readdressing how to handle the sidewalk, particularly in the residential area. Staff is looking for the balance between getting the sidewalk close to the curb, but doing

it safely and not impeding on people's property more than they have to or ending up with a retaining wall situation. A quick redesign is being looked at. At the other end, at the corner of Possum Point Road and Fraley Boulevard, once the Town receives the VDOT permit, which is expected in less than a week, the work will begin at that end and we will be working our way back.

Mr. Brewer pointed out that the notice of intent to award was issued August 26 to Sagres Construction Corporation. He asked that Council be provided with a copy of the contract.

Mr. West would send that along with the bid packet that was submitted. The agreement has not been executed yet.

Mr. Brewer asked when the construction would start on the Tripoli Boulevard Drainage Improvement Project.

Mr. West noted very soon. He will be having a pre-construction conference with the responsible responsive bidder within a week, as soon as that is done, the contract is executed, and then the notice to proceed is issued. This should occur within two to three weeks. Once the notice to proceed date is set, letters can be sent to the individuals in the area who will be effected to let them know when the work will begin.

Mayor Foreman wanted an update on the Route 1 widening project noting that VDOT has placed the project on hold; however, there is more to the project than VDOT. He asked Mr. West if he attended the Northern Virginia Transportation Authority (NVTA) Project Implementation Working Group (PIWG) meeting that met on August 18. He understood the group was going to go over the selection criteria for the upcoming two-year program and asked if that indeed was discussed.

Mr. West explained it was discussed in general and was not specific or finalized. He has a meeting with NVTA on Thursday to answer questions they have on the Town's Route 1 Widening Project specific to getting it included in the seventy percent funding under House Bill 2313; however, they will be going beyond that to address House Bill 2. The PIWG, at their last meeting, specifically addressed how House Bill 2 is going to affect what is being done with not only the seventy percent funding but also future NVTA funds.

Mayor Foreman pointed out that House Bill 2 has not been fully clarified either.

Mr. West agreed and noted that was the reason they had not come to any conclusions at the last meeting.

Mayor Foreman asked if the parameters were updated on the spreadsheet.

Mr. West noted the Town is still listed. There are clarifications being made on the spreadsheet.

Mayor Foreman explained that VDOT did their initial study and did not take into consideration the additional traffic from Mr. Singh's project, or the additional traffic coming on to Route 1 and Route 234 from Potomac Shores, and for those reasons the parameters need to be updated. VDOT will finish their final evaluation in November and the NVTA will be doing their final evaluations and grading in March 2015. His concern is since they do not meet in December that the statistics will start to be compiled in January. He mentioned Council needs to attend the Commonwealth Transportation Board (CTB) public hearing to make sure they are aware of the Town and its concerns with Route 1. He pointed out that VDOT and NVTA are separate from the CTB and there has to be consistency in what is being said to all three. He remembered when he first got on Council that there was a paving roadway asphalt schedule and a tree trimming schedule. He asked what happened to them. He noted the tree trimming was mainly for the power lines.

Mr. West had not seen, in the just over three years he has been with the Town, a paving or tree trimming schedule. Staff is looking at paving and evaluating work that needs to be done. Tree trimming has been done on an as needed basis.

Mayor Foreman indicated the ditches along Possum Point Road have not been cleaned. There is a resident at 18104 Possum Point Road who called him after the last rain to show him the water that accumulated down his driveway. The resident cleans the ditch in front of his house; however, the ditches along Possum Point Road are full so the water came across the street into his driveway and the water almost invaded his garage.

Mr. West did not believe the ditches had been done since late last Fall. The Town's contractor has been busy with other projects; however, he will get the contractor over there to take care of the problem.

Mayor Foreman indicated a schedule needs to be put out and the ditches need to be cleaned along Possum Point Road and Orange Street.

Mr. West noted a curb has been installed and a task order has been placed to get the ditches cleaned out. He would inform Council if the ditches have been done on Orange Street and if not the schedule of when they will be done.

Mayor Foreman mentioned the packet received from Marvin Wilkins in Prince William Estates and asked if anyone had responded to his questions.

Mr. Taber noted a brief is scheduled for the September 23 meeting on several issues at play. The biggest issue, that can be addressed readily, is the ditch line that has not functioned the way it was built. Staff is working on the two upstream stormwater ponds with the owners and are getting positive feedback about those being taken care of. That should reduce the mass of the flow coming down in heavy rains.

The Town needs to work through some legal issues since there is no easement to go on the property where the water is funneling down to the houses at the end. This may be one of the places Mr. Nemerow spoke about. A plan is being developed. He has had some email exchanges with Mr. Wilkins, a letter was sent about the issue, and he will continue to keep Mr. Wilkins involved in the discussion.

Mayor Foreman mentioned there was a discussion on August 6 about Curtis Drive and Graham Park Road. He asked if there was an agreement to close off the entrance to the Triangle Shopping Center.

Mr. Taber stated that is a work session item scheduled for the September 23 meeting.

Mayor Foreman asked what the status was with the sidewalks in front of Liberty Village, the Multi Modal Project. Last month it was stated construction would begin in August and this month it states construction is to begin in September.

Mr. West advised a pre-construction meeting was held and they are about to execute the agreement with the contractor at which time the notice to proceed will be issued. There is nothing else barring progress on that project. The Town will need concurrence from VDOT on the notice to proceed, but the end date for the project is November 19. There will probably be a request from the contractor for the retaining wall and possibly for the hand railing.

Mayor Foreman asked if the four lights mentioned for Fraley Boulevard with a cost of \$4,000 was for one or all of the lights.

Mr. Taber believed the reason it was so low was because the poles already exist.

Mayor Foreman mentioned the Possum Point Road sidewalks are supposed to be funded though House Bill 2313, which clearly states the list of projects has to be submitted to PWC. Once that list is submitted, PWC should mark off on it and forward it to the NVTA as a matter of record. When the NVTA gets the list, they will want the drawings of where everything is. That is what he had asked for that night. When are you going to show us the drawings? It was never a matter of stopping it from going through. The money cannot be spent until the project is approved. If the sidewalks are going in tomorrow, this is edification for Council, that projected \$80,000 has to be approved to be spent. Council approves it, it is sent to PWC, PWC checks off on it, then it goes to the NVTA, they approve it and then the money can be spent, which is reimbursed later.

Mr. Taber expressed not understanding the comments that were made.

Mayor Foreman explained that Council approves it, but it is not just one. So, the list needs to be talked about, Council is educated on the options, Council decides the one that is the top priority, how much is going to be spent and then it moves forward. There needs to be a strategy since the Council is asking the NVTA to spend House Bill 2313 money to put in Route 1. The question is going to be asked

somewhere along the line about how much money the Town has contributed to Route 1. Money is being put in from other sources, like VDOT, and here the Town is taking House Bill 2313 money to put in sidewalks that are not in conjunction with the Route 1 widening.

Mr. West clarified the money being used for the sidewalks is part of House Bill 2313, the 30 percent portion, that is designated for local projects. The portion that will go to the Route 1 widening is the 70 percent, which is for regional projects. He believed the money in the budget was set aside for the Possum Point Road sidewalks.

Mayor Foreman agreed it was voted on for the sidewalks; however, the point is, it still has to be put together, a plan needs to be shown to Council, and then it needs to be submitted.

Mr. Taber assured Council that staff would understand the procedure. He reiterated he misunderstood the point in the discussion.

Mayor Foreman added that Council should get a copy of the signed memorandum of agreement with PWC.

Mr. West stated that VDOT would classify the project as a no plan project and it would be a matter of saying the sidewalk is going to start here and end here. The plan would be no more than a picture and maybe a few details.

Ms. Washington thanked Mr. West and his staff for the job being done on Cameron Street.

Mr. Brewer asked if the flooding problem on Tripoli Court behind the Hamm's house had been addressed.

Mr. West explained the problem is being looked at; however, there are legal issues with access and that it is private property to private property.

Mr. Brewer asked if the Town is planning to do something about it.

Mr. West needed more clarification on how much the Town is going to get involved or whether this is a private property to private property issue.

Mr. Brewer wanted everyone to understand the Town was the one who originally went back there and worked on the issue. He felt if the Town worked on it and did not better the situation then the Town has a responsibility to fix it.

Mr. West clarified that is one of the aspects being looked at and will probably be the one that is going to rule.

Mayor Foreman mentioned the meeting he wanted set up with the Town Attorney and Town Manager. He met with Grayson Village and they provided documents. He met with the homeowner and they provided documents. He shared pictures with Council. At the bottom of the hill there used to be a

covered cement duct that would divert the water. As the water came in it would hit the duct forcing the water away from the property between the Grayson Village property line and the Potomac Landfill. A notice of violation was issued to Grayson Village, they cleaned out the debris. The Town went in and advised everyone that the Town could fix it. The Town removed the cement block that diverted the water and now you can see that the water is going directly into the backyards of two property owners. That was the question he had of the Town Attorney. If the Town goes in and fixes something, then it breaks or fails, should the Town be liable to fix the property.

D. CHIEF OF POLICE – REBECCA EDWARDS

Mr. Taber advised the Chief was attending a conference and was not able to make the meeting.

E. TOWN ATTORNEY – OLAUN SIMMONS

Mr. Simmons reported that the Council and the Town Manager have expressed a desire to solve some of the zoning violations taking place within the Town. As a result, civil causes of action are being filed against people who are violating the zoning ordinances. Currently there is a pending cause of action against the owners of the Elwye Building set for October 21. He advised Council that he would research the issue brought up about the drainage and get back to Council.

Mr. Wood asked if the Prince William Living advertising was Rick Bockes who came and did a presentation.

Mr. Simmons was unsure.

Mr. Taber confirmed it was.

Mr. Wood asked if it was about the newsletter. He thought there was going to be another presentation.

Mr. Taber was not aware of another presentation. He thought the direction was to meet and talk with staff. Staff is talking to him about the opportunities for advertising the Town and the Town's events.

Mr. Simmons clarified he is just looking at the contract to be sure that the Town is getting what it is paying for.

F. TOWN MANAGER – DANIEL TABER

Mr. Taber noted staff went over everything that he had and was ready to answer any questions Council may have.

Mayor Foreman asked what the status was on staff reviewing the 2020 Vision Statement.

Mr. Taber advised it was scheduled for the next work session.

Mayor Foreman mentioned he has committed to economic development over the next twelve months. The agenda item forms that are being submitted for the work sessions are to generate a 10 to 15

minute conversation, not an hour, or hour and a half. At the same time, it gives direction for which to go and come back. That is the same reason the agenda item form was submitted for proffers. It was submitted three days after the last meeting to allow staff a month to get everything together. The main thrust of the conversation is that Council needs to get to a point that things are being discussed to allow staff time to work on the items. He also understands that Council has asked questions and staff has not had an opportunity to finish working on those items.

Mr. Taber explained the agenda item forms that have been submitted are on the pending list, may be slated for the next meeting, or staff may be working on it. As part of the economic development issue, it was asked that staff focus on the business license application, which is one of the things that will be presented to Council at the work session. The form has been changed and there is correspondence that will accompany the form. The idea is to share it with Council to get the conversation going. As time allows staff works on these things and more meetings are being held about these issues. You will see on the next agenda many of the issues that have been brought up.

Mayor Foreman wanted the Town Manager to know that the agenda item forms being submitted are only for conversation to keep the matter going.

Mr. Taber felt that if nothing else, it reiterates the matters that are pending.

Mayor Foreman mentioned the email that was sent on a potential economic development presentation. He is available to meet during the week in the evening after 5:00 p.m. or on the weekends. He wanted to make sure the meeting is open to the citizens and the business owners.

Mr. Taber has reached out to some of the organizations in the State who give two to three hour presentations to local elected officials. He foresees an evening or a Saturday, for three or four hours, separate from the presentations previously talked about, in order to open up some dialogue about what is really going on in the State. He hopes to talk to some of the smaller jurisdictions while attends the VML conference about how they are handling economic development.

Mayor Foreman mentioned the NVRC has offered to give presentations and the Prince William Chamber has offered as well. He mentioned that Council was previously provided with the agendas from the other Boards and Commissions twenty-four hours before a meeting. He has been attending and does not know what is on the agenda until he gets to the meeting. Council should be provided these in order to determine whether they wish to attend a particular meeting. He asked what the status was on the site plan for Ginn Memorial Park and added one needs to be done for Merchant Park. Actually, the Town should have a site plan for all Town owned property.

Mr. Taber, if he understood the Mayor's definition of a site plan, would be something that accurately reflects the existing buildout at Ginn Memorial Park and any proposed buildout.

Mayor Foreman explained the site plan should include boundaries, lay of the property to include stormwater management, current build, and it would make sense with Ginn Memorial Park, to include, if you know, what will be built to keep from paying to do it later.

Mr. Brewer added the site plan should include any electrical service being brought in, stormwater and sewer, and any water that is being brought in. Infrastructure.

Mr. Taber mentioned that the Public Works Director is putting out a request for proposals for the stormwater management issue at Ginn Memorial Park. He noted the site plan would not be done overnight.

Mayor Foreman thought that by the end of the fiscal year would be reasonable.

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

There was no report.

**IN RE: INFORMATION ITEMS
A. REPORT ON THE FINAL EXPENDITURES FOR THE PARKS AND
RECREATION COMMISSION CONCERT HELD ON AUGUST 24, 2014 –
DAN TABER**

Mr. Taber reported the concert came in under budget.

Mr. Brewer asked that attendance be included with the expense report. That way the attendance can be divided by the expense to determine what is being spent per person.

Mr. Taber advised he would include that. He noted that counting attendance is sometimes difficult for an event that lasts several hours.

Mayor Foreman asked if the number included staff, vendors, band members, etc.

Mr. Taber felt the number should be just people who are attending the event.

Ms. Reynolds asked if this would be done for all of the events. If you do for one, you have to do it for all.

Mr. Taber was confused because these are two different issues. The one is the financial reporting. The other one that came up is a count.

Mayor Foreman did not know when the count started.

Mr. Taber clarified the Parks and Recreation Commission brought up the count.

It was the consensus of Council to not include a count.

Mr. Brewer explained if the Town spends \$3,000 for a few attendees, it would not be advantageous or fiscally responsible to continue doing that type of a venue. He noted the Christmas Parade and

Christmas Tree Lighting are successful; however, this is a new event and he wanted the count to determine how successful the event is.

Ms. Reynolds pointed out that she has never seen 150 people at the Christmas Tree Lighting. She felt that those who did not vote for budgeting the Parks and Recreation Commission are looking at every little detail and acting like it is not benefiting the citizens. She has heard so much positive feedback from the citizens about the events the Parks and Recreation Commission have been doing and she thinks it is unfair and unjust.

Ms. Washington agreed with all or none.

Ms. Forrester did not understand why the conversation was continuing since it was decided that there would be no counts taken.

IN RE: CLOSED SESSION

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

WHEREAS, the Dumfries Town Council desires to discuss a particular subject in Closed Session during the course of its meeting of September 9, 2014; and

WHEREAS, the nature of the subject is the discussion of personnel matters and consultation with legal counsel pertaining to actual or probable litigation. The discussion of same in Closed Session is expressly permitted by Section 2.2-3711(A)(1) and 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended.

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

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

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

WHEREAS, the Town Council of Dumfries has completed its discussion in Closed Session, and now desires to continue its meeting in Open Session; and

WHEREAS, each and every member of this said Council who votes affirmatively for the adoption of this Resolution does thereby certify that, to the best of his/her knowledge, only public business matters lawfully exempted from Open Session were heard, discussed, or considered during the Closed Session, and that the only subjects heard, discussed, or considered in said Closed Session were the matters identified in the Resolution by which it was convened.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Dumfries does hereby reconvene in Open Session at its meeting of September 9, 2014 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

The Town Manager was given the directive to proceed with the contract for auxiliary Town Hall services.

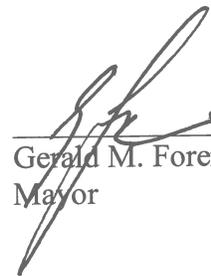
IN RE: ADJOURNMENT

Mr. Foreman moved, seconded by Mr. Wood, to adjourn the meeting. The motion carried by the following roll call vote: Mr. Brewer, absent; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

Minutes submitted by

Approved by


Dawn Hobgood
Town Clerk


Gerald M. Foreman
Mayor