



## 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](http://www.dumfriesva.gov)

### DUMFRIES TOWN COUNCIL MEETING 7:00 P.M. TUESDAY, SEPTEMBER 15, 2020

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

<https://zoom.us/j/97291476344?pwd=TTVuanJiY0ZveXUxK09TWTBWSVE3dz09>

Password: 635196

Webinar ID: 972 9147 6344

- I. **Call to Order and Roll Call**
- II. **Moment of Silent Prayer & Pledge of Allegiance**
- III. **Adoption of the Agenda**
- IV. **Approval of Minutes**  
*September 1<sup>st</sup>*
- V. **Action Items**
  - A. Resolution to update the Town's Comprehensive Plan **(TO BE CONTINUED TO 12.1.20)**
  - B. Ordinance to amend to Chapter 70-1, Sec. 70-13, Sec. 70-14, and Division III of the Town Code **(TO BE CONTINUED TO 12.1.20)**
  - C. Ordinance Authorizing the Town Manager Execute a Purchase and Assignment of Rents and Lease of Town Telecommunications Facilities Located at 3460 Canal Road – Keith Rogers Jr., Town Manager
  - D. Ordinance to Rename the Complete Terminus of Confederate Court to Liberty Lane – Councilwoman Neville
  - E. Ordinance to amend Chapter 70 of the Town Code concerning Convenience Store with Gasoline Sales (ZTA2020-001) – William Capers, III, Director of Planning & Community Development
  - F. Ordinance to amend Chapter 70 of the Town Code concerning Homeless Shelter (ZTA2020-002) – William Capers, III, Director of Planning & Community Development
  - G. Ordinance to Authorize the Town Manager Execute a Lease Agreement for Town Owned Real Property at 17739 Main Street – Keith Rogers Jr., Town Manager
  - H. Ordinance to Authorize the Town Manager to Execute an Agreement with the IDA of Prince William County to Administer the Town of Dumfries CARES Act Funding Grant Program – Keith Rogers Jr., Town Manager
  - I. Ordinance to Amend the FY21 General Fund Budget in Consideration of CARES Act Funding – Keith Rogers Jr., Town Manager
- VI. **Discussion Items**
  - A. Town Manager's Report - Keith Rogers Jr., Town Manager
  - B. Town Attorney Recruitment – Councilwoman Miles

C. Department Head Presentations – Councilwoman Miles

**V. Adjournment**

**DUMFRIES TOWN COUNCIL**  
**Meeting Minutes**  
**TUESDAY, SEPTEMBER 1, 2020**

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

A video recording of this meeting is available on the Town's YouTube Channel:

<https://www.youtube.com/watch?v=IOkR-TLgLmc>

**I. Call to Order and Roll Call**

At 7:05 PM Mayor Wood called the meeting to order. The following members were recorded as present: Wood, Nickerson, Brewer, Fields, Miles, Neville, Willis.

**II. Moment of Silent Prayer & Pledge of Allegiance**

**III. Adoption of the Agenda**

On a motion made by Councilman Fields, seconded by Vice-Mayor Nickerson, the agenda was adopted as amended on a vote 7-0 (Yes: Wood, Nickerson, Brewer, Fields, Neville, Miles, Willis).

**IV. Approval of the Minutes**

On a motion made by Councilman Fields, seconded by Councilwoman Miles, the minutes for the January 21<sup>st</sup>, February 4<sup>th</sup>, February 18<sup>th</sup>, March 3<sup>rd</sup>, April 7<sup>th</sup>, April 21<sup>st</sup>, May 5<sup>th</sup>, May 19<sup>th</sup>, June 2<sup>nd</sup>, June 16<sup>th</sup>, July 7<sup>th</sup>, and the August 5<sup>th</sup> Council meetings were approved on a vote 4-2 (Yes: Wood, Nickerson, Fields, Miles; No: Brewer, Willis; Abstain: Neville).

Mayor Wood exercised a point of personal privilege to allow comments from Prince William County School Board Member Justin Wilk.

**V. Action Items**

- A. Ordinance Authorizing the Town Manager Execute a Purchase and Assignment of Rents and Lease of Town Telecommunications Facilities Located at 3460 Canal Road (Continued to September 15<sup>th</sup>)
- B. Ordinance related to RZA 2018-002, The Harbor at Quantico Creek (Continued to December 1<sup>st</sup>)
- C. Emergency Ordinance To amend the Continuity of Government Plan – Keith Rogers Jr., Town Manager  
*Public Hearing: No Comments were made.*  
On a motion made by Vice-Mayor Nickerson, seconded by Councilwoman Miles; the ordinance was adopted. Vote 4-3 (Yes: Wood, Nickerson, Neville, Miles; No: Brewer, Fields, Willis).
- D. Motion - Direct the Town Manager and Mayor to Extend the Agreement with Pandak & Associates for Interim Town Attorney Services – Vice-Mayor Nickerson  
On a motion made by Vice-Mayor Nickerson, seconded by Councilwoman Miles; the motion was adopted. Vote 7-0 (Yes: Wood, Nickerson, Brewer, Fields, Neville, Miles, Willis).

**VI. Introduction Items**

- A. Ordinance to Authorize the Town Manager Execute a Lease Agreement for Town Owned Real Property at 17739 Main Street

*On a motion made by Mayor Wood, seconded by Councilman Fields; the public hearing was scheduled for September 15<sup>th</sup>. Vote 7-0 (Yes: Wood, Nickerson, Brewer, Fields, Neville, Miles, Willis).*

*Councilman Brewer was noted as having left the meeting.*

B. Ordinance to Authorize the Town Manager to Execute an Agreement with the IDA of Prince William County to Administer the Dumfries CARES Grant Program  
*On a motion made by Vice-Mayor Nickerson, seconded by Councilman Fields; the public hearing was scheduled for September 15<sup>th</sup>. Vote 6-0 (Yes: Wood, Nickerson, Fields, Neville, Miles, Willis; No: N/A).*

C. Ordinance to Amend the FY21 General Fund Budget in Consideration of CARES Act Funding  
*On a motion made by Vice-Mayor Nickerson, seconded by Councilman Fields; the public hearing was scheduled for September 15<sup>th</sup>. Vote 6-0 (Yes: Wood, Nickerson, Fields, Neville, Miles, Willis; No: N/A).*

**VII. Discussion Item**

*The following matter was discussed.*

A. Community Policing...Beyond the Movement – Councilman Fields

*Councilwoman Neville was noted as having left the meeting.*

**VIII. Adjournment**

*Mayor Wood adjourned the meeting at 9:18PM.*

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

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

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, CHAPTER 70, DIVISION 7, SECTIONS 70-282(A) OR 70-282(B) TO PERMIT THE USE OF A CONVENIENCE STORE WITH GASOLINE SALES IN THE B-2 ZONING DISTRICT BY RIGHT OR WITH A CONDITONAL USE PERMIT.**

**WHEREAS**, on September 15, 2020, the Town Council deliberated and reviewed the application, **ZTA 2020-001**, for a zoning text amendment to Chapter 70, Division 7, Sections 70-282(A) or 70-282(B) to permit the use of a Convenience Store with Gasoline Sales in the B-2 Zoning District either by right or with a conditional use permit; and

**WHEREAS**, on September 14, 2020, the Planning Commission conducted a duly advertised and noticed public hearing on the proposed amendments and recommended to the Town Council approval of the proposed amendments to amend Chapter 70, Division 7, Section 70-282(B) to permit the use of a Convenience Store with Gasoline Sales in the B-2 Zoning District with a conditional permit at that time; and

**WHEREAS**, the Town staff has presented to the Town Council a staff report on the proposed amendments, which recommends approval of the proposed amendments to amend Chapter 70, Division 7, Section 70-282(B) to permit the use of a Convenience Store with Gasoline Sales in the B-2 Zoning District with a conditional use permit; and

**WHEREAS**, on September 15, 2020, the Town Council conducted a duly advertised and noticed public hearing at which members of the public were offered an opportunity to speak to the Town Council regarding the proposed amendments; and

**WHEREAS**, the Town Council is of the opinion that the proposed amendments are reasonable, proper, and public necessity, convenience, general welfare, and/or good zoning practice requires that they should be approved.”

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Dumfries, Virginia, in a meeting this 15th day of September, 2020, that the Code of Ordinances of the Town of Dumfries as it relates to Chapter 70, Division 7, Section 70-

282(B) of the Code of Ordinances of the Town of Dumfries, Virginia, shall be amended to read as follows:

Section # 70-282(B)- Uses allowable pursuant to a conditional use permit

Structures to be erected or land to be used for one of the following uses shall be allowed subject to a conditional use permit in accordance with section 70-10 of the zoning ordinance. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

- (1) Bed and breakfast inn.
- (2) Child care or adult day care center.
- (3) Convenience stores with gasoline sales.
- (34) Cultural arts and entertainment centers.
- (45) Dog grooming, without indoor or outdoor kennel facilities.
- (56) Off-premises sales of beer and wine.
- (67) Residential, limited to multifamily dwellings, located above a commercial, retail, or office use on the ground floor or located on the ground floor only if the building in which the residences are located does not face on Main Street, Fraley Boulevard, Route 234 or Graham Park Road.
- (78) School, K-12.
- (89) Uses otherwise permitted under section 70-282(A) above with a drive-through window.

This ordinance shall become effective on \_\_\_\_\_, 2020.

By Order of Council:

\_\_\_\_\_  
Derrick R. Wood, Mayor

Attest:

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



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### Staff Report

**Zoning Text Amendment ZTA 2020-001:** To amend Chapter 70, Division 7, Sections 70-282 (A) or 70-282 (B) to permit the use of a Convenience Store with Gasoline Sales in the Neighborhood Business, B-2 Zoning District, either by right or with a conditional use permit.

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**To:** Town of Dumfries Town Council  
**From:** William Capers III, PTP, Director of Planning and Community Development  
**Date:** September 15, 2020

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#### APPLICANT

Equestres, Inc.  
180005 Dumfries Shopping Plaza  
Dumfries, VA 22026

#### PURPOSE

To approve a Zoning Text Amendment (ZTA) to permit the use of a Convenience Store with Gasoline Sales in the B-2 Zoning District either by right or with a conditional use permit (CUP).

#### STAFF RECOMMENDATION

Staff recommends that the Town Council approve ZTA 2019-004-01 to permit the use of a Convenience Store with Gasoline Sales in the B-2 zoning district as an allowable use pursuant to a CUP in the Neighborhood Business, B-2 Zoning District.

This report reflects the analysis and recommendations of staff; it does not reflect the position of the Council.

#### ZONING ORDINANCE PROVISIONS

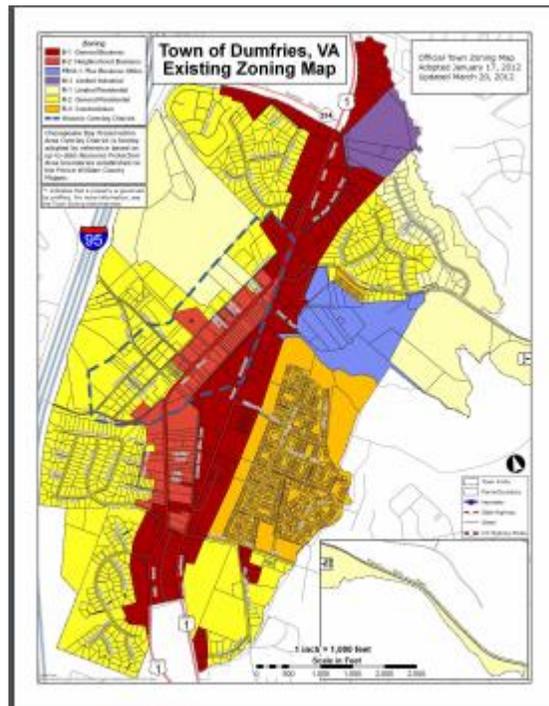
The Town of Dumfries Zoning Ordinance, Sec. 70-1 (Definitions) currently defines "Convenience Store" as "*a retail establishment with less than 5,000 square feet (SF) in floor area selling food products, beverages, and a limited selection of household items (and*

Staff report: ZTA 2020-001

possibly gasoline, if pumps are provided. Does not include or offer any motor vehicle repair services.” In this definition, the Zoning Ordinance establishes the parameters and intent in developing a Convenience Store use in the Town of Dumfries which includes establishments that provide the sale of gasoline where pumps are made available.

Furthermore, the Town of Dumfries Zoning Ordinance states that the intent of the B-2 Zoning District “is to provide a limited range of retail, commercial and convenience business uses to serve the public need at the neighborhood level... and to create a sense of community character....” As shown in Figure 1, properties zoned within the B-2 District are generally situated along southbound Rt. 1 (Main Street), which is bounded by residential zoned districts immediately to the north, east and west. A Convenience Store with Gasoline Sales is a neighborhood scale retail use which is compatible in nature and will contribute to the mix variety of neighborhood retail services currently provided in the B-2 District. The Convenience Store with Gasoline Sales use will further contribute to the diverse retail options within the Town by providing additional food and beverage options to the neighboring residential communities adjacent to the B-2 District.

Figure 1



Allowable Uses by Right- Development projects that are permitted uses “by right” are considered without a discretionary review process through the Planning Commission and/or Town Council as long as the standards outlined in the Zoning Ordinance are met. Uses that are allowable “by right” can be administratively permitted and processed and do not require a recommendation from the Planning Commission or approval from the Town Council.

Allowable Uses Pursuant to a CUP- Development allowable with a CUP allows the Town Council to impose certain conditions that make the use no more intrusive than a use by right in the same district. The intent of a CUP is to provide the Town the flexibility to condition certain requirements in order to mitigate site- related effects generated by a use that may cause undue impacts to existing and proposed facilities and infrastructure. Such impacts, as they relate to this ZTA application, may include, but are not limited to, traffic congestion, safety and operations.

### **ADDITIONAL ANALYSIS**

The applicant asserts that 80% of motor fuel in the United States was sold at convenience stores in 2019, citing a study by the National Association of Stores (NACS) which showed that in 2019 there were 152,720 convenience stores operating in the United States of which 122,176 (or 80%) of those stores sold motor fuel.

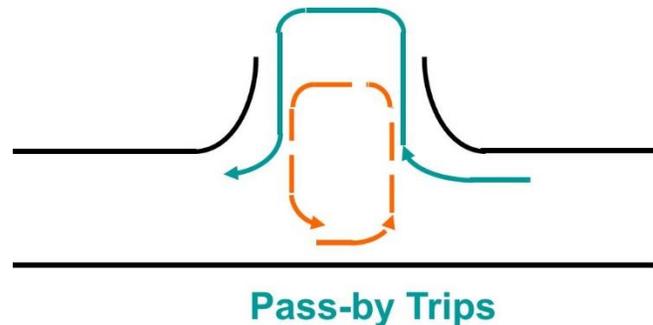
In regards to traffic operations, the applicant indicates that the Institute of Transportation Engineers (ITE) showed a correlation between the size of the Convenience Store and the amount of trips that are generally generated with such use. The applicant asserts that the ITE data shows low average daily trips with Convenience stores 2,000 SF and less, and demonstrates that a higher rate of daily trips is typically generated with Convenience stores that are 3,000 SF or more. This assumption infers that the higher number of trips generated by stores greater than 3,000 SF or more, is attributed to the ability for stores with larger square footage to increase the number of fueling positions on site. As shown in Figure 2, the number of allowable gasolines fueling positions increases as the SF of the store increases.

Figure 2

Store Area (in square feet)	Fueling positions
less than 2,000	variable
2,000 and above	Less than 10
2,000 to 3,000	10 or more
3,000 and above	More than 10

Staff believes that any new vehicular trips generated by a Convenience Store with Gasoline Sales will be largely made by residents that live within the Town limits, and that new daily trips will be largely attributed to the convenience store component of this use. Trips made by the fueling stations component of the use will be largely “pass-by” trips, which are existing trips that are already on the network that will make a stop without making a major route diversion. The concept of pass-by trips is generally depicted in Figure 3.

Figure 3



## COMPREHENSIVE PLAN

The Town of Dumfries Comprehensive Plan 2014, Commercial goals ( Page 95) “*encourages commercial development that meets the needs of the community.*” The Convenience Store with Gasoline Sales use is unique to the current uses permitted within the B-2 district but implements the Plan goals in providing neighborhood scale retail goods and services that will meet the needs of the Town residents.

## **SUMMARY & RECOMMENDATION**

Approval of ZTA 2020-001 will allow the development of Convenience Store with Gasoline Sales establishments to be a permitted use in the Neighborhood Business District either by right or with approval by the Town Council pursuant to a CUP.

The parameters and intent of a Convenience Store with Gasoline Sales use is currently established and defined in Sec. 70-1 of the Town Zoning Ordinance. The proposed change to the Zoning Ordinance to allow the use of a Convenience Store with Gasoline Sales meets the intent of the B-2 Zoning District by providing a compatible use that contributes to the mix variety of neighborhood scale retail uses in that district. The proposed change to the B-2 Zoning District is in harmony with the Comprehensive Plan in fostering neighborhood scale retail options that meet the needs of the community.

Given the nature of the proposed use and the potential effects that this use will have on existing facilities, staff recommends that Convenience Store with Gasoline Sales uses should be pursuant to a CUP so that there is detailed staff and Planning Commission review of the specific development, and the Town Council can impose conditions that ensure that the demand of the use will not have significant impacts to the site and the neighboring land uses. Staff recommends that the Town Council approve ZTA 2020-001 subject to the provision to allow the proposed use to be permitted pursuant to a CUP.

**STAFF CONTACT:** William Capers III, Director of Planning and Community Development- 703-221-3400 x 115.

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

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

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, CHAPTER 70, SEC. 70-1 TO ADD THE DEFINITION OF HOMELESS SHELTER TO THE TOWN ZONING CODE, AND TO DIVISION 6, SECTION 70-247(B) TO PERMIT THE USE OF A HOMELESS SHELTER IN THE B-1 ZONING DISTRICT WITH A CONDITONAL USE PERMIT.**

**WHEREAS**, on September 15, 2020, the Town Council deliberated and reviewed the application, **ZTA 2020-002**, for a zoning text amendment to Chapter 70, Sec. 70-1, to add the definition of a homeless shelter to the Town Zoning Code, and to Division 6, Section 70-247(B) to permit the use of a Homeless Shelter in the B-1 Zoning District with a conditional use permit; and

**WHEREAS**, on September 14, 2020, the Planning Commission conducted a duly advertised and noticed public hearing on the proposed amendments and recommended to the Town Council approval of the proposed amendments to amend Chapter 70, Sec. 70-1 to add the definition of a homeless shelter to the Town Zoning Code, and to Division 6, Sections 70-247(B) to permit the use of a Homeless Shelter in the B-1 Zoning District with a conditional use permit at that time; and

**WHEREAS**, the Town staff has presented to the Town Council a staff report on the proposed amendments, which recommends approval of the proposed amendments to amend Chapter 70, Sec. 70-1 to add the definition of a homeless shelter to the Town Zoning Code, and to Division 6, Section 70-247(B) to permit the use of a Homeless Shelter in the B-1 Zoning District with a conditional use permit; and

**WHEREAS**, on September 15, 2020, the Town Council conducted a duly advertised and noticed public hearing at which members of the public were offered an opportunity to speak to the Town Council regarding the proposed amendments; and

**WHEREAS**, the Town Council is of the opinion that the proposed amendments are reasonable, proper, and public necessity, convenience, general welfare, and/or good zoning practice requires that they should be approved.”

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Dumfries, Virginia, in a meeting this 15th day of September, 2020, that the Code of Ordinances of the Town of Dumfries as it relates to Chapter 70, Sec. 70-1 and to Division 6, Section 70-247(B) of the Code of Ordinances of the Town of Dumfries, Virginia, shall be amended to read as follows:

Sec. # 70-1, Definition

*Home occupation.* An occupation carried on by the resident of a dwelling as a secondary use in connection with which there is no display, and no one employed other than members of the family residing on the premises, and which is conducted in the main building. Nothing shall be maintained on the premises to indicate from the exterior of the building that it is being used for any purpose other than a dwelling.

Homeless shelter. A facility providing temporary housing primarily to indigent, needy, homeless, or transient persons; may also provide other services such as secondary counseling, vocational training, and etc.

*Hospital.* An institution primarily providing human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities rendering medical, surgical, obstetrical, or convalescent care.

Sec. # 70-247(B). - Uses allowable pursuant to a conditional use permit.

Structures to be erected or land to be used for one of the following uses may be allowed subject to a conditional use permit in accordance with section 70-10 of the zoning ordinance. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

- (1) Amusement parlors.
- (2) Childcare or adult day care center.
- (3) Convenience stores and service establishments such as, but not limited to, automatic self-service laundries.
- (4) Cultural arts and entertainment centers.
- (5) Garages and public parking.
- (6) Homeless shelters.
- (~~6~~-7) Household appliance sales and service store.
- (~~7~~-8) Live theaters, live entertainment centers.
- (~~8~~-9) Miniature golf courses and golf driving ranges.
- (~~9~~-10) Movie theaters and assembly halls.
- (~~10~~-11) Off-premises sales of beer and wine.

- (~~11~~-12) Pet shops.
- (~~12~~-13) Residential, limited to multifamily dwellings, located above a commercial, retail or office use on the ground floor or located on the ground floor only if the residences do not face on Main Street, Fraley Boulevard, Route 234, Graham Park Road, or, if the building fronts on multiple streets, the residences must not face on the public street with the highest functional class as determined by the public works department.
- (~~13~~-14) School, K-12.
- (~~14~~-15) Uses otherwise permitted under section 70-247-(A) above with a drive-through window.
- (~~15~~-16) Wholesale businesses, with parking to the rear of the building.

This ordinance shall become effective on \_\_\_\_\_, 2020.

By Order of Council:

\_\_\_\_\_  
Derrick R. Wood, Mayor

Attest:

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



## DUMFRIES, VIRGINIA

Virginia's Oldest Continuously Chartered Town

CHARTERED 1749 INCORPORATED 1961

John Wilmer Porter Municipal Building

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### **Staff Report**

**Zoning Text Amendment ZTA 2020-002:** To amend Chapter 70, Sec. 70-1, to add the definition of a Homeless Shelter to the Town Zoning Ordinance, and to Division 6, Section 70-247 (B) to permit the use of a Homeless Shelter in the B-1 Zoning District with a conditional use permit.

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**To:** Town of Dumfries Town Council  
**From:** William Capers III, PTP, Director of Planning and Community Development  
**Date:** September 15, 2020

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#### **APPLICANTS**

Grace Church  
1006 Williamstown Drive  
Dumfries, VA 22026

Prince William County Board of Supervisors  
1 County Complex Ct  
Woodbridge, VA 22192

#### **PURPOSE**

To approve a Zoning Text Amendment (ZTA) to add the definition of Homeless Shelter to Sec. 70-1 of the Town Zoning Ordinance and to permit the use of a Homeless Shelter in the B-1 Zoning District with a conditional use permit (CUP).

#### **STAFF RECOMMENDATION**

Staff recommends that the Town Council approve ZTA 2020-002, to add the definition of Homeless Shelter to the Definition section of the Zoning Ordinance, and to permit the use of a Homeless Shelter as an allowable use pursuant to a CUP in the General Business, B-1 Zoning District.

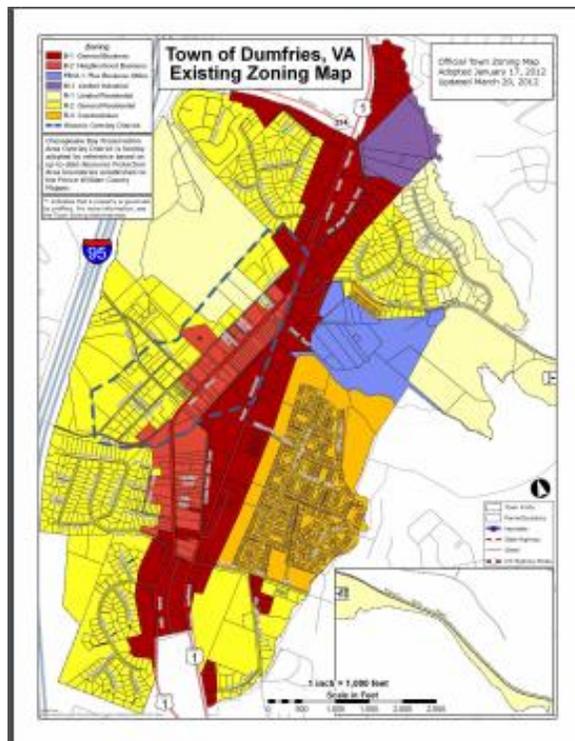
This report reflects the analysis and recommendations of staff; it does not reflect the position of the Council.

Staff report: ZTA 2020-002

## ZONING ORDINANCE PROVISIONS

The intent of the General Business, B-1 Zoning District, is to incorporate a wide variety of commercial businesses and service activities to serve a large segment of the community and surrounding County. Zoning Ordinance Sec. 70-246, states that *“This district is intended to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities, generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists.”* A Homeless Shelter is a public facility that offers temporary housing and other secondary human services to displaced families and residents. A homeless shelter use is compatible with other public utilities and civic uses that are currently permitted in the B-1 zoning district, and meets the intent of the district in providing a mix of public facilities and service activities in an area accessible to a major roadway. As shown in Figure 1, the General Business, B-1 Zoning District is generally situated along northbound Rt. 1.

Figure 1



Allowable Uses Pursuant to a CUP- Development allowable with a CUP allows the Town Council to impose certain conditions that make the use no more intrusive than a use by right in the same district. The intent of a CUP is to provide the Town the flexibility to condition certain requirements in order to mitigate site- related effects generated by a use that may cause undue impacts to existing and proposed facilities and infrastructure. Such impacts, as they relate to the ZTA application, may include, but are not limited to, general operations, screening from non-commercial businesses, and traffic congestion.

## **COMPREHENSIVE PLAN**

The Town of Dumfries Comprehensive Plan, Community Facilities Section, indicates that *“the Town's goal is to assure the public services are provided by both the Town and Prince William County are adequate to meet the needs of its residents”*. The inclusion of a Homeless Shelter use will meet the Plan goal in ensuring that public services are readily available and provided to Town residents. The Homeless Shelter use is unique to the current public service facilities that are provided in the B-1 District but aligns with the Plan goals in providing adequate service activity to meet the needs of residents within the Town.

## **SUMMARY & RECOMMENDATION**

Approval of the ZTA 2020-002 will permit the use of a Homeless Shelter in the General Business, B-1 District, with approval by the Town Council pursuant to a CUP.

The proposed change to the Zoning Ordinance to allow the use of a Homeless Shelter meets the intent of the B-1 Zoning District in providing a mix of public facilities and service activities in that district. The proposed change to the B-1 Zoning District is in harmony with the Comprehensive Plan in providing adequate service activity to meet the needs of residents within the Town.

Staff recommends the Town Council approve ZTA 2020-002 subject to the provision to allow the proposed use to be permitted pursuant to a CUP.

**STAFF CONTACT:** William Capers III, Director of Planning and Community Development- 703-221-3400 x 115.

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

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

**ORDINANCE AUTHORIZING THE TOWN MANAGER ENTER INTO A LEASE AGREEMENT OF TOWN OWNED OFFICE SPACE LOCATED AT 17739 MAIN STREET**

**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 Council has contracted with TriMark to manage the building located at 17739 Main Street; and

**WHEREAS**, TriMark has negotiated with a potential tenant regarding the lease of a suite on the third floor of 17739 Main Street; and

**NOW, THEREFORE, BE IT ORDAINED** by Town Council that the Town Manager is authorized to enter into a lease agreement for the vacant Town owned office space at 17739 Main Street, Dumfries, Virginia 22026.

By Order of Council:

\_\_\_\_\_  
Derrick R. Wood, Mayor

ATTEST: \_\_\_\_\_  
Dawn Leander, Town Clerk

**SECON DAMENDMENT**

THIS SECOND AMENDMENT to the Lease Agreement (“Second Amendment”), made this \_\_\_\_ day of September, 2020 (“Effective Date”), is by and between Town of Dumfries, a Virginia municipal corporation, (“Landlord”); and WHITNEY, BRADLEY & BROWN, INC, a Virginia corporation (“Assignee”), collectively, Parties.

WITNESSETH:

WHEREAS, Landlord and Tenant entered into a Lease Agreement, dated September 29, 2015 (the “Lease”), pursuant to which Tenant leases from Landlord a portion of the Building consisting of approximately 2,012 square feet of leasable area, known as Suite 310, located at 17739 Main Street, Dumfries, Virginia (“Premises”);

WHEREAS, the Landlord and Tenant entered into an amendment to the Lease, dated September 29, 2017, that expanded the leased Premises with an additional 1,208 rentable square feet, known as Suite 300 (the “First Amendment”) in the Building to be collectively leased for an additional three (3) years;

WHEREAS, the current term of the Lease (the “Term”) expires on September 30, 2020; and

WHEREAS, the Parties desire to extend the Term of the Lease as to the additional area of 1,208 square feet known as Suite 300 for a new lease term of three (3) years and three (3) months and to have the Lease expire or terminate as to Suite 310, as hereinafter provided.

NOW, THEREFORE, in consideration of the foregoing and the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and the mutual promises contained herein, the Parties agree as follows:

1. Recitals. Each of the foregoing recitals and representations forms a material part of this Second Amendment and is incorporated herein by this reference.
2. Leased Area. As of October 1, 2020, Tenant shall relinquish/vacate the original leased 2,012 square feet identified as Suite 310 and only continue to occupy the space identified as Suite 300 comprised of 1,208 rentable square feet.
3. Lease Term. The Original Lease Term is hereby extended for a period of three (3) years and three (3) months commencing on October 1, 2020 and expiring on December 31, 2023 (“Extension Term”), or the earlier date on which the Lease is terminated in accordance with the provisions of the Lease or pursuant to applicable law.
4. Rent Commencement. Payment of Rent under this Second Amendment will commence January 1, 2021.
5. Minimum Guaranteed Rent. The Minimum Guaranteed Rent during the Extension Term shall be as follows:

<u>Lease Year</u>	<u>Annually</u>	<u>Monthly</u>
October 1, 2020 – September 30, 2021	\$22,650.00*	\$2,516.67
October 1, 2021 – September 30, 2022	\$31,408.00	\$2,617.33
October 1, 2022 – September 30, 2023	\$32,664.32	\$2,722.03
October 1, 2023 – December 31, 2023	\$8,492.72**	\$2,830.91

\*October, November, and December, 2020 of the initial lease year term abated

\*\*Final 3 months of the renewal lease term

6. Defined Terms. Except as otherwise defined herein, terms that are defined in the Lease shall have the same meanings when such terms are used in this Second Amendment.

7. Binding Effect. All of the covenants and agreements herein contained shall be binding upon and shall inure to the benefit of the parties and their respective heirs, representatives, successors, and assigns.

8. Confirmation of Terms; Conflict. All of the terms, covenants, and conditions of the Lease, except as are herein specifically modified and amended, shall remain in full force and effect, and are hereby adopted and reaffirmed by the parties. In the event of any conflict between the provisions of this Second Amendment and the Lease, the provisions of this Second Amendment shall control.

9. Merger. The Lease, as modified by this Second Amendment, represents the entire understanding between Landlord and Tenant with regard to the matters addressed herein and may only be modified by written agreement executed by Landlord and Tenant. Any prior understandings or representations between the parties, oral or written, with regard to the matters addressed herein, other than the Lease, are not valid.

10. Counterparts; Electronic Signatures. This Second Amendment may be executed in one or more counterparts, which when taken together shall constitute one original of this Second Amendment. Signatures of the parties transmitted by electronic mail PDF format shall be deemed to constitute originals and may be relied upon, for all purposes, as binding the transmitting party. The parties intend to be bound by any signatures transmitted by electronic mail PDF format, are aware that the other party will rely on such signature, and hereby waive any defenses to the enforcement of the terms of this Second Amendment based on the form of signature.

IN WITNESS WHEREOF, the parties have executed this Second Amendment as of the date set forth above.

LANDLORD:

TOWN OF DUMFRIES,  
a Virginia municipal corporation

By: Keith Rogers

By: \_\_\_\_\_

Title: Town Manager

TENANT:

WHITNEY, BRADLEY & BROWN, INC,  
a Virginia corporation

By: \_\_\_\_\_

Title: \_\_\_\_\_

**AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON TUESDAY, 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,;  
Cydney A. Neville,;  
Monaé S. Nickerson,;  
Melva P. Willis,;  
Derrick R. Wood,;

**ORDINANCE TO AUTHORIZE THE TOWN MANAGER TO EXECUTE MOU WITH THE INDUSTRIAL DEVELOPMENT AUTHORITY OF PRINCE WILLIAM COUNTY FOR THE DUMFRIES CARES PROGRAM**

**WHEREAS**, the COVID-19 shutdown and forced closure of non-essential businesses has severely impacted businesses within the Town of Dumfries, particularly in the retail, restaurant and travel related sectors; and

**WHEREAS**, it is necessary to provide financial relief in emergencies to businesses and organizations in the Town of Dumfries, in response to the economic impact of COVID-19, as an essential part of the Town and County's economic development and recovery efforts; and

**WHEREAS**, the Industrial Development Authority has been created to promote the economic development of Prince William County, Virginia ("County"), pursuant to enabling legislation under Va. Code § 15.2-4900 et seq.,

**WHEREAS**, the IDA has the authority to make grants of money or property for economic development, pursuant to Va. Code §15.2-4905 (13); and

**WHEREAS**, the Town desires to set up a COVID-19 Business Grant Program ("Dumfries CARES Grant Program"), implemented by the IDA, that will assist Town businesses by providing needed cash for working capital to support rent, mortgage payments, utility expenses, or other similar expenses that occur in the ordinary course of business; and

**WHEREAS**, upon execution of this Agreement, the Town shall transfer to the IDA the CARES Act funds in the amount of \$150,000 to be distributed pursuant to the Dumfries CARES Grant Program; and

**NOW, THEREFORE BE IT ORDAINED**, the Town Council of the Town of Dumfries authorizes the Town Manager to execute the attached MOU

By Order of Council:

\_\_\_\_\_  
Derrick R. Wood, Mayor

ATTEST:

\_\_\_\_\_  
Dawn Leander, Town Clerk

## DUMFRIES CARES GRANT AGREEMENT

**THIS TOWN OF DUMFRIES COVID-19 BUSINESS ASSISTANCE GRANT AGREEMENT** (“Agreement”), made on this \_\_\_\_ day of September, 2020, by and between the **TOWN OF DUMFRIES**, a body corporate and politic (“Town”), and **INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF PRINCE WILLIAM** (“IDA”), a political subdivision of the Commonwealth of Virginia, individually a “Party” and collectively the “Parties.”

### WITNESSETH:

**WHEREAS**, the IDA has been created to promote the economic development of Prince William County, Virginia (“County”), pursuant to enabling legislation under Va. Code § 15.2-4900 *et seq.*,

**WHEREAS**, the IDA has the authority to make grants of money or property for economic development, pursuant to Va. Code §15.2-4905 (13); and

**WHEREAS**, the COVID-19 shutdown and forced closure of non-essential businesses has severely impacted businesses within Prince William County and the Town of Dumfries, particularly in the retail, restaurant and travel related sectors; and

**WHEREAS**, it is now necessary to provide financial relief in emergencies to businesses in Dumfries, an incorporated town within Prince William County, Virginia, in response to the economic impact of COVID-19, as an essential part of the Town and County’s economic development and recovery efforts; and

**WHEREAS**, the Town desires to set up a COVID-19 Business Grant Program (“Dumfries CARES Grant Program”), implemented by the IDA, that will assist Town businesses by providing needed cash for working capital to support rent, mortgage payments, utility expenses, or other similar expenses that occur in the ordinary course of business; and

**WHEREAS**, the Town has received \$\_\_\_\_\_ in Coronavirus Relief Funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act; and

**WHEREAS**, on September 15, 2020, the Town duly authorized the budget, appropriation and transfer of \$\_\_\_\_\_ of CARES Act funds to the IDA for distribution pursuant to the Dumfries CARES Grant Program, as set forth herein; and

**WHEREAS**, upon execution of this Agreement, the Town shall transfer to the IDA the CARES Act funds in the amount of \$\_\_\_\_\_, to be distributed pursuant to the Dumfries CARES Grant Program, in accordance with this Agreement; and

**WHEREAS**, the Town and the IDA desire to enter into this Agreement to memorialize the understandings and conditions under which the Dumfries CARES Grant Program will operate and to set forth the obligations and responsibilities of the parties in connection therewith;

**NOW, THEREFORE** in consideration of the mutual promises of the parties and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby state and agree as follows:

- 1) Incorporation of Recitals**– The preceding recitals are an integral part of the Agreement and set forth the intentions of the Parties and the premises on which the Parties have entered into this Agreement. Accordingly, the recitals are fully incorporated into this Agreement by this reference, as if fully set forth herein.

**2) Definitions**– In addition to any other capitalized term, for which meaning is expressly defined in this Agreement, the following terms shall be defined as follows:

- a) “Effective Date” means September 15, 2020.
- b) “Town Manager” means the Town Manager of the Town of Dumfries or designee.

**3) IDA Covenants and Obligations**

- a) The IDA agrees to use the CARES Act Grant Funds for the purpose of providing grants to Dumfries businesses, throughout various sectors. This includes, but is not limited to, locally owned hotels, restaurants, retail stores, personal services establishments, office and facility support services, and tourism venues.
- b) The IDA acknowledges and agrees that the CARES Act grant funds are Town funds for which the IDA is serving as a conduit and that the IDA’s obligation to disburse grants to businesses is wholly contingent upon the IDA’s receipt of the CARES Act grant funds from the Town in the first instance.
- c) The IDA acknowledges and agrees that the IDA has designated the Town Manager to administer the Dumfries CARES Grant Program for the IDA in all respects, including, but not limited to, making determinations as to which businesses receive grants, and the process for selecting the grant recipients. Upon receipt of the requisite monies from the Town to fund the Dumfries CARES Grant Program, the IDA shall, subject to the Disbursement Prerequisites in Section 5, disburse the grant payments to the selected businesses pursuant to Section 6. The IDA will return any unutilized CARES Act grant fund monies to the Town within 30 days of December 30, 2020. Any CARES Act grant funds that are not distributed by the IDA by December 30, 2020, shall be returned to the Town.

**4) Qualification Criteria**

- a) For-profit businesses and 501 (c) 3 non-profits shall be eligible. Small businesses in the Hospitality and Entertainment, Retail Trade and Employment, and Administrative Support Services are given preference. This includes, but is not limited to, hotels, restaurants, retail stores, personal services establishments, office and facility support services, and tourism venues. All businesses, regardless of sector, will be eligible for grants if they meet the criteria below.
- b) Business that have gross receipts of less than \$2,500,000 for calendar year 2019.
- c) Businesses and 501 (c) 3 nonprofits must have a physical location within the Town of Dumfries.
- d) Businesses must be current on taxes for the most recent tax year and have a valid Town of Dumfries business license.
- e) Businesses must have experienced a revenue loss of 25% or greater, attributable to COVID-19.
- f) Business and non-profits must have been in operation within the Town for at least two years.
- g) Total amount of grants is not to exceed \$10,000 per organization, without regard to previous grant awards through Prince William County.
- h) The following businesses shall not be eligible for the program:
  - i. Banks and financial institutions;
  - ii. Franchise businesses, except those that are registered in the State of Virginia and locally owned/operated in Dumfries;
  - iii. Vape and tobacco retailers;
  - iv. Adult entertainment businesses.

**5) Disbursement Prerequisites** – The IDA’s obligation to disburse the individual grants to the selected organizations is subject to and conditioned upon the following pre-conditions (“Disbursement Prerequisites”):

- a) **Receipt of Application.** The organization must have provided the Town Manager, or designee, with a complete Dumfries CARES Grant Application, a sample of which is attached as *Exhibit A*.
- b) **Certification of Application.** The Town Manager, or designee, must certify that the organization qualifies for the Dumfries CARES Grant Program, and has provided all the information required to make this determination.



- b) **Entire Agreement Amendments** – This Agreement constitutes the full agreement between the parties, and neither party shall be bound by any terms, conditions, or representations not contained herein. This Agreement may be modified only by written agreement signed by both parties hereto with the same formality.
- c) **Assignment** – This Agreement shall be binding upon and inure to the benefit of the Parties and its respective successors and assigns.
- d) **Governing Law: Venue** – This Agreement is intended to be performed in Dumfries, an incorporated Town within Prince William County, Virginia and shall be construed and enforced in accordance with the laws of the Commonwealth of Virginia.
- e) **Determination: Disbursements**
  - i. Any determination by the Town Manager of fulfillment or non-fulfillment of the terms of this Agreement by a grant applicant or recipient shall be binding on the IDA. The IDA may request such determinations by the Town Manager, as necessary.
  - ii. The IDA shall have no responsibility to disburse any funds to applicants or recipients beyond the amount that the IDA has received from or on behalf of the Town for that purpose.
- f) **Non-Liability of Officials, Employees and Agents** – No member, official, employee or agent of the Town or of the IDA shall be personally liable to an applicant or recipient, in the event of any default or breach by the Town or by the IDA, for any amount that may become due to a grant applicant or grant recipient or its successors or assigns under the terms of this Agreement.
- g) **Business Day Convention** – If the date of any required action falls upon a weekend day or holiday or other day when the Town of Dumfries government is not open for business, that required action may be deferred to the next business day.
- h) **Force Majeure** – If any Party is delayed in the performance of its obligations hereunder, and such delay is due to Force Majeure, defined as acts of nature, fire, catastrophic weather, explosion, riot, war or labor strike or any other cause beyond the Party's control and this (these) event(s) impact the ability of the Party to complete its performance obligations under this Agreement and only if the Party gives prompt notice of such Force Majeure event(s) and has made reasonable efforts to mitigate the impact of such event(s), the party may in writing request an extension of the performance commitments from the Parties. Such extension shall not exceed six (6) months, and such extension shall not be unreasonably withheld.
- i) **Counterparts** – This Agreement may be signed in duplicate, and each of said duplicates shall constitute an original.

**IN WITNESS WHEREOF**, the parties hereto have hereafter set their signatures and seals by their respective duly authorized representatives.

Approved as to form:

\_\_\_\_\_  
Sharon Pandak  
Interim Town Attorney

TOWN OF DUMFRIES

\_\_\_\_\_  
Keith C. Rogers Jr.  
Town Manager

DATE: \_\_\_\_\_

INDUSTRIAL DEVELOPMENT AUTHORITY OF THE  
COUNTY OF PRINCE WILLIAM

BY: \_\_\_\_\_

DATE: \_\_\_\_\_  
Pat O'Leary  
Chairman

ATTEST: \_\_\_\_\_  
Laurie Wieder  
Secretary/ Treasurer

DRAFT

EXHIBIT A  
DUMFRIES CARES GRANT PROGRAM APPLICATION  
DRAFT

Organization Legal Name: \_\_\_\_\_

DBA (if applicable): \_\_\_\_\_

Primary Physical Address: \_\_\_\_\_

Mailing Address (if different from Physical Address): \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Organization Type, Choose one: For-Profit / Non-Profit

Do you have a Town of Dumfries Business License? Choose one: Yes / No

Are you current on your Town of Dumfries tax obligations? Choose one: Yes / No

Tax Identification Number: \_\_\_\_\_

Number of employees: \_\_\_\_\_

How many locations within the Town of Dumfries: \_\_\_\_\_

Year organization established in the Town of Dumfries: \_\_\_\_\_

Number of employees in the Town of Dumfries as of February 29, 2020: \_\_\_\_\_

Number of employees in the Town of Dumfries as of May 30, 2020: \_\_\_\_\_

If number of employees as of May 30, 2020 was fewer, please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please describe the primary function of your organization (ex: healthcare; construction; lodging):

---

---

Please describe the impact of COVID-19 on your organization. Please include physical and operational alterations and adjustments:

---

---

Have you applied for loan or grant funds through SBA, PPP or any other sources? \_\_\_\_\_

Were you awarded? Please describe \_\_\_\_\_

---

How much funding are you seeking through this application? \_\_\_\_\_

If awarded, please describe how these funds will be used: \_\_\_\_\_

---

Is the primary location of your business rented or owned? \_\_\_\_\_

Have you received rent reduction or mortgage deferral? \_\_\_\_\_

With this completed application form, please submit the following documents:

- Most recent Town of Dumfries Business License
- 2018 and 2019 Business Tangible Property Returns
- 2018 and 2019 Virginia Business Tax Returns
- IRS W-9
- IRS Form 941

## **Dumfries CARES Grant Application Terms & Conditions**

1. The submission of an application for the Dumfries CARES Grant Program constitutes an unconditional agreement to, and acceptance of, these Terms and Conditions. The Applicant is responsible for ensuring familiarity with the Terms and Conditions.
2. By submitting an application, the Applicant certifies that it is not under any agreement or restriction that prohibits or restricts its ability to disclose or submit the materials included in the application or otherwise to apply for the grant.
3. Applicants acknowledge and agree that information (excluding proprietary financial and employee information) submitted by Applicants will be used in the promotion of the grant program and will be displayed on public webpages showcasing selected organizations.
4. The Applicant acknowledges and agrees that the information provided therein may be subject to disclosure, including under the Virginia Freedom of Information Act, Virginia Code Sec. 2.2-3700.
5. The Applicant gives permission and waives the confidentiality of any confidential tax information concerning the Applicant's tax payment status, licensing status and business revenue information, so that the Town of Dumfries may verify tax payment status, licensing status and business revenues of the Applicant.
6. The Applicant hereby acknowledges and certifies that the information and representations set forth by the Applicant in the application are true and accurate in all respects as of the date of the submission of the application. The Applicant acknowledges that the Town of Dumfries and Industrial Development Authority of Prince William County will make evaluations and awards of the Grant proceeds in reliance on the information provided by the Applicant, and that the information and representation set forth by the Applicant are material to the award of the grant.
7. The Applicant hereby acknowledges that the Town of Dumfries and the Industrial Development Authority of Prince William County have established certain criteria for qualified Applicants and applications, and that Applicants and applications that do not satisfy the established criteria shall not be considered. The criteria for qualified Applicants and applications are set out below. Applicant acknowledges and agrees that the determination of whether an Applicant or application satisfies the criteria for qualified Applicants and applications is the sole discretion of the Town of Dumfries and the Industrial Development Authority of Prince William County. The Applicant acknowledges that all grant award decisions are final and are not subject to appeal.
8. The Applicant acknowledges and agrees that, in the event the Applicant is awarded a Grant, the Applicant will use the Grant proceeds for the following limited purposes:
  - a. Ongoing expenses of the Applicant, such as payroll, rent insurance or other operating expenses;  
or
  - b. Adaptive costs, such as the purchase of e-commerce equipment/website creation and/or upgrade of an online sales site;
  - c. If the Applicant uses the Grant proceeds for another purpose, then within 60 days' notice by the Town of Dumfries, the Applicant shall return the full amount of the Grant funds to the Industrial Development Authority of Prince William County.
9. The Applicant acknowledges and agrees that, if the Applicant is awarded a Grant, and if within 90 days of the award, the Applicant terminates the organization, then within 60 days' notice by the Town of Dumfries, the Applicant shall return the full amount of the Grant funds to the Industrial Development Authority of Prince William County.
10. The Applicant acknowledges and agrees that if the Applicant is awarded a Grant, and if within one year of the award, the Applicant moves its principal place of business outside the Town of Dumfries, then

within 60 days' notice by the Town of Dumfries, the Applicant shall return the full amount of the Grant funds to the Industrial Development Authority of Prince William County.

11. The Applicant agrees to report in writing to the Town of Dumfries, in a form to be provided by the Town, every six (6) months for the first year on the current status of their organization including information on existing employees and revenues.
12. The Applicant agrees to have a monthly update call with representatives from the Town of Dumfries.
13. The Applicant acknowledges that Grant recipients may be selected from qualified applications through a lottery process. Applications may be preferred in the lottery pursuant to certain criteria. The lottery process and the preferences are set forth below.
14. The Applicant acknowledges the information and representations in the application may be verified by the Town of Dumfries and/or the Industrial Development Authority of Prince William County. If an application contains inaccurate or incomplete information, or misrepresentations, the application may be rejected.
15. In consideration of the time, expertise and other resources provided by the Town of Dumfries and the Industrial Authority of Prince William County, the Applicant, to the full extent permitted by law, by submitting an application voluntarily release the Town of Dumfries and the Industrial Authority of Prince William County from any and all claims, actions, damages, costs or liabilities of any kind relating to or arising from or in connection with the awarding, advertising, receipt, and/or use or misuse of any Grant participation in any Dumfries CARES Grant Program related activities.
16. The Applicant covenants to save, defend, hold harmless, indemnify the Town of Dumfries and all of its officers, departments, agencies, agents, and employees (collectively the "Town") from and against all claims, losses, damages, injuries, fines, penalties, costs (including court costs, attorney fees, charges, liabilities, or exposure), however caused, resulting from, arising out of, or in any way connected with this application.

**I certify that I, \_\_\_\_\_, have read and understand and am authorized to complete and submit this application on behalf of the Applicant. I verify that the statements contained herein are true, accurate, and complete. I acknowledge that false and inaccurate statements made on the application are grounds for immediate rejection.**

**Authorized Signature:** \_\_\_\_\_

**AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON VIRTUALLY ON 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 AMEND FY21 GENERAL FUND BUDGET IN CONSIDERATION OF CARES ACT FUNDING**

**WHEREAS**, due to the spread of COVID-19 (Coronavirus), states of emergency were declared at the federal, state, and local government levels in March 2020; and

**WHEREAS**, on March 12, 2020, the Governor of the Commonwealth of Virginia, in Executive Order Number Fifty-One declared a state of emergency and disaster within the Commonwealth of Virginia pursuant to Section 44-146.16 of the Code of Virginia due to the COVID-19 global health pandemic; and

**WHEREAS**, on March 17, 2020, the Director of Emergency Management declared a local emergency; and

**WHEREAS**, on April 7, 2020, the local emergency was affirmed by Town Council; and

**WHEREAS**, On March 27, 2020 Congress passed the Coronavirus Aid, Relief, and Economic Securities Act (CARES Act) to provide support directly to state, local, and tribal governments to address the COVID-19 pandemic; and

**WHEREAS**, the Commonwealth of Virginia received and distributed the CARES Act funds for cities and counties (except Fairfax County) within the Commonwealth; and

**WHEREAS**, Towns within Commonwealth of Virginia receive money from their respective counties; and

**WHEREAS**, Dumfries has received funds in the amount of \$451,384 from Prince William County, the full amount allocated per capita to the Town based on July 1, 2018 US Census population; and

**WHEREAS**, in pertinent part CARES Act funding can only be used for expenditures incurred due to the public health emergency; expenditures not accounted for in the budget, and; expenditures incurred from March 1 through December 30, 2020; and

**WHEREAS**, for Fiscal Year 2020, \$71,000 was appropriated to support CARES Act eligible expenses; and

**WHEREAS**, for Fiscal Year 2021 staff has recommended allocations in the total amount of \$380,384; and

**NOW, THEREFORE BE IT ORDAINED**, in consideration of CARES Act funding, that the Town's General Fund budget for Fiscal Year 2020 is amended as follows:

<b>ACTION</b>	<b>AGENCY (DETAIL)</b>	<b>VALUE</b>
INCREASE	ADMINISTRATION (COVID-19 EMERGENCY/ LOCAL RESPONSE)	\$230,384
INCREASE	ADMINISTRATION (DUMFRIES CARES GRANT PROGRAM)	\$150,000

By Order of Council:

\_\_\_\_\_  
Derrick R. Wood, Mayor

ATTEST:

\_\_\_\_\_  
Dawn Leander, Town Clerk



## Town Manager's Report

September 15, 2020

Mayor Wood, Vice-Mayor Nickerson, Honorable Councilmembers

My team and I, continue to persevere in the midst of the ongoing pandemic. Our focus since March has been on ensuring that the core functions of our government continue, despite the local emergency. I am pleased with the way we have been able to adapt and serve our residents. Please note the following updates by agency:

### Administration

#### Special Events

The September Senior Luncheon Drop-Off will be held on September 18<sup>th</sup>. Last month the Town delivered lunch to over 35 seniors.

The Willie J. Toney Basketball Court dedication and the Town's Fireworks Celebration were held on September 5<sup>th</sup>. Staff received positive feedback on both events. Our Police Department used these events as opportunities to engage with the community and handed out masks to the community.

#### Customer Service Center/ DMV

Staff continues to work with our IT providers to implement our remote scheduling and appointment system to allow the Town to safely re-open. Once the necessary software has been implemented and tested, and all safety protocols have been finalized we plan to re-open our Customer Service Center within the next 30 days.

Please be reminded that we remain under a declared emergency. I will always act in the best interest of our employees and customers. If changes in the data, or spikes in new cases for our area occur, I will not hesitate to make appropriate adjustments.

### Finance

Our Finance Team is preparing for our fall billing season which includes, Vehicle License Fee and Real Estate (half); both of which are due by December 5<sup>th</sup>. Staff has been making upgrades to our financial software to improve our billing efforts this year. Additional information will be provided to encourage residents to use virtual and pay by mail options, as much as possible.

Additionally, staff is working with the Auditors to prepare our 2020 Comprehensive Annual Financial Report (CAFR). This is scheduled to be presented to Council in November.

### Public Safety

For the reporting period of August 1<sup>st</sup> through August 30<sup>th</sup> the Police Department handled approximately 445 calls for service. Officers issued 81 parking violations as well as 69 traffic citations. Officers conducted 12 arrests with at least 1 juvenile involved incident. Please note that PD is currently working to enhance data collection and reporting measures to provide more meaningful information to the community. Current staffing: *8 Sworn Personnel (including the Chief); 1 Administrative Assistant.*

## **Planning & Community Development**

### **Land Development Applications**

Staff has conducted the administrative review and approval of numerous zoning, occupancy and building permits. Staff has also processed two (2) rezoning applications and one (1) site plan application for comments.

### **C-PACE**

The Town's Commercial Property-Assessed Clean Energy (C-PACE) Financing Program has officially launched. The C-PACE program is a financing tool to help promote energy efficient, water conservation, renewable energy, and other clean energy projects on existing buildings and new commercial developments. The C-PACE program allows building owners to complete clean energy projects through secure funding from private lenders which is repaid through property tax assessments. Our local ordinance allows property owners to receive long-term, 100% financing from qualified capital providers for new equipment, building improvements and solar installations. In June we partnered with the Virginia PACE Authority to serve as Program Administrator for the Town. The Virginia PACE Authority will handle the financing and enforcement on behalf of the Town. Our virtual C-PACE kick-off workshop is scheduled for Monday, October 5, 2020, at 3:00 PM. The link to the virtual workshop will be posted on the Town's website next week. Additional program information as well as application materials are available on the VPA website: <https://virginiapace.com/town-of-dumfries/>

## **Public Works**

### **CodeRED Notifications System**

This month we launched our new emergency notification system, CodeRED. CodeRED will serve as critical component of the Town's emergency planning and communications outreach to both citizens and staff. The system sends telephone calls, text messages, emails and posts to social media channels to inform residents to better protect life and property. CodeRED is successfully utilized by localities across the U.S. and Town will use this system to notify residents of road closures, floods, and other emergencies. Staff is actively encouraging all Dumfries residents and property owners to sign up through the Town website: [https://www.dumfriesva.gov/government/departments/public\\_works/code\\_red\\_information.php](https://www.dumfriesva.gov/government/departments/public_works/code_red_information.php)

### **Confederate Court Renaming**

As a courtesy, letters to impacted property owners/residents were mailed out this week. Thus far we have received four comments of support for the renaming.

### **Route 1 Widening Update**

Staff continues to work with VDOT, NVTA, and Prince William County on next steps, to include an MOU with Prince William County for project implementation. The goal is to provide a public update and introduce the MOU to Town Council for action in October.

### **Grounds Maintenance**

Grounds maintenance functions inclusive of mowing, trimming, and litter collection continue to progress on schedule. Please be reminded that, weather permitting, Town parks and right-of-ways are cut every two weeks. Maintenance complaints on private property are addressed through code enforcement action.

Respectfully submitted,



Keith C. Rogers, Jr.