



DUMFRIES, VIRGINIA

Virginia's Oldest Continuously Chartered Town
CHARTERED 1749 INCORPORATED 1961

John Wilmer Porter Municipal Building
17739 Main Street, Suite 200
Dumfries, Virginia 22026
Tel: 703-221-3400 / Fax: 703-221-3544
www.dumfriesva.gov

DUMFRIES TOWN COUNCIL

MEETING 7:00 P.M.

TUESDAY, JULY 7, 2020

MEETING HELD VIRTUALLY DUE TO LOCAL DECLARED EMERGENCY RELATED TO COVID-19

<https://zoom.us/j/522250983?pwd=M0I0WGFvR09ObWhmZ042bVIHOVvtUT09>

Password: 635196

I. Call to Order and Roll Call

II. Moment of Silent Prayer & Pledge of Allegiance

III. Adoption of the Agenda

IV. Presentation

A. Town Center Development Proposal – Pete Singh, Developer

V. Action Item

- A. Motion – To Direct the Town Manager to Facilitate with OmniRide - Potomac and Rappahannock Transportation Commission's (PRTC) to Create a Position for a Representative from the Town of Dumfries – Councilwoman Neville
- B. Initiating Resolution for Amendments to Chapter 70, Article IV Site Plan Ordinance – William Capers III, Director of Planning & Community Development
- C. Initiating Resolution for Amendments to Chapter 54, Subdivision Ordinance – William Capers III, Director of Planning & Community Development
- D. Resolution to Appoint Kelvin Noye to the Planning Commission – William Capers III, Director of Planning & Community Development
- E. Resolution Naming the Basketball Courts in Ginn Memorial Park in Honor of Former Vice-Mayor Willie J. Toney - Councilwoman Miles
- F. Resolution Recognizing and Commemorating the 30th Anniversary of the American's with Disabilities Act - Councilwoman Miles

VI. Introduction Item

- A. Ordinance to Vacate a Portion of Market Street (GPIN 8189-91-1574) **(Public Hearing Date: Wednesday, August 5th)**
- B. Ordinance Authorizing the Town Manager Execute a Purchase and Assignment of Rents and Lease of Town Telecommunications Facilities Located at 3460 Canal Road **(Public Hearing Date: Wednesday, August 5th)**

C. Ordinance to Rename the Complete Terminus of Confederate Court to Liberty Lane- Councilwoman Neville (**Public Hearing Date: September 15th**)

Next Meeting: Wednesday, August 5th

VII. Closed Session under Virginia Code Section 2.2-3711(A)(1,7) Personnel & Potential Litigation

VIII. Adjournment

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY ON JULY 7, 2020: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE DUMFRIES TOWN COUNCIL WITH THE FOLLOWING VOTE:

Charles C. Brewer, _____;
Brian K. Fields, _____;
Selonia B. Miles, _____;
Cydny A. Neville, _____;
Monaé S. Nickerson, _____;
Melva P. Willis, _____;
Derrick R. Wood, _____;

RESOLUTION INITIATING AMENDMENTS TO CHAPTER 70 (ZONING), ARTICLE IV, OF THE CODE OF THE TOWN OF DUMFRIES TO DESIGNATE THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT AS THE TOWN COUNCIL’S AGENT FOR THE REVIEW AND APPROVAL OF SITE PLAN APPLICATIONS, TO ESTABLISH THE LENGTH OF THE VALIDITY OF APPROVED FINAL SITE PLANS TO BE FIVE YEARS OR SUCH LONGER PERIOD AS MAY BE DETERMINED REASONABLE AT THE TIME OF APPROVAL, TO PROVIDE FOR THE LENGTH OF THE VALIDITY OF APPROVED FINAL SITE PLANS TO BE EXTENDED BEYOND FIVE YEARS, TO ESTABLISH STANDARDS FOR THE WAIVER OF SITE PLAN REQUIREMENTS BY THE DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT, AND TO MAKE MINOR EDITING AMENDMENTS TO SUCH CHAPTER

WHEREAS, at its July 7, 2020, meeting, the Town Council discussed Chapter 70 (Zoning), Article IV, of the Town Code, regarding whether the Director of Planning & Community Development should be designated as Town Council’s agent for the review and approval of site plans, whether the length of the validity of approved final site plans should be five (5) years or such longer period as may be determined reasonable at the time of approval, whether the length of the validity of approved final site plans should be allowed to be extended beyond five (5) years, whether standards should be adopted for the waiver of site plan requirements by the Director of Planning & Community Development, and whether minor editing amendments should be made to Chapter 70, Article IV; and

WHEREAS, the Virginia Code § 15.2-2258 provides the Town Council with the authority to designate an agent for the review and approval of site plans on its behalf; and

WHEREAS, the Town Council wants to consider whether the Director of Planning & Community Development should be given the authority to review and approve site plans as the agent for Town Council; and

WHEREAS, the Town Council wants to consider whether the length of the validity of approved final site plans should be five (5) years or such longer period as may be determined to be reasonable at the time of approval; and

WHEREAS, the Town Council wants to consider whether the length of the validity of approved final site plans should be allowed to be extended beyond five (5) years; and

WHEREAS, the Town Council wants to consider whether standards should be adopted for the waiver of site plan requirements by the Director of Planning & Community Development; and

WHEREAS, the Town Council wants to consider whether certain minor editing amendments should be made to Chapter 70, Article 4; and

WHEREAS, Sec. 70-646, Paragraph (a) of the Town Code gives Town Council the authority to adopt amendments to the Zoning Ordinance by resolution whenever the public necessity, convenience, general welfare, or good zoning practice require; and

WHEREAS, the Town Council desires the Planning Commission to review and make recommendations on these proposed amendments to Chapter 70, Article IV, of the Town Code.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries on this 7th day of July 2020 does hereby initiate amendments to Chapter 70, Article IV, of the Town Code that would:

1. designate the Director of Planning & Community Development as the agent of the Town Council to review and approve site plans as the agent of Town Council;
2. establish that the length of the validity of approved final site plans should be five (5) years or such longer period as may be determined reasonable by the Director of Planning & Community Development at the time of approval;
3. establish that the length of the validity of approved final site plans should be allowed to be extended beyond five (5) years;
4. establish standards for the waiver of site plan requirements by the Director of Planning & Community Development; and
5. incorporate certain minor editing amendments to Chapter 70, Article IV.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the foregoing proposed amendments are hereby referred to the Town of Dumfries Planning Commission for its review, conduct of a public hearing, and recommendation thereon.

By Order of Council:

Derrick R. Wood, Mayor

Attest:

Dawn Leander, Town Clerk

ARTICLE IV. - SITE PLAN

Sec. 70-536. - Intent.

The purpose of this article is to promote the orderly development of certain activities in the town and to insure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. More specifically, the site plan shall be used to review a project's compatibility with its environment; to review the ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians; to review the quantity, quality, utility, and type of a project's required community facilities; and to review the location and adequacy of a project's provision for drainage and utilities.

Sec. 70-537. - When required.

This article shall apply to any use as specified in the rules and regulations of each zoning district.

~~Sec. 70-538. - Waiver of requirements.~~

~~Any requirement of this article may be waived by the council where the waiver is not adverse to the purpose of this article and the applicant establishes that in his specific case an undue hardship would result from a strict enforcement of this article, or that the requirement is unreasonable.~~

Sec. 70-539. - Specifications.

Every site plan shall be prepared in accordance with the following specifications:

- (1) The scale shall not be less than 50 feet to one inch.
- (2) All site plans shall not exceed 24-inch by 36-inch sheets.
- (3) If the site plan is prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.
- (4) Horizontal dimensions shall be in feet and decimals of feet to the closest 1/100 of a foot.

Sec. 70-540. - Contents.

The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture or land surveying shall be prepared by qualified persons. Final site plans shall be certified by an architect, engineer, or land surveyor licensed to practice by the commonwealth within the limits of their respective licenses. The site plan shall include, but not be limited to, the following:

- (1) The proposed title of the project and the name of the engineer, architect, landscape architect, surveyor, and/or developer; the name of the developer; and a signature panel for the director of planning's approval.
- (2) The north point, scale, date, and vicinity map.
- (3) Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties.
- (4) The present use of all contiguous or abutting property.
- (5) The boundaries of the property involved by bearings and distances.
- (6) All existing property lines, existing streets, buildings, watercourses, waterways, or lakes and other existing physical features in or adjoining the project. Those physical features, such as watercourses, waterways, or lakes on adjoining properties, need only be shown in approximate scale and proportion.
- (7) Topography of the project area with contour intervals of two feet or less.

- (8) The location and sizes of sanitary and storm sewers, gas lines, water mains, culverts, and other underground structures, all overhead utilities and their supporting poles in or affecting the project, including existing and proposed facilities and easements for these facilities.
- (9) The location, dimensions, and character of construction of proposed streets, alleys, driveways, and the location, type, and size of ingress and egress to the site, so as to provide adequate facilities for all types of vehicles for solid waste collection.
- (10) When proposed streets intersect with or adjoin existing streets, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of 150 feet or the length of connections, whichever is the greater distance.
- (11) The location of all existing and proposed off-street parking and parking bays, loading spaces, and walkways, indicating types of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces.
- (12) The site plan shall show heavily wooded areas and trees to be removed which shall be designated by symbols coincident with the areas of the trees; and an indication of which trees are to be retained and which are to be removed.
- (13) The location, height, type, and material of all existing and proposed fences, walls, screen planting, and landscaping details of all buildings and grounds, and the location, height, and character of all outdoor lighting systems.
- (14) The location of all proposed buildings and structures, accessory and main; number of stories and height; proposed general use for each building; and the number, size, and type of dwelling units where applicable.
- (15) Provisions for the adequate disposition of surface water in accordance with design criteria and construction standards of the town, indicating location, sizes, types, and grades of ditches, catch basins, and pipes and connection to the existing drainage system.
- (16) Provisions and schedule for the adequate control of erosion and sedimentation, in accordance with chapter 26, article II.
- (17) Proposed finished grading by contour supplemented, where necessary, by spot elevations.
- (18) One hundred-year floodplain limit studies as required by the ~~administrator~~ Director of Planning & Community Development.
- (19) The location, character, size, height, and orientation of proposed signs.
- (20) The location and dimensions of proposed recreation, open space, and required amenities and improvements, including details of disposition.
- (21) Any necessary notes required by the ~~administrator~~ Director of Planning & Community Development to explain the purpose of specific items on the plan.
- (22) The ~~administrator~~ Director of Planning & Community Development may request additional information other than what has previously been stated when deemed necessary to protect the health, safety and general welfare of the citizens of the town.
- (23) On all site plans ~~and plats~~, the Resource Protected Area (RPA) and Resource Management Area (RMA) boundaries shall be depicted, including the requirement to retain an undisturbed and vegetated 100-foot-wide buffer area per the Chesapeake Bay Preservation Area (CBPA) Act requirements.
- (24) Per CBPA Act requirements, the list of required information shall include a notation on site plats indicating that permitted development in RPA (including the 100-foot-wide vegetated buffer) is limited to water dependent facilities or redevelopment.
- (25) As required by 9VAC 10-20-190 A 5 of the Regulations, all site plans shall include the requirement for a notation on plans indicating the delineation of the buildable areas on each lot,

based on the performance criteria, local front and side yard setbacks, and any other relevant easements or limitations regarding lot coverage.

Sec. 70-541. - Improvements; standards.

The following improvements and minimum standards, as applicable, shall be required and provided for in a site ~~development~~ plan:

- (1) *Street and highway construction and geometric design standards.* All street and highway construction standards and geometric design standards shall be in accordance with those specified by the state department of transportation.
- (2) *Vehicular travel lanes.* The pavement of vehicular travel lanes, driveways, or alleys designed to permit vehicular travel on the site and to and from adjacent property and parking areas shall be not less than 22 feet in width for two-way traffic and 12 feet for one-way traffic.
- (3) *Culs-de-sacs.* Culs-de-sacs shall be designed and constructed in accordance with the street standards specified by the state department of transportation and may not be construed or employed as a parking area.
- (4) *Utility easements.* The minimum utility easement width shall be 20 feet unless specifically reduced as specified by the ~~administrator~~ Director of Planning & Community Development. Where multiple structures or pipes are installed, the edge of the easement shall be five feet clear of the outside pipes. Where easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of five feet from any building.
- (5) *Sidewalks and pedestrian walkways.* Sidewalks and pedestrian walkways shall be designed to enable patrons and tenants to walk safely and conveniently from one building to another within the site and to adjacent sites.
- (6) *Screening.* All required screening shall be sufficiently dense or opaque to screen development effectively from the adjacent properties.
- (7) *Unnecessary destruction of trees.* In order to preserve the character and natural environment and to provide visual and noise buffering, the ~~administrator~~ Director of Planning & Community Development may refuse to approve any site plan which proposes unnecessary destruction of trees and other natural features. The ~~administrator~~ Director of Planning & Community Development may require assurance that the developer has made reasonable effort in light of the proposed development to preserve, replenish, and protect trees of eight-inch diameter or larger at the DBH, ornamental trees of any size; trees within required setbacks or along boundaries unless necessary to remove for access, grading, circulation, utilities, or drainage; streams in their natural condition.
- (8) *Street/space lighting.* Street/space lighting shall be required in all zones.

Sec. 70-542. - Procedures.

- (a) The ~~zoning administrator~~ Director of Planning & Community Development is responsible for checking site plans, preliminary and final, for general completeness and compliance with such administrative and legislative requirements as may be established by routing copies thereof to appropriate reviewing departments, and outside agencies.
- (b) All applicants are encouraged to request a preapplication review conference. The purpose of the conference is to discuss the basic site plan, off-street parking, signs, other town ordinance requirements, utilities, and drainage, and to consider preliminary features of the proposed development as they relate to this article.
- (c) Sufficient copies, as may be required by the ~~administrator~~ Director of Planning & Community Development, of the final site plan shall be submitted to the ~~administrator~~ Director of Planning & Community Development.

- (d) Upon receipt of the first review comments from the reviewing agencies, the ~~zoning administrator or designated agent~~ Director of Planning & Community Development shall transmit review comments to the applicant for correction or implementation.
- (e) The applicant shall then return to the ~~administrator,~~ Director of Planning & Community Development revised plans addressing all concerns and noting all changes. The ~~administrator~~ Director of Planning & Community Development shall then distribute and coordinate all further comments in the same manner until the final plan conforms with all technical requirements of all applicable codes.
- ~~(f) The administrator shall submit final site plans to the planning commission for review and recommendation. The planning commission shall recommend approval, approval subject to conditions, or disapproval to the town council within 30 days upon their receipt of the final site plan.~~
- ~~(g) The administrator~~ Director of Planning & Community Development shall then ~~forward the final site plan to the town council for action at the next available meeting~~ evaluate the site plan, determine whether it meets the applicable requirements of this Ordinance, and then either approve or disapprove the site plan. In the event the Director of Planning & Community Development disapproves the site plan, all of the reasons for that disapproval shall be stated in writing.

Sec. 70-543. - Termination; extension.

- (a) An approved site plan shall ~~be valid for a period of expire and become null and void if no building permit has been obtained for the site in 12 months~~ five (5) years after the date of final approval or for such longer period as the Director of Planning & Community Development may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development.
- (b) ~~Upon application of the developer, The administrator, after consultation with the planning commission,~~ the Director of Planning & Community Development may grant an one or more extensions of up to one year of the approval of a final site plan as the Director may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, and the laws, ordinances and regulations in effect at the time of the request for the extension.

Sec. 70-544. - Amendments to approved site plan.

If it becomes necessary for an approved site plan to be changed, the ~~administrator~~ Director of Planning & Community Development shall, at the applicant's request, ~~and after consultation with the planning commission,~~ either administratively approve an amendment to the site plan or, if the change is major, require that a new site plan be drawn and submitted for review and action in accordance with this article.

Sec. 70-545. - Site plan prerequisite to issuance of permits; agreement bond and fees.

- (a) No building permit shall be issued to construct, erect, or alter any building or structure, nor shall any permit or authorization be granted to improve or develop land subject to the provisions of this article, unless a site ~~development~~ plan has been submitted and approved.
- (b) Prior to the issuance of permits for construction, there shall be executed by the owner or developer, and submitted to the town with an approved site plan, an agreement to construct such required physical improvements as are located within the public rights-of-way or easements or as connected to any public facility, in form and substance as approved by the town, together with a corporate surety bond (section 70-8) acceptable to the town attorney and approved by the ~~town's director of public works~~ Director of Planning & Community Development, in an amount of 100 percent of the estimated cost of the required physical improvements listed in the unit price list for performance bonds on file in the ~~town's office of the director of public works~~ Director of Planning & Community Development. Such agreement with the town council shall provide for completion of all work covered thereby within the time to be determined by the ~~director of public works~~ Director of Planning &

Community Development upon written justification by the owner or developer, signed by all parties (including sureties) to the original agreement.

- (c) The council may grant the periodic partial and final complete release of any bond, escrow, letter of credit or other performance guarantee required by this section pursuant to the terms and provisions of section 70-8.

Sec. 70-546. - Compliance with approved site plan.

- (a) Inspections shall be made during the installation of offsite and on-site improvements by the town engineer or his designated representative in their areas of responsibility to ensure compliance with the approved site plan.
- (b) The owner or developer shall provide adequate supervision at the site during installation of improvements required by the site development plan and shall make one set of approved plans available at the site at all times that work is being performed.

Sec. 70-547. – Waiver of Requirements.

(a) If, through no fault of the applicant a project cannot satisfy a particular requirement of this Ordinance, upon written request of the applicant for a waiver of any of the requirements of this Ordinance, the Director of Planning & Community Development may approve a waiver of said requirement if all of the following requirements have been satisfied:

- (1) the need for the waiver is not attributable to any action or decision of the applicant;
- (2) the applicant has acted in good faith with respect to the need for the waiver;
- (3) the waiver requested by the applicant is the minimum necessary under the circumstances;
- (4) the approval of the waiver will not cause any harm to any other property; and
- (5) the approval of the waiver does not conflict with the purpose and intent of the Ordinance.

(b) Any waiver request must fully explain in writing the applicant's compliance with each of the standards set forth above.

Secs. 70-548—70-575. - Reserved.

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY ON JULY 7, 2020: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE DUMFRIES TOWN COUNCIL WITH THE FOLLOWING VOTE:

Charles C. Brewer, _____;
Brian K. Fields, _____;
Selonia B. Miles, _____;
Cydny A. Neville, _____;
Monaé S. Nickerson, _____;
Melva P. Willis, _____;
Derrick R. Wood, _____;

RESOLUTION INITIATING AN AMENDMENT TO CHAPTER 54 OF THE CODE OF THE TOWN OF DUMFRIES, THE TOWN OF DUMFRIES SUBDIVISION ORDINANCE, TO DESIGNATE THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT AS THE TOWN COUNCIL’S AGENT FOR THE REVIEW AND APPROVAL OF SUBDIVISION APPLICATIONS, TO ESTABLISH THE LENGTH OF THE VALIDITY OF RECORDED FINAL SUBDIVISION PLATS TO BE FIVE YEARS OR SUCH LONGER PERIOD AS MAY BE DETERMINED REASONABLE AT THE TIME OF APPROVAL, TO PROVIDE FOR THE LENGTH OF THE VALIDITY OF RECORDED FINAL SUBDIVISION PLATS TO BE EXTENDED BEYOND FIVE YEARS, AND TO MAKE MINOR EDITING AMENDMENTS TO SUCH CHAPTER

WHEREAS, at its July 7, 2020, meeting, the Town Council discussed Chapter 54 of the Town Code, the Town’s Subdivision Ordinance, regarding whether the Director of Planning & Community Development should be designated as Town Council’s agent for the review and approval of subdivision applications, whether the length of the validity of approved and recorded final subdivision plats should be five (5) years or such longer period as may be determined reasonable at the time of approval, whether the length of the validity of approved and recorded final subdivision plats should be allowed to be extended beyond five (5) years, and whether minor editing amendments should be made to Chapter 54, the Town’s Subdivision Ordinance; and

WHEREAS, the Virginia Code § 15.2-2258 provides the Town Council with the authority to designate an agent for the review and approval of subdivisions on its behalf; and

WHEREAS, the Town Council wants to consider whether the Director of Planning & Community Development should be given the authority to review and approve subdivision applications as the agent for Town Council; and

WHEREAS, the Town Council wants to consider whether the length of the validity of approved and recorded final subdivision plats should be five (5) years or such longer period as may be determined to be reasonable at the time of approval; and

WHEREAS, the Town Council wants to consider whether the length of the validity of approved and recorded final subdivision plats should be allowed to be extended beyond five years; and

WHEREAS, the Town Council also wants to consider whether certain minor editing amendments should also be made the subject of these amendments to the Subdivision Ordinance; and

WHEREAS, the Town Council desires the Planning Commission to review and make recommendations on these proposed amendments to Chapter 54, the Town's Subdivision Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries on this 7th day of July 2020 does hereby initiate amendments to Chapter 54 of the Town Code, the Town's Subdivision Ordinance, that would:

1. designate the Director of Planning & Community Development as the agent of the Town Council to review and approve subdivision applications as the agent of Town Council;
2. establish that the length of the validity of approved and recorded final subdivision plats should be five years (5) or such longer period as may be determined reasonable by the Director of Planning & Community Development at the time of approval;
3. establish that the length of the validity of approved and recorded final subdivision plats should be allowed to be extended beyond five (5) years; and
4. incorporate certain minor editing amendments to Chapter 54 of the Town Code, the Town's Subdivision Ordinance.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the foregoing proposed amendments are hereby referred to the Town of Dumfries Planning Commission for its review, conduct of a public hearing, and recommendation thereon.

By Order of Council:

Derrick R. Wood, Mayor

Attest:

Dawn Leander, Town Clerk

Chapter 54 - SUBDIVISIONS

ARTICLE I. - IN GENERAL

Sec. 54-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means the ~~representative of the council who has been appointed to serve the council in the processing, reviewing, and approving of preliminary subdivision plats~~Director of the Town's Department of Planning & Community Development, who is hereby authorized to act on the behalf of the council with respect to this ordinance.

Alley means a permanent service right-of-way providing a secondary means of access to abutting properties.

~~*Authorized representative* means the individual appointed by the council for the day-to-day enforcement and inspection of this chapter.~~

Building means any structure having a roof, supported by columns or walls, for the housing or enclosure of persons, animals, vehicles, or other personal property. The term "building" includes the term "structure."

Building permit means a document issued by the building official granting permission to another person to construct, extend, repair, remove or alter a structure.

Building setback means the minimum distance by which any structure must be separated from the front property line of a lot.

~~*Chief engineering officer* means the licensed engineer designated by the council to furnish engineering assistance for the administration of this chapter.~~

Clerk means the clerk of the circuit court of the county.

~~*Commission* means the planning commission of the town.~~

Cul-de-sac means a street with one outlet and with an appropriate turnaround for safe and convenient reverse traffic movement.

Easement means a grant by a property owner to another person for the use of land for a specific purpose without including title to the land.

Engineer means an engineer certified by the commonwealth.

Floodplain includes those floodplain districts specifically designated in chapter 70, zoning, as being inundated primarily by the 100-year flood. Included would be areas identified as the floodway district (FW), the floodway-fringe district (FF), the approximated floodplain district (AF), and the shallow floodplain district (SF).

Frontage means the distance for which the front boundary line, the lot and the street are coincident.

Health official means the health director or sanitarian serving the town.

Highway engineer means the resident engineer employed by the state department of transportation and serving the town.

Jurisdiction means the area or territory subject to the legislative control of the ~~council~~town.

Land use and *use of land* also includes "building use" and "use of building."

Lot means a piece or parcel of land within a subdivision set off by metes and bounds and not susceptible to further division, except as herein provided. The term "lot" includes the terms "plot" and "parcel."

Lot, corner, means a lot abutting upon two or more streets at their intersection; the shortest side, fronting upon a street, shall be considered the front of the lot, and the longest side, fronting upon a street, shall be considered the side of the lot.

Lot, depth of, means the mean horizontal distance between the front and rear lot lines.

Lot, double frontage, means an interior lot having frontage on two streets.

Lot, interior, means a lot other than a corner lot.

Lot of record means a lot which has been recorded in the office of the clerk of the appropriate court.

Lot, width of, means the mean horizontal distance between the side lot lines.

Owner means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to the land sought to be subdivided under this chapter.

Pedestrian way and *crosswalk* mean a right-of-way across, along or within a block, for use by pedestrian traffic, whether designated as a pedestrian way, crosswalk, or otherwise designated, and which may include utilities.

Planned unit development means parcels set aside for specialized purposes where tracts suitable in location, area, and character for the uses and structures proposed are to be planned and developed on a unified basis.

Plat, final, means the map or plan of a subdivision of land which meets all the requirements of this chapter, including any accompanying material which may be required.

Plat, preliminary, means a location map drawn to scale, submitted as a cover sheet with all tentative plans and plats showing the relationship of the proposed subdivision to existing railroads, lakes, rivers, offsite drainage areas, creeks, and public and semipublic facilities as well as to any existing or proposed adjacent subdivisions within 1,000 feet of the proposed subdivision boundary.

Plat, sketch, means a map showing the salient features of a proposed subdivision, submitted for purposes of preliminary consideration.

Resubdividing means an authorized change in property lines of a recorded subdivision.

Right-of-way means a strip of land dedicated or reserved for a street, crosswalk, railroad, road, water main, sanitary or storm sewer main, public utilities, or other special uses. For land platting purposes, the term "right-of-way" means that every right-of-way established after April 12, 1979, and shown on a final plat, is to be separate and distinct from the lots or parcels adjoining such right-of-way and is not included within the dimensions or areas of such lots or parcels. A right-of-way intended for a street, crosswalk, water main, sanitary sewer, storm drain, or any other use involving maintenance by a public agency shall be dedicated to public use.

~~*Secretary* means the secretary of the planning commission of the town.~~

Street means a strip of land, including the entire right-of-way intended to be dedicated for use as a means of vehicular and pedestrian circulation by the public at large.

Street, arterial, means any existing or future street identified in any adopted plan which carries traffic, or anticipated traffic, of more than 3,000 vehicles per day.

Street, major, means any existing or future street identified in an adopted plan, which carries traffic, or anticipated traffic, of 500 to 3,000 vehicles per day.

Street, minor, means a street that is used primarily as a means of public access to abutting properties with anticipated traffic of less than 500 vehicles per day.

Street, service, means a public street, generally parallel and contiguous to major streets, primarily designed to promote safety by properly spacing points of access to major streets.

Street width means the total right-of-way width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips.

Subdivide means the division of a parcel of land into two or more lots or parcels of less than three acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term "subdivide" and any derivative thereof shall have reference to the term "subdivider" as defined in this section.

Subdivider means a person (as defined in section 1-2) owning any tract, lot, or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot, or parcel of land to be subdivided, or the person given power of attorney to act on the owner's behalf in the subdivision of land.

Surveyor means a land surveyor certified by the commonwealth.

Used includes "erected," "reconstructed," "altered," "placed," or "moved."

Sec. 54-2. - Measurement of distances.

Unless otherwise specified, all distances in this chapter shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

Sec. 54-3. - Purpose.

- (a) The purpose of this chapter is to establish certain subdivision standards and procedures for the town, as provided for by Code of Virginia, tit. 15.2, ch. 22, art. 6 (Code of Virginia, § 15.2-2240 et seq.).
- (b) These regulations are part of a long range plan to guide and facilitate the orderly, beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when land is developed for residential, business, or industrial purposes; to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate and efficient manner. Subdivided land eventually becomes a public responsibility because roads and streets must be maintained and numerous public services customary to urban areas must be provided. This chapter assists the community in meeting these responsibilities.

Sec. 54-4. - Mutual responsibility of subdivider and town.

There is a mutual responsibility between the subdivider and the town to divide the land so as to improve the general use pattern of the land being subdivided.

Sec. 54-5. - Suitability of site.

The ~~council agent may not~~ shall disapprove the subdivision of land if, from adequate investigations conducted by all public agencies concerned, ~~the agent~~ it has been determined that, in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed. ~~The council agent~~ may require the subdivider to furnish topographic maps, floodplain profile elevation information or other relevant information.

Sec. 54-6. - Use of land subject to flooding or otherwise unsuitable for development.

Land in the 100-year floodplain and other land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for such other uses in such a way as to endanger health, life or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall neither be endangered by periodic or occasional inundation nor produce conditions contrary to the public welfare.

Sec. 54-7. - Improvements.

- (a) *Generally.* All required improvements shall be installed by the subdivider at his cost. Specifications which have been established either by the state department of transportation for streets, curbs, etc.,

or local regulations, ordinances and codes shall be followed. The subdivider's bond shall not be released until construction has been completed and approved by the chief engineering officer or appropriate official. All improvements shall be in accordance with this section.

(b) *Streets.*

- (1) *Design; construction.* All streets in the proposed subdivision shall be designed and constructed in accordance with the standards set by the state department of transportation for acceptance into the state secondary road system, and at no cost to the locality.
- (2) *Alignment and layout.* The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas and proposed streets as shown in the adopted plan. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, the right-of-way of the proposed streets shall be extended to the boundary line of such property. Half streets along the boundary of land proposed for subdivision shall not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to meet intersecting streets at angles of not less than 60 degrees, unless approved by the agent upon recommendation of the highway engineer.
- (3) *Access to major streets.* Where a subdivision borders on or contains an existing or proposed arterial street, the ~~council~~ agent may permit the subdivider to provide that the access to such streets be limited by one or more of the following means:
 - a. The subdivision of lots so that they will back onto the arterial street and front onto a parallel minor or major street. No access shall be provided from the major street, and screen planting shall be provided in a strip of land along the rear property line of such lots.
 - b. The subdivision of lots along a series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel major or minor street, with the rear lines of the terminal lots contiguous with the arterial street right-of-way.
 - c. The subdivision of lots along a service street and physically separated from the major street by a planting or grass strip and having access thereto at approved points.
- (4) *Approach angle.* Arterial streets shall approach major or minor streets at an angle which is in accordance with specifications of the state department of transportation.
- (5) *Minimum width.* The minimum width of proposed streets, measured from lot line to lot line, shall be 50 feet, or as specified by the state department of transportation for acceptance into the state secondary road system.
- (6) *Cul-de-sacs.* Generally, permanent cul-de-sacs shall be no longer than 400 feet to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than 100 feet in diameter.
- (7) *Alleys.* No alleys shall be platted and/or allowed within any subdivision on or after April 12, 1979.
- (8) *Private streets and reserve strips.* Private streets shall not be allowed in any subdivision platted after April 12, 1979. There shall be no reserve strips.
- (9) *Names.* Proposed streets, which are obviously in alignment with other existing and named streets, shall bear the names of the duplicate existing street names, irrespective of the use of the suffixes "street," "avenue," "boulevard," "road," "driveway," "place," "lane," or "court." Street names shall be indicated on the preliminary and final plats and shall be approved by the ~~council~~ agent. Names of existing streets shall not be changed except by approval of the ~~council~~ agent.
- (10) *Identification signs.* Street identification signs, readable from either side, of a design approved by the ~~council~~ agent, shall be installed by the subdivider at all intersections.

(c) *Monuments.*

- (1) *Generally.* As required by this chapter, all monuments must be installed by the subdivider and shall meet the minimum specifications described in this subsection. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all required monuments are clearly visible for inspection and use. Such monuments shall be inspected and approved before any improvements are accepted by the ~~council~~ agent.
 - (2) *Concrete monuments.* Concrete monuments four inches in diameter or four inches square, three feet long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set flush with the finished grade.
 - (3) *Iron pipe monuments.* All lot corners other than those at street corners shall be marked with iron pipe not less than three-fourths inch in diameter and 24 inches long, and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four inches deep in the rock, into which shall be cemented a steel rod one-half inch in diameter, the top of which shall be flush with the finished grade line.
- (d) *Water facilities.* Public water service shall be extended by the subdivider to all lots within a subdivision, in accordance with the approved design standards and specifications for water service, construction, and improvements in the town.
 - (e) *Sewerage facilities.* Public sewerage facilities shall be extended by the subdivider to all lots within a subdivision, and septic tanks will not be permitted. The subdivider shall provide each lot with a satisfactory and sanitary means of sewage collection and disposal in accordance with the approved design standards and specifications for sewerage construction and improvements in the town.
 - (f) *Storm drainage facilities.* The subdivider shall provide all necessary information needed to determine what drainage improvements are necessary to develop properly such property. Such information shall include, but may not be limited to, contour data and drainage plans. The subdivider shall also provide plans for all such improvements, together with a certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for development. The highway engineer shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the highway engineer. The subdivider shall install the approved storm drainage facilities.
 - (g) *Fire protection.* Fire hydrants shall be required in a subdivision at locations approved by the agent, provided adequate public water is available. The location and design of the fire hydrants shall meet the American Insurance Association's specifications.
 - (h) *Easements.* The ~~council~~ agent may require the subdivider to provide drainage easements through adjoining property. The width of easements provided for drainage, water, sewer, power lines and other utilities in the subdivision shall be determined by the ~~council~~ agent.
 - (i) *Plans; specifications.* Six blue or black line prints of the plans and specifications, for all required physical improvements to be installed, shall be prepared by a certified engineer or land surveyor and shall be submitted with the final plat to the agent for approval or disapproval within 30 days. If approved, one copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers, except for one copy, shall be returned to the subdivider with the reason for disapproval stated in writing.
 - (j) *Bonding.*
 - (1) *Performance bond required.* The subdivider shall furnish a cash bond or equivalent, a surety bond of a surety company in favor of the town council, or a certified check payable to the town in an amount equal to the total cost of the improvements determined by the ~~commission~~ agent. Such bond or check shall guarantee that the improvements will be installed within a designated reasonable length of time in a manner acceptable to the ~~council~~ agent. The bond or check shall accompany the final plat. When construction has been completed, approved and accepted on sections of the required improvements, the ~~council~~ agent may release the bond submitted for

the amount of the entire required improvements, provided a bond is furnished in the amount to cover the entire cost of the improvements yet to be constructed, approved and accepted.

- (2) *Maintenance bond.* The subdivider shall file a maintenance bond with the ~~council agent~~ in an amount considered adequate and in a form satisfactory to the town council, in order to assure the satisfactory condition of the required improvements, for a period of one year after the date of their acceptance by the ~~council agent~~.
- (3) *Absence of bond.* In the absence of a performance bond, or check, no final plat shall be approved or recorded until the required improvements have been installed by the subdivider and approved by the ~~agent or his authorized representative~~.
- (4) *Release of performance bond.*
 - a. The subdivider may apply for and the ~~council agent~~ may grant the periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by subsection (j)(1) of this section or section 70-545 within 30 days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed hereunder unless the ~~council agent or its designated administrative agency~~ notifies the subdivider or developer in writing of nonreceipt of approval by the applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the 30-day period.
 - b. If no such action is taken by the ~~council or its administrative agency agent~~ within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such 30-day period and there is an additional request in writing sent by certified mail, with return receipt, to the ~~mayor agent~~. The ~~council or its designated administrative agency agent~~ shall act within 30 working days of receipt of the request, then if no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.
 - c. The ~~council or its administrative agency agent~~ shall not refuse to make a periodic partial or final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not directly related to the specified defects or deficiencies in construction of the facilities covered by such bond, escrow, letter or credit or other performance guarantee.
 - d. Upon written request by the subdivider or developer, the ~~council or its designated administrative agency agent~~ shall make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to not less than 80 percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, based upon the percentage of facilities completed and approved by the ~~council, the local administrative agency, agent~~ or the state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least 30 percent of the facilities covered by any bond, escrow, letter of credit, or other performance guarantee or after completion of more than 80 percent of such facilities. The ~~council or its administrative agency agent~~ shall not be required to execute more than three periodic partial releases in any 12-month period. Upon final completion and acceptance of such facilities, the ~~council or its administrative agency agent~~ shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer. For the purpose of final release the term "acceptance" is deemed to mean: "When such public facility is accepted by and taken over for operation and maintenance by the state agency, the ~~local government or agency~~ town, or the other public authority which is responsible for maintaining and for operating such facility upon acceptance."
 - e. For the purposes of this section, a certificate of partial or final completion of such facilities from a duly licensed professional engineer or land surveyor, as defined in and limited to Code of Virginia, § 54.1-400, or from a department or agency designated by the town, may be accepted without requiring further inspection of such facilities. Notwithstanding the above release requirements of performance bonds, the subdivider, upon completion of all

required improvements, shall furnish an acceptable maintenance bond in the amount of one-fourth of the original performance bond. Such maintenance bond shall cover the cost of any repairs to the improvements for a period of one year from release of the performance bond.

- (5) *Staged development.* Where development is projected over a period of years, the ~~planning commission agent~~ agent may authorize submission of the final plat, by sections or stages of development, subject to such requirements or guarantees for improvements in future sections or stages of development as it finds essential for the protection of any approved section of development.
- (6) *Final as-built drawings.* Final as-built drawings, showing all subsurface utility conditions, shall be provided prior to release of the performance bond. One certified reproducible copy shall be provided to the ~~council~~ agent with an accompanying letter certifying accuracy, submitted in sufficient time to permit review prior to release of the performance bond.
- (k) *Sidewalks.* In every subdivision developed after April 12, 1979, sidewalks shall be provided in accordance with the specifications of the state department of transportation.
- (l) *Curbs and gutters.* Where deemed necessary by the ~~council~~ agent, curbs and gutters shall be installed in accordance with the standards and specifications of the town and the state department of transportation.

Sec. 54-8. - Lots.

- (a) Lots shall be arranged in order that the considerations in this section are satisfied.
- (b) The minimum lot size in any subdivision shall be in accordance with zoning ordinances of the jurisdiction in which the lot is located.
- (c) The lot arrangement, design, and shape shall be such that lots shall provide satisfactory and desirable sites for buildings, be properly related to topography, and conform to requirements of this chapter. Lots shall not contain peculiarly shaped extensions solely to provide necessary square footage of area which would be unusable for normal purpose.
- (d) Each lot shall abut ~~on~~ an existing or proposed dedicated public street, or on a street which has become public by right of use. If the existing streets are not 50 feet in width, the subdivider shall make provisions, in the deeds to the lots, that all buildings be constructed so as to permit the widening by dedication of such roads or streets to a width of 50 feet.
- (e) Corner lots shall have a width sufficient for adequate site distance on both streets as determined by chapter 70, zoning.
- (f) Side lines of lots shall be approximately at right angles or radial to the street line.
- (g) Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Such deed is to be deposited with the clerk of the court and held with the final plat until the subdivider is ready to record the same, and then both shall be recorded.
- (h) All subdivisions, including those intended for business and industrial uses, shall include space set aside for offstreet parking and/or delivery facilities, as required by chapter 70, zoning.

Sec. 54-9. - Blocks.

- (a) Where created by the subdivision of land, all new blocks shall be designed to comply with this section.
- (b) Generally, the maximum length of blocks shall be 1,200 feet, and the minimum length of blocks upon which lots have frontage shall be 500 feet.

- (c) Blocks shall be wide enough to allow two tiers of lots of minimum depth consistent with section 54-8, unless prevented by topographical conditions or the size of the property, in which case the ~~council~~ agent may approve a single tier of lots of minimum depth.
- (d) Where a proposed subdivision will adjoin a major arterial road, the ~~council~~ agent may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

Sec. 54-10. - Utilities and other facilities in floodprone areas.

- (a) All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they shall be located and constructed to minimize or eliminate flood damage and impairment.
- (b) All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.
- (c) All utilities such as gas lines, electrical systems and telephone systems being placed in floodprone areas shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flooding occurrence.
- (d) Streets and sidewalks shall be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall sufficiently discharge flood flows without unduly increasing flood heights.

Secs. 54-11—54-40. - Reserved.

ARTICLE II. - ADMINISTRATION

Sec. 54-41. - Duties of agent with respect to preliminary plats.

The agent ~~appointed by the council~~ shall oversee the administration of this chapter and shall have the responsibility of approving or disapproving the preliminary plat.

Sec. 54-42. - Conformance with state law.

The agent ~~and authorized representatives~~ shall perform their any duties assigned regarding subdivisions and subdividing in accordance with this chapter and Code of Virginia, tit. 15.2, ch. 22, art. 6 (Code of Virginia, § 15.2-2240 et seq.).

Sec. 54-43. - Authority of agent to consult with other officials.

In the performance of their any duties assigned herein, the agent ~~and authorized representatives~~ may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority of the agent shall have particular reference to the department of public works, resident highway engineer, health official, sanitary district, and fire marshal, and planning commission.

Sec. 54-44. - Authority of agent to establish additional procedures.

In addition to the regulations in this chapter for the platting of subdivisions, the agent ~~or authorized representative~~ may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the administration of this chapter.

Secs. 54-45—54-61. - Reserved.

ARTICLE III. - COMPLIANCE

Sec. 54-62. - Plat approval required.

Any owner or developer of any tract of land situated within the town who subdivides the same shall prepare a plat of such subdivision, in accordance with the provisions of this chapter, and shall record the plat in the office of the clerk of the appropriate court. No such subdivision plat shall be recorded unless it has been submitted to the agent, approved, and certified in accordance with this chapter.

Sec. 54-63. - Prerequisites for sale of lots and issuance of building permits.

No lot shall be sold in any proposed subdivision, nor shall any building permit be granted, until a final plat for the subdivision has been approved and recorded.

Sec. 54-64. - Appeal from decision of agent.

If a final plat of a subdivision is disapproved by the ~~council~~ agent, the subdivider may appeal the decision of the ~~council~~ agent to the circuit court of the county.

Secs. 54-65—54-86. - Reserved.

ARTICLE IV. - PREPARATION AND RECORDATION OF SUBDIVISION PLATS¹

Sec. 54-87. - Plat required.

Every owner or proprietor of any tract of land to which this chapter applies, who subdivides such tract as provided herein, shall cause a plat of such subdivision to be developed and prepared in accordance with this chapter, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the court wherein such deeds conveying such land are required by law to be recorded.

Sec. 54-88. - Preparation and certification of plat.

Every subdivision plat intended for recording, or the deed of dedication to which the plat is attached, shall be prepared by a surveyor or engineer duly licensed by the commonwealth, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plats, within an inset block, or by means of a dotted line upon the plat.

Sec. 54-89. - Owner's statement.

Every subdivision plat intended for recording, or the deed of dedication to which the plat is attached, shall contain, in addition to the surveyor's or engineer's certificate, the following statement: "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees," if any. This shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds and, when thus executed and approved as specified in this chapter, shall be filed and recorded in the office of the clerk of the appropriate court and indexed under the names of the landowners signing such statement and under the name of the subdivision.

Sec. 54-90. - Conformance with chapter.

No person shall subdivide any tract of land that is located within the town except in conformity with this chapter.

Sec. 54-91. - Private easements, covenants or restrictions.

This chapter bears no relation to any private easement, covenant, agreement, or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement, or restriction implied herein to any public official. When this chapter calls for more restrictive standards than are required by private contracts, the provisions of this chapter shall control.

Sec. 54-92. - Changes to approved plat.

No change, erasure, or revision shall be made on any subdivision plat intended for recording, or on accompanying data sheets, after the approval of the ~~council~~ agent has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the ~~council~~ agent.

Sec. 54-93. - Fees.

There shall be a charge for the examination of every plat reviewed. At the time of filing the plat, the subdivider shall deposit with the town, checks payable to the town, in an amount specified by the schedule of fees as adopted by the town.

Sec. 54-94. - Transfer of areas for public use.

The recording of a plat shall operate to transfer, in fee simple, to the municipality in which the land lies, all portions of the area platted which are set apart for streets, alleys, easements or other public use and to create a public right of passage over the same. This section shall not prevent the subdivider from constructing and maintaining improvements as required by this chapter.

Secs. 54-95—54-116. - Reserved.

ARTICLE V. - APPROVAL OF PLATS

Sec. 54-117. - Preliminary sketch.

- (a) Prior to the preparation of preliminary or final plats, the subdivider may submit six copies of a preliminary sketch to the ~~authorized representative of the council~~ agent. The purpose of a preliminary sketch is to permit the ~~authorized representative~~ agent to advise the subdivider whether his plans are generally in accordance with the requirements of this chapter.
- (b) The preliminary sketch shall be drawn on white paper, or on a print of a topographic map of the property. It shall be drawn to a scale no larger than 100 feet to the inch. It shall show the name, location, and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions.
- (c) Whenever part of a tract is proposed for platting and it is intended that additional parts will be subdivided in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the subdivider or the ~~council~~ agent.

Sec. 54-118. - Contents of preliminary plat.

The subdivider shall present to the ~~authorized representative~~ agent six prints of a preliminary layout at a scale no larger than 100 feet to the inch as a preliminary plat. The preliminary plat shall include the following information:

- (1) Name of subdivision, owner, subdivider, person preparing the drawing, date of drawing, number of sheets, north point, and scale. If true north is used, the method of determination must be shown.

- (2) Location of proposed subdivision by an inset map at a scale of not less than two inches equal to one mile, showing adjoining roads, their names and numbers, towns, subdivisions, other landmarks and, where appropriate, the existing zoning of the land and adjoining property.
- (3) The boundary survey or existing survey of record with reference to a known permanent monument, total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, and names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
- (4) All existing, platted, and proposed streets and their names, numbers and widths, existing utility or other easements, public areas and parking spaces, culverts, drains and watercourses and their names, and flood profile and other pertinent data.
- (5) The storm drainage layout, including drainage easements and means of transporting the drainage to a well-defined open stream which is considered natural drainage, or to another approved drainage control facility.
- (6) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply. The location of all sewers shall be shown. The distance between manholes shall not exceed 400 feet. The location of all water lines shall be shown, as well as the location of necessary fire hydrants.
- (7) A typical section showing the proposed street construction.
- (8) A contour map showing the contours at a minimum interval of five feet, and showing tentative street grades.
- (9) A location map tying the subdivision into the present road system, by using either aerial photographs or topographic maps of the United States Geological Survey.
- (10) All parcels of land to be dedicated for public use and the conditions of dedication.
- (11) A map showing the location of the proposed subdivision and/or land development with respect to any designated floodplain district, including information on, but not limited to, the 100-year flood elevations, boundaries of the floodplain districts, proposed lots and sites, fills, floods or erosion protective facilities, and areas subject to special deed restrictions.
- (12) A plat and/or plan showing the procedures that will be followed to ~~insure~~ ensure that all requirements of chapter 26, article IV shall be met. The preliminary plat shall not be approved until all agencies, commissions, and departments empowered to enforce this chapter have approved such plat and/or plan.

Sec. 54-119. - Procedure for approval of preliminary plat.

The agent shall discuss the preliminary plat with the subdivider in order to determine whether or not the preliminary plat generally conforms to the requirements of the state department of transportation and the county health department, article IV of chapter 26, this chapter and chapter 70, zoning, and any other appropriate ordinances, rules, or regulations. Within 60 days of the preliminary plat submission, the subdivider shall be advised by the agent in writing, by formal letter or by legible markings on the preliminary plat, of any additional data that may be required and the character and extent of public improvements that will have to be made.

Sec. 54-120. - Effect of approval of preliminary plat.

Approval of the preliminary plat does not guarantee approval of the final plat.

Sec. 54-121. - Time limit for filing final plat.

Within six months after receiving approval of the preliminary plat, the subdivider shall file with the agent a final subdivision plat in accordance with this chapter. Failure to do so shall make the preliminary

approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.

Sec. 54-122. - Contents of final plat.

The subdivision plats submitted for final approval and subsequent recording shall be clearly and legibly drawn in ink upon stable and reproducible plastic or linen material at a scale not smaller than 100 feet to the inch on sheets having a size of not more than 24 inches by 36 inches. In addition to the requirements of the preliminary plat, the final plat shall include the following:

- (1) The complete storm drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage.
- (2) The location, type, profile, percent of slope, pipe size, and location of manholes for all sewers, and the location, type and sizes of all water lines and the location of necessary control valves.
- (3) A cross section showing the proposed street construction, depth and type of base, type of surface, etc.
- (4) A profile or contour map showing the proposed grades for streets and drainage facilities, including the elevations of existing and proposed ground surface at all street intersections, and at points of major grade change along the centers of streets, together with the proposed connecting grade lines.
- (5) A blank space three inches by five inches shall be reserved and a signature block shall be provided for the use of the agent in approving or disapproving the plat ~~authority~~.
- (6) Certificates signed by a surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
- (7) A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.
- (8) When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashes and the identification of the respective tracts shall be placed on the plat.
- (9) The accurate location and dimensions by bearings and distances with all curve data on all lots and streets; boundaries of all proposed or existing easements; parks; school sites; all existing public and private streets, their names, numbers and widths; existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type; watercourses and their names; and names of owners and their property lines, both within the boundary of the subdivision and adjoining such boundaries.
- (10) The data of all curves along the street frontage shall be shown in detail at the curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.
- (11) On all site plats, the Resource Protection Area (RPA) and Resource Management Area (RMA) boundaries shall be depicted, including the requirement to retain an undisturbed and vegetated 100-foot-wide buffer area per Chesapeake Bay Preservation Area (CBPA) Act requirements.
- (12) Per CBPA Act requirements, the list of required information shall include a notation on site plats indicating that permitted development in RPA (including the 100-foot-wide vegetated buffer) is limited to water dependent facilities or redevelopment.

Sec. 54-123. - Approval of final plat.

- (a) The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this chapter, and has made satisfactory

arrangements for a performance bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the ~~council~~agent. Approval or disapproval of the final plat shall be written in the signature block on the face of the plat by the ~~council~~agent, and no plat shall be recorded until such approval has been granted.

- (b) The completed plat shall be submitted to the ~~council~~agent for approval. Upon the approval by the ~~council~~agent, the plat shall be signed by the ~~council or its designated representative~~agent, marked "approved," and returned to the subdivider, who shall cause the plat to be recorded in the county clerk's office. If the plat is not disapproved, the council agent shall sign the plat "disapproved" and return the plat to the subdivider with corrections to be made by the subdivider indicated thereon, if possible.

Sec. 54-124. - Recording of plat.

(a) Unless an approved final plat is recorded within six months after final approval thereof or such longer period as may be approved by the ~~council~~agent, such approval shall be withdrawn and the plat marked void and returned to the ~~approving official~~agent; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the ~~council or its designated administrative agency~~agent, or where the developer has furnished surety to the ~~town council or its designated administrative agency~~ by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved for the town council by the ~~governing body or its designated administrative agency~~agent, whichever is greater.

(b) An approved final subdivision plat that has been recorded shall be valid for a period of five (5) years from the date of final approval or for such longer period as the agent may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development.

(c) Upon application of the subdivider filed prior to expiration of a recorded final subdivision plat, the agent may grant one or more extensions of up to one year of such approval as the agent may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, and the laws, ordinances and regulations in effect at the time of the request for an extension.

Secs. 54-125—54-146. - Reserved.

ARTICLE VI. - EFFECTUAL CLAUSES

Sec. 54-147. - Exceptions.

Where the subdivider can show that a provision of this chapter would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, and where, in the opinion of the agent, a departure may be made without destroying the intent of such provisions, the agent may authorize an exception. Any exception thus authorized is to be stated in writing by the agent with the reasoning set forth upon which the departure was justified. No such exception to this chapter may be granted if it is opposed in writing by the highway engineer or health official.

Sec. 54-148. - Penalties.

Any person violating any provision of this chapter shall be subject to a fine of not more than \$500.00 for each lot or parcel of land so subdivided or transferred or sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this chapter.

Sec. 54-149. - Amendments.

This chapter may be amended in whole or in part by the town council, provided that any such amendment shall either originate with or be submitted to the planning commission for its recommendation. No such amendment shall be adopted without a public hearing having been held by the council. Notice of the time and place of the hearing shall have been given in accordance with Code of Virginia, § 15.2-2204.

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY ON JULY 7, 2020: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE DUMFRIES TOWN COUNCIL WITH THE FOLLOWING VOTE:

Charles C. Brewer, ;
Brian K. Fields,;
Selonia B. Miles,;
Cydney A. Neville,;
Monaé S. Nickerson,;
Melva P. Willis,;
Derrick R. Wood,;

PLANNING COMMISSION APPOINTMENT

WHEREAS, the Dumfries Town Council is the governing body responsible for appointing members to the Planning Commission; and

WHEREAS, the Council has traditionally reviewed applications for the Planning Commission and selected only the most qualified applicants to be appointed; and

WHEREAS, the Council has received a request from Kelvin Noye to be appointed to the Planning Commission; and

WHEREAS, Council desires to appoint Kelvin Noye to fill a term that shall expire on June 30, 2023.

NOW, THEREFORE BE IT RESOLVED that the Town Council for the Town of Dumfries hereby appoints Kelvin Noye to serve on the Planning Commission for a term to expire on June 30, 2023.

By Order of Council:

Derrick R. Wood, Mayor

ATTEST: _____
Dawn Leander, Town Clerk



DUMFRIES, VIRGINIA
Virginia's Oldest Continuously Chartered Town
CHARTERED 1749 INCORPORATED 1961

John Wilmer Porter Municipal Building
17739 Main Street, Suite 200
Dumfries, Virginia 22026
Tel: 703-221-3400/ Fax: 703-221-3544
www.dumfriesva.gov

**Application for Appointment to a Board, Committee, or Commissions
for the Town of Dumfries**

Documents Required for Consideration:

- Resume
- Letter of interest
- Board/Committee you are applying: Architectural Review Board Board of Zoning Appeals
Planning Commission

Please answer all questions.

Name: Noye Kelvin B
Last First M.I.

Address: 17751 Tweezer Ct

Phone: 202-660-3029

Email: kelvin.noye@gmail.com

D.O.B. 01 / 11 / 1976

Have you ever been convicted of a felony criminal offense? Yes No

If so, please provide the offense and approximate date of conviction:

Please sign and date this form indicating that the information provided above is truthful and accurate. By signing this, you are also giving permission for the Town of Dumfries to complete a proper background check concerning the information provided. If any false information is provided, the applicant will not be considered for appointment and the applicant will be required to reimburse the Town for the cost of the background check. This form and any information collected as a result of any completed background check is confidential and will not be shared or made part of any record.


Signature

6/18/2020
Date

Please return form to PIO@dumfriesva.gov or the above address.

Kelvin B. Noye

17751 Tweezer Court, Dumfries, Virginia 22026 • (202) 660-3029 • kelvin.noye@gmail.com

Town Council Members:

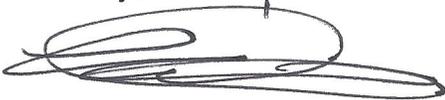
As a somewhat new resident of the Town of Dumfries but a long time inhabitant of Prince William County, I recognize the impact local citizens have in shaping their community. Now more than ever, it is imperative to for residents to be active in the area they call home.

As a local citizen that has a vested interest in his community, I want to lend my time to make the Town of Dumfries safe and livable. This was made even more apparent with my proximity to the coal ash ponds at the Possum Point power station. I felt a renewed sense of resolve with community involvement while attending public hearings with Dominion and the Virginia Department of Environmental Quality.

Because of this, I feel my efforts will be best served on the Planning Commission advising the Town Council on sustainable, thoughtful development of the Town. Balancing growth opportunities while keeping the needs and concerns of residents at the forefront is vital for Commissioners.

For all reasons stated above, I ask to be considered for appointment to the Planning Commission for the Town of Dumfries.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelvin Noye', with a stylized flourish at the end.

Kelvin Noye

Kelvin B. Noye

17751 Tweezer Court, Dumfries, Virginia 22026 • (202)660-3029 • kelvin.noye@gmail.com

SUMMARY

Nineteen years of Information Technology experience with consistently increasing responsibilities in enterprise network management, training, and customer support. Eight years Marine Corps active duty experience serving in diverse locations while developing personal traits such as teamwork, initiative, and decisiveness. Able to rapidly identify and isolate system problems. Successful at reducing costs, increasing value, and adding quality in both the private sector and government industry. Proven ability to effectively analyze system requirements and lead the implementation of efficient, affordable, quality solutions. Able to relate productively with colleagues, customers, and staff at all levels.

PROFESSIONAL EXPERIENCE

Virtualization and Cloud Services Analyst, Department of Health and Human Services
SalientCRGT May 2016 – Present
Reston, VA

- Provided specialized expertise and overall project guidance for the mobile messaging initiative comprising of over 30 different components controlling 10,000+ mobile devices all while monitoring costs within the \$42 million project budget and counteracting scope creep.
- Supported over 200 specialized data center hosted applications utilizing various technology platforms including Microsoft and Solaris servers, AWS EC2 instances, VMware, EMC VNX and NetApp storage as well as Avamar and Commvault backup technologies.
- Administered over 20,000 email accounts in a complex and geographically separated hybrid messaging environment utilizing Microsoft Exchange On-Premise and Office 365
- Crafted uniform documentation in addition to setting consistent repeatable procedures for system deployment and decommissioning.
- Managed staff communications for service disruptions and system outages as well as disaster recovery coordination and evaluation.

Technical Director, Technical Services
ASBC.org February 2015 – May 2016
Alexandria, VA

- Commanded a small group of highly skilled professionals charged with maintaining the availability, security, and integrity of 1.2 petabytes of commercial data within Microsoft Active Directory, Exchange, SharePoint and SQL databases.
- Provided strategic direction on division objectives as well as crafted a 5-year vision for the department improving profitability by 18%.
- Oversaw the data center physical migration along with integration of hosted solutions for data accessibility.
- Integrated a standardized maintenance schedule methodology to reduce the level of unplanned service outages for 3,000 customers.

Operations Manager, U.S. Patent and Trademark Office
Information Innovators Inc. November 2013 – February 2015
Alexandria, VA

- Provided technical leadership for the management of the Patent and Trademark Office's Microsoft Exchange, Active Directory, and both internally developed made up of commercially procured applications utilizing over 5800 server assets sustaining more than 19000 customers.
- Managed staff and customer communications while successfully directing recovery efforts during significant service interruptions.
- Presented actionable input and targeted recommendations on migrating the internal messaging infrastructure from Exchange 2007 to hosted Office 365 Software as a Service solution.
- Developed project plans and processes for managing non-standard intricate applications for consistent monitoring, rapid service restoration and intellectual property protection.
- Provided 24/7 engineering support for numerous critical applications with frequently diminished vendor resources during non-business hours.

Tier 3 Systems Analyst, U.S. Department of Justice
Intelligent Decisions November 2012 – November 2013
Washington, DC

- Delivered advanced level 3 support for Department of Justice's Microsoft Exchange, Active Directory and virtual data centers with over 300 geographically dispersed servers and 4100 customers.
- Key to the successful data center migration and server consolidation by reducing hardware and increasing virtualization presence.
- Spearheaded the effort to migrate the messaging infrastructure from Exchange 2007 to a centralized vendor hosted platform.
- Coordinated efforts for multiple successful remote site network deployments and established a tracking mechanism for lifecycle management of technology assets.
- Configured, evaluated and managed the implementation of various mobile devices and laptops for the organization's agile workforce initiative while liaising closely with senior leadership to develop a robust policy for "Bring Your Own Device" (BYOD) implementation.

IT and Digital Media Manager, NBC News
NBC Universal

November 2010 – November 2012
Washington, DC

- Supplied technical direction for the group supporting broadcasting equipment for live “on-air” and taped content.
- Established an inventory tracking and asset management system for data equipment and software licensing.
- Successfully lead the effort to upgrade major systems to Windows Server 2008 and migrate user data to EMC centralized storage.
- Coordinated recovery efforts during high level incidents to ensure resources were effectively allocated toward rapid service restoration.
- Implemented a system for deployment of network resources during critical news events often with diminished resources and a compressed infrastructure.

IT Manager, Technical Services
The American Chemical Society

February 2007 – September 2010
Washington, DC

- Afforded senior guidance to the group responsible for technical infrastructure and application support for local and remote assets while ensuring proper alignment with the strategic vision for the organization.
- Established Service Level Targets (SLT’s) and employed metrics gathering which resulted in a 15% increase in application availability.
- Reduced the data center operating budget by 25% while overseeing server consolidation and virtualization efforts.
- Instituted standard maintenance periods to reduce unscheduled application outages and service interruptions.
- Enhanced the change management process by developing a notification procedure for application owners during scheduled maintenance.

Senior Systems Analyst, U.S. Department of Defense
Smartronix, Inc

July 2004 – December 2007
Chantilly, Virginia

- Provided senior level design and deployment of Microsoft Active Directory and Exchange 2003 migration architecture for Department of Defense classified networks at various expeditionary units in the United States and 11 countries in Southwest Asia, including Iraq and Afghanistan.
- Engineered and executed a strategy to collapse over 40 Windows NT and Exchange 5.5 domains into one Active Directory and Exchange 2003 domain reducing maintenance complexity and data center costs.
- Established a centralized control of network resources utilizing server consolidation providing high availability for business applications.
- Assisted with documentation, customized software preparation, hands on training, implementing a fully adaptive disaster recovery solution, and employing a standardized hardware baseline for improved reliability.
- Developed dependable solutions for enterprise software deployment, asset management, and database integration.

Systems Engineer, U.S. Department of Defense
PEC Solutions, Inc

October 2001 – June 2004
Norfolk, Virginia

- Assisted with the strategic design, development, and support of Department of Defense information systems in a Windows 2000 and Solaris UNIX environment.
- Managed the enterprise Active Directory Group Policy structure for 8,000 clients for remote software distribution and license control.
- Deployed a rapid, cost effective Microsoft Exchange backup and disaster recovery strategy.
- Integral in the successful domain restructure and migration of users to a faster and more secure enterprise solution.
- Provided deliberate input on current network challenges, as well as future anticipated difficulty with existing system configuration.

FUNCTIONAL AREAS OF EXPERTISE

- Strategic Planning and Project Management
- Performance, Results, and Operations Management
- Process Improvement, Regulatory Compliance
- AWS Certified Solutions Architect Associate
- ITIL (IT Infrastructure Library) V3 certified
- Certified ScrumMaster
- Cisco IronPort Mail Appliance
- Boxtone, AirWatch and Good Mobile Device Management
- Microsoft Exchange, Blackberry Enterprise Server
- Windows 2012, 2016 Server and VMware ESX 5.5
- Microsoft 365 Software as a Service
- EMC Symmetrix DMX and ViON enterprise storage solutions
- Active Public Trust Clearance

Member	Role	Address	Term Expires
1. John E. Webb	Chair	3420 Howard Street, Dumfries VA 22026	30-Jun-21
2. Tyrone Brown	Vice Chair	17598 Duke Street, Dumfries VA 22026	30-Jun-22
3. Diana Knez	Commissioner	17629 Overlook Drive, Dumfries VA 22026	30-Jun-20
4. Anita Gray	Commissioner	1973 Fort Monroe, Dumfries VA 22026	30-Jun-20
5. Sherri Stewart	Commissioner	4170 Nichols Court, Dumfries, VA 22026	30-Jun-21
6. Lawrence Nickerson	Commissioner	3315 Ring Necked Ct, Dumfries VA 22026	30-Jun-23
7. Gary West	Commissioner	3867 Cameron Street Dumfries, VA 22026	30-Jun-23
8. Vacant	Commissioner	-	-
9. Vacant	Commissioner	-	-
10. Vacant	Commissioner	-	-
11. Vacant	Commissioner	-	-
12. Vacant	Commissioner	-	-
13. Vacant	Commissioner	-	-
14. Vacant	Commissioner	-	-
15. Vacant	Commissioner	-	-

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY ON TUESDAY, JULY 7TH: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

Charles C. Brewer, ;
Brian K. Fields,;
Selonia B. Miles,;
Cydney A. Neville,;
Monaé S. Nickerson,;
Melva P. Willis,;
Derrick R. Wood,;

RESOLUTION TO DEDICATE THE BASKETBALL COURTS WITHIN GINN MEMORIAL PARK TO FORMER VICE-MAYOR WILLIE J. TONEY

WHEREAS, Willie J. Toney has served on the Board of Zoning Appeals from 2002 to 2008 including the position of Vice Chairman; and

WHEREAS, Mr. Toney served on the Planning Commission from 2003 to 2008 including the positions of Vice Chairman and Chairman; and

WHEREAS, Mr. Toney served as a Council Member of the Town of Dumfries from July 2008 to June 2016 and his Town Council tenure included serving in position of Vice Mayor; and

WHEREAS, Vice-Mayor Toney played a vital role in actively promoting opportunities to serve on Town Boards & Commissions and ensuring these positions were filled; and

WHEREAS, Mr. Toney has demonstrated a commitment to developing policies and initiatives that would shape the future growth of the Town to ensure the community would be self-sustaining for future generation; and

WHEREAS, Mr. Toney is a founding member of the Prince William County African American Democratic Committee and has successfully helped to elect African-Americans who serve on the Town, County and State level; and

WHEREAS, Mr. Toney was instrumental in the Town's acquisition of the property that ultimately became Ginn Memorial Park; and

WHEREAS, the Town recognizes the significance of Mr. Toney's continual advocacy for youth and the Dumfries community; and

NOW, THEREFORE BE IT RESOLVED, by Town Council that the basketball courts within Ginn Memorial Park shall be named "Willie J. Toney Courts" in honor and celebration of former Vice-Mayor, Willie J. Toney.

By Order of Council:

Derrick R. Wood, Mayor

ATTEST:

Dawn Leander, Town Clerk

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY ON, JULY 7, 2020, ON A MOTION MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

Charles C. Brewer, ;
Brian K. Fields, ;
Selonia B. Miles, ;
Cydney A. Neville, ;
Monaé S. Nickerson, ;
Melva P. Willis, ;
Derrick R. Wood, ;

RESOLUTION RECOGNIZING AND COMMEMORATING THE 30TH ANNIVERSARY OF THE AMERICAN'S WITH DISABILITIES ACT

WHEREAS, July 26, 2020 marks the 30th anniversary of the enactment of the Americans with Disabilities Act of 1990 (ADA); and

WHEREAS, prior to the enactment of the ADA, people with disabilities were often segregated and denied equality of opportunity based on fear, ignorance, prejudice, stereotypes, and labels; and

WHEREAS, the ADA rejects these precepts and instead embraces the precept that disability is a natural and normal part of the human experience that in no way diminishes a person's right to fully participate in all aspects of society; and

WHEREAS, the goals of the ADA include equality of opportunity, full participation, economic self-sufficiency, and independent living; and

WHEREAS, the ADA was enacted because of the concerted, dedicated, and persistent efforts of persons with sensory, physical, and mental disabilities, professionals, and disability-related organizations; and

WHEREAS, the Town of Dumfries recognizes and supports the extension of civil rights protections to all people, including people with disabilities; and

WHEREAS, the ADA has played a historic role in enabling people with disabilities to fully participate in all aspects of society by removing barriers to employment, public services, public accommodations, public and private transportation, telework, telecommunications, websites, online systems, mobile apps, and other forms of information and communication technology; and

WHEREAS, every person in the United States, not just people with disabilities, benefit from covered entities adopting principles of universal design with respect to buildings, modes of transportation, websites, and other technologies procured and used by covered entities; and

NOW, THEREFORE, BE IT RESOLVED, the Town Council of the Town of Dumfries recognizes and commemorates the 30th anniversary of the enactment of the Americans with Disabilities Act of 1990.

By Order of Council:

Derrick Wood, Mayor

Attest: _____
Dawn Leander, Town Clerk

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY AUGUST 5, 2020: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE FOLLOWING VOTE:

Charles C. Brewer, ;
Brian K. Fields,;
Selonia B. Miles,;
Cydny A. Neville,;
Monaé S. Nickerson,;
Melva P. Willis,;
Derrick R. Wood,;

ORDINANCE AUTHORIZING THE TOWN MANAGER TO EXECUTE A PURCHASE AND ASSIGNMENT OF RENTS AND LEASE OF TOWN TELECOMMUNICATIONS FACILITIES LOCATED AT 3460 CANAL ROAD

WHEREAS, Article VII, Section 9 of the Constitution of Virginia provides the manner and term for the sale of property and granting of franchises by cities and towns; and

WHEREAS, Virginia Code §15.2-1800(B) provides any locality may lease, as lessor, its real property after the governing body has held a public hearing concerning such; and

WHEREAS, the Town owns telecommunications infrastructure at 3460 Canal Road (Parcel ID: 8289-01-9266); and

WHEREAS, the Town desires to entertain an unsolicited offer for the purchase and assignment of rents, as well as lease and easement related to the telecommunications infrastructure at 3460 Canal Road (Parcel ID: 8289-01-9266); and

WHEREAS, the Town will continue to act as landlord and retain ownership of the aforementioned property; and

WHEREAS, lease rights shall revert back to the Town following the lease term; and

WHEREAS, following a duly advertised public hearing, the Town Council authorizes the Town Manager to finalize negotiations.

NOW, THEREFORE BE IT ORDAINED, by Town Council that the Town Manager is authorized to execute a purchase and assignment of rents and lease of Town telecommunications facilities located at 3460 Canal Road.

By Order of Council:

Derrick R. Wood, Mayor

ATTEST: _____
Dawn Leander, Town Clerk

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY SEPTEMBER 15, 2020: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE FOLLOWING VOTE:

Charles C. Brewer, ;
Brian K. Fields,;
Selonia B. Miles,;
Cydny A. Neville,;
Monaé S. Nickerson,;
Melva P. Willis,;
Derrick R. Wood,;

ORDINANCE TO RENAME THE COMPLETE TERMINUS OF CONFEDERATE COURT TO LIBERTY LANE

WHEREAS, pursuant to Town Code §50-43, the Director of Public Works is responsible for the administration of street names within the Town: and

WHEREAS, the Department of Public Works has considered and raises no objection to the renaming and will facilitate the installation of necessary signage in a timely manner.

NOW, THEREFORE BE IT ORDAINED, by Town Council of the Town of Dumfries that the complete terminus of Confederate Court is hereby renamed Liberty Lane.

By Order of Council:

Derrick R. Wood, Mayor

ATTEST:

Dawn Leander, Town Clerk

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY ON JULY 7, 2020,; ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

Charles C. Brewer, ;
Brian K. Fields, ;
Selonia B. Miles, ;
Cydny A. Neville, ;
Monaé S. Nickerson, ;
Melva P. Willis, ;
Derrick R. Wood, ;

WHEREAS, the Dumfries Town Council desires to discuss a particular subject in Closed Session during the course of its meeting of July 7, 2020; and

WHEREAS, the nature of the subject is the discussion of personnel matters and consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. The discussion of same in Closed Meeting is expressly permitted by Section 2.2-3711(A)(1) and (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.

By Order of Council:

Derrick R. Wood, Mayor

ATTEST:

Dawn Leander, Town Clerk

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY ON JULY 7, 2020,: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

Charles C. Brewer, ;
Brian K. Fields, ;
Selonia B. Miles, ;
Cydny A. Neville, ;
Monaé S. Nickerson, ;
Melva P. Willis, ;
Derrick R. Wood, ;

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 July 7, 2020 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

By Order of Council:

Derrick R. Wood, Mayor

ATTEST:

Dawn Leander, Town Clerk