



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, SEPTEMBER 1, 2020

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

<https://zoom.us/j/522250983?pwd=M0l0WGFvR09ObWhmZ042bVIHOVVtUT09>

Password: 635196

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

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

III. **Adoption of the Agenda**

IV. **Approval of Minutes**

January 21st; February 4th; February 18th; March 3rd; April 7th; April 21st; May 5th;
May 19th; June 2nd; June 16th; July 7th; August 5th

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 **(TO BE CONTINUED TO 9.15.20)**
- B. Ordinance related to RZA 2018-002, The Harbor at Quantico Creek **(TO BE CONTINUED TO 12.1.20)**
- C. Emergency Ordinance To amend the Continuity of Government Plan – Keith Rogers Jr., Town Manager
- D. Motion to Direct the Town Manager and Mayor to Extend the Agreement with Pandak & Associates for Interim Town Attorney Services – Vice-Mayor Nickerson

VI. **Introduction Items**

- A. Ordinance to Authorize the Town Manager Execute a Lease Agreement for Town Owned Real Property at 17739 Main Street **(PUBLIC HEARING DATE 9.15.20)**
- 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 **(PUBLIC HEARING DATE 9.15.20)**
- C. Ordinance to Amend the FY21 General Fund Budget in Consideration of CARES Act Funding **(PUBLIC HEARING DATE 9.15.20)**

VII. **Discussion Item**

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

V. **Adjournment**

DUMFRIES TOWN COUNCIL
Meeting Minutes
TUESDAY, JANUARY 21, 2020

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 7:03 PM Mayor Wood called the meeting to order. The following members were recorded as present: Wood, Nickerson, Fields, Neville; the following members were noted as absent: Miles, Willis.

II. Moment of Silent Prayer & Pledge of Allegiance

III. Adoption of the Agenda

On a motion made by Mayor Wood, to amend the agenda as follows; seconded by Councilwoman Neville, the agenda was adopted, as presented on a vote 5-0 (Yes: Wood, Nickerson, Brewer, Fields, Neville; No: N/A).

IV. Citizen Comment Period

No public comments were made.

V. Presentations

The following presentations were made:

- A. Distinguished Budget Presentation Award – Marion Serfass, CPA, Board Member, Virginia Government Finance Officers' Association*
- C. Meritorious Award Presentations – Chief James McCarty*

VI. Introduction Item

On a motion made by Vice-Mayor Nickerson, seconded by Councilman Brewer the meeting was recessed.

On a motion made by Vice-Mayor Nickerson, seconded by Councilman Fields, Council tabled the discussion on Introduction Item A, and agreed to follow-up with Town Manager individually.

- A. Ordinance Introducing Conditional Use Permit for Gaming at 18059-18139 Triangle Shopping Plaza (GPIN#8188-68-8491) – Keith C. Rogers, Jr., Town Manager
On a motion made by Vice-Mayor Nickerson; seconded by Councilman Fields, the public hearing date for this ordinance was scheduled for February 4th. Vote 4-1 (Yes: Wood, Nickerson, Brewer, Fields; No: Neville).*

VII. Action Items

- A. Ordinance Authorizing the Town Manager Enter Into a Lease Agreement for Office Space at 17739 Main Street - Keith C. Rogers, Jr., Town Manager
Public Hearing: No comments were made.
On a motion made by Mayor Wood; seconded by Vice-Mayor Nickerson, the ordinance was adopted. Vote 5-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).*

VIII. Discussion Item

- A. Council Workshop – Keith C. Rogers Jr.*

The following item was discussed by Council and the date of the Council Workshop was scheduled for February 8, 2020.

IX. Adjournment

At 8:39PM Mayor Wood adjourned the meeting.

DUMFRIES TOWN COUNCIL
Meeting Minutes
TUESDAY, FEBRUARY 4, 2020

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 7:03 PM Mayor Wood called the meeting to order. The following members were recorded as present: Wood, Nickerson, Brewer, Miles, Neville, Willis; the following members arrived late: Fields.

II. Moment of Silent Prayer & Pledge of Allegiance

III. Adoption of the Agenda

On a motion made by Councilwoman Neville, seconded by Vice-Mayor Nickerson, the agenda was adopted as presented on a vote 6-0 (Yes: Wood, Nickerson, Brewer, Miles, Neville, Willis. No: N/A).

IV. Approval of Minutes – November 6, 2019

On a motion made by Councilwoman Miles, seconded by Vice-Mayor Nickerson, the agenda was adopted as presented on a vote 7-0 (Yes: Wood, Nickerson, Brewer, Fields, Neville; Willis. No: N/A).

V. Citizen Comment Period

No public comments were made.

VI. Presentations

The following presentations were made:

- A. Proclamation Honoring Karen DeVito Upon Her Retirement – Mayor Wood
- B. Proclamation Black History Month – Councilwoman Neville
- C. Comprehensive Annual Financial Review FY-19 – Andrew Grossnickle, CPA, CFE – Member, Robinson, Farmer, Cox, Associates

VII. Mayor & Council Comments

Members exercised privilege to make comments.

VIII. Boards & Commissions Reports

The following reports were provided.

- A. Planning Commission

IX. Staff Reports

The following reports were provided.

- A. Town Manager – Keith C. Rogers, Jr.

X. Action Items

- A. Ordinance Adopting Conditional Use Permit (CUP 2019-003) for Rosie's Gaming Emporium at 18059-18139 Triangle Shopping Plaza (GPIN#8188-68-8491)
Councilman Brewer made a motion to amend the agreed upon conditions of the CUP, seconded by Councilwoman Willis; the motion failed. Vote 2-5 (Yes: Brewer, Willis; No: Wood, Nickerson, Fields, Miles, Neville).

Following the public hearing, Vice-Mayor Nickerson made a motion to approve the Ordinance as presented, seconded by Mayor Wood; the motion failed. Vote 3-4 (Yes: Wood, Nickerson, Fields; No: Brewer, Miles, Neville, Willis).

Councilman Brewer made a motion to reconsider the previous motion; seconded by Mayor Wood; the motion was approved. Vote 4-3 (Yes: Wood, Nickerson, Brewer, Fields; No: Miles, Neville, Willis).

Councilman Brewer made a motion to amend the agreed upon conditions of the CUP, seconded by Mayor Wood; the motion failed. Vote 3-4 (Yes: Wood, Brewer, Fields; No: Nickerson, Miles, Neville, Willis).

XI. Adjournment

On a motion made by Councilwoman Neville, seconded by Councilwoman Miles, the meeting was adjourned. Vote 4-3 (Yes: Nickerson, Miles, Neville, Willis; No: Brewer, Wood, Fields). At 9:20PM Mayor Wood adjourned the meeting.

DUMFRIES TOWN COUNCIL
Meeting Minutes
TUESDAY, FEBRUARY 18, 2020

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 7:03 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

Councilwoman Neville made a motion add a resolution to the agenda, this motion was seconded by Councilwoman Miles; this motion was rejected on a vote of 3-4 (Yes: Neville, Miles, Willis. No: Wood, Nickerson, Brewer, Fields).

On a motion made by Councilman Brewer, seconded by Vice-Mayor Nickerson, the agenda was adopted as presented on a vote 6-1 (Yes: Wood, Nickerson, Brewer, Fields, Miles; Willis. No: Neville).

IV. Citizen Comment Period

The following public comments were made:

- Tyrone Brown shared comments related to drainage issues on his property
- Larry Nickerson shared comments related to Town development opportunities

V. Presentations

The following presentations were made:

- A. Bond Refunding – Davenport & Company, LLC

VI. Action Items

- A. Motion to Rescind Action on Conditional Use Permit (CUP 2019-003) for Rosie's Gaming Emporium at 18059-18139 Triangle Shopping Plaza (GPIN#8188-68-8491)
On a motion made by Vice-Mayor Nickerson, seconded by Councilman Fields; the previous action of Council was rescinded. Vote 4-3 (Yes: Wood, Nickerson, Brewer, Fields; No: Miles, Neville, Willis).

- B. Ordinance Adopting Conditional Use Permit (CUP 2019-003) for Rosie's Gaming Emporium at 18059-18139 Triangle Shopping Plaza (GPIN#8188-68-8491)

Following the public hearing, Vice-Mayor Nickerson made a motion to amend and approve; seconded by Councilman Fields; the motion was approved. Vote 4-3 (Yes: Wood, Nickerson, Brewer, Fields; No: Miles, Neville, Willis).

VII. Discussion Item

The following matter was presented and discussed.

- A. Mid-Year Budget Review – Keith Rogers, Jr., Town Manager

VIII. Closed Session under Virginia Code Section 2.2-3711(A)(1) Personnel - Town Attorney and Section 2.2-3711(A)(7) Probable Litigation

On a motion made by Councilwoman Neville, seconded by Mayor Wood; the Council convened in Closed Session. Vote 6-1 (Yes: Wood, Nickerson, Brewer, Fields; Miles, Neville. No: Willis).

On a motion made by Councilwoman Neville, seconded by Mayor Wood; the Council concluded Closed Session and reconvened its meeting in Open Session. Vote 7-0 (Yes: Wood, Nickerson, Brewer, Fields, Miles, Neville, Willis No: N/A).

IX. Adjournment

Mayor Wood adjourned the meeting at 10:20PM

DUMFRIES TOWN COUNCIL

Meeting Minutes

TUESDAY, MARCH 3, 2020

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 7:03 PM Mayor Wood called the meeting to order. All members were recorded as present.

II. Invocation

A moment of silent prayer and reflection was held.

III. Pledge of Allegiance

All gathered observed and/or recited the pledge of allegiance.

IV. Adoption of the Agenda

On a motion made by Vice-Mayor Nickerson, seconded by Councilwoman Miles, the agenda was adopted, as presented on a vote 7-0 (Yes: Wood, Nickerson, Brewer, Fields, Miles, Neville, Willis; No: N/A).

V. Citizen Comment Period

The following public comments were made:

- Judy Moore, Director of the General Heiser Boys & Girls Club provided an update on the local club.
- Thelma McGlothlin provided comments related to the Town's main phone line.
- Bob Hand provided comments related to proposed gun control measures at the state level.

VI. Mayor & Council Comments

The Mayor & Councilmembers exercised privilege to provide general comments.

VII. Staff Report

The following report was provided and discussed.

- A. Town Manager's Report – Keith Rogers, Jr., Town Manager

VIII. Action Items

- A. Resolution Authorizing the Town Manager to Pursue Bond Refunding – Keith Rogers, Jr., Town Manager

Public Hearing: No comments were made.

On a motion made by Vice-Mayor Nickerson; seconded by Councilwoman Neville, the resolution was adopted. Vote: 6-1 (Yes: Wood, Nickerson, Fields, Miles, Neville, Willis; No: Brewer).

- B. Resolution Re-Appointing William Larson to the Architectural Review Board - Keith Rogers, Jr., Town Manager

Public Hearing: No comments were made.

On a motion made by Vice-Mayor Nickerson; seconded by Councilwoman Neville, the resolution was adopted. Vote 7-0 (Yes: Wood, Nickerson, Brewer, Fields, Miles, Neville, Willis; No: N/A).

C. Resolution Re-Appointing James Turner to the Board of Zoning Appeals - Keith Rogers, Jr., Town Manager

Public Hearing: No comments were made.

On a motion made by Councilwoman Willis; seconded by Councilwoman Neville, the resolution was adopted. Vote 7-0 (Yes: Wood, Nickerson, Brewer, Fields, Miles, Neville, Willis; No: N/A).

IX. Discussion Item

A. Joint Meeting with Potomac District Supervisor Andrea Bailey – Mayor Wood

The Council discussed agenda topics for a joint meeting with the Potomac District Supervisor.

X. Closed Session under Virginia Code Section 2.2-3711(A)(1) Personnel - Town Attorney and 2.2-3711(A)(7) Probable Litigation

On a motion made by Mayor Wood, seconded by Vice-Mayor Nickerson, the Council convened in Closed Session. Vote 7-0 (Yes: Wood, Nickerson, Brewer, Fields, Miles, Neville, Willis No: N/A).

On a motion made by Mayor Wood, seconded by Vice-Mayor Nickerson; the Council concluded Closed Session and reconvened its meeting in Open Session. Vote 7-0 (Yes: Wood, Nickerson, Brewer, Fields, Miles, Neville, Willis No: N/A).

XI. Adjournment

On a motion made by Councilwoman Neville, seconded by Vice-Mayor Nickerson; Mayor Wood adjourned the meeting at 9:40PM.

DUMFRIES TOWN COUNCIL

Meeting Minutes

TUESDAY, APRIL 7, 2020

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 7:03 PM Mayor Wood called the meeting to order. All members were recorded as present.

II. Moment of Silent Prayer & Pledge of Allegiance

III. Adoption of the Agenda

On a motion made by Councilwoman Miles, seconded by Councilman Fields, the agenda was adopted, as presented on a vote 6-1 (Yes: Wood, Nickerson, Fields, Miles, Neville, Willis; No: Brewer).

IV. Action Items

- A. **Emergency Ordinance** To Establish a Continuity of Government Plan – Keith Rogers, Jr., Town Manager
Public Hearing: No comments were made.
On a motion made by Councilwoman Neville; seconded by Vice-Mayor Nickerson, the ordinance was adopted as amended. Vote: 6-1 (Yes: Wood, Nickerson, Fields, Miles, Neville, Willis; No: Brewer).

- B. Resolution Appointing Lawrence Nickerson to the Planning Commission - Keith Rogers, Jr., Town Manager
Public Hearing: No comments were made.
On a motion made by Councilwoman Miles; seconded by Councilman Fields, the resolution was adopted. Vote 7-0 (Yes: Wood, Nickerson, Brewer, Fields, Miles, Neville, Willis).

Councilwoman Willis made a motion to reconsider the adoption of the agenda. Councilwoman Miles seconded this motion; The motion to reconsider passed; Vote: 4-3 (Yes: Brewer, Fields, Willis, Miles; No: Wood, Nickerson, Neville)

Councilman Brewer made a motion to amend the agenda; seconded by Councilwoman Willis; The motion to amend the agenda failed; Vote: 2-5 (Yes: Brewer, Willis; No: Wood, Nickerson, Fields, Neville, Miles)

- C. Resolution Re-Appointing James Kszanznak to the Architectural Review Board - Keith Rogers, Jr., Town Manager
Public Hearing: No comments were made.
On a motion made by Councilwoman Miles; seconded by Councilman Fields, the ordinance was adopted. Vote 7-0 (Yes: Wood, Nickerson, Brewer, Fields, Miles, Neville, Willis; No: N/A).

- D. Resolution to Proceed with Bank RFP for Bond Refunding – Keith Rogers Jr., Town Manager
Public Hearing: No comments were made.

On a motion made by Councilman Fields; seconded by Councilwoman Miles, the ordinance was adopted. Vote 5-2 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: Brewer, Willis).

- E. Resolution To Appoint Brendan McConnell as Town Attorney – Mayor Wood
On a motion made by Councilman Brewer; seconded by Councilwoman Willis, the ordinance was adopted. Vote 7-0 (Yes: Wood, Nickerson, Brewer, Fields, Miles, Neville, Willis; No: N/A).

At 8:15PM Mayor Wood temporarily recessed the meeting for a stretch break. Mayor Wood called the meeting back to order at 8:25PM.

V. Presentation

- A. Fiscal Year 2021 Budget – Keith Rogers Jr., Town Manager

A copy of this presentation is available on the Town website:

<https://www.dumfriesva.gov/government/departments/finance/budget.php>

Following the presentation of the FY21 Budget, Councilman Brewer made a motion to direct the Town Manager to present the FY21 Budget in the "FY19 Format"; seconded by Councilwoman Willis; The motion failed; Vote: 2-5 (Yes: Brewer, Willis; No: Wood, Nickerson, Fields, Neville, Miles)

VI. Introduction Items

- A. Ordinance to Appropriate Funds for FY21 Budget

On a motion made by Councilman Fields; seconded by Vice-Mayor Nickerson, the public hearing was scheduled for April 21st. Vote 5-1 (Yes: Wood, Nickerson, Brewer, Fields, Miles, Neville; No: Willis; Absent: Brewer).

- B. Ordinance to Adopt Fee Schedule

On a motion made by Councilman Fields; seconded by Vice-Mayor Nickerson, the public hearing was scheduled for April 21st. Vote 5-1 (Yes: Wood, Nickerson, Brewer, Fields, Miles, Neville; No: Willis; Absent: Brewer).

- C. Resolution to Adopt FY21-25 Capital Improvement Plan

On a motion made by Councilman Fields; seconded by Vice-Mayor Nickerson, the public hearing was scheduled for April 21st. Vote 5-1 (Yes: Wood, Nickerson, Brewer, Fields, Miles, Neville; No: Willis; Absent: Brewer).

VII. Adjournment

At 9:21PM Mayor Wood adjourned the meeting.

DUMFRIES TOWN COUNCIL

Meeting Minutes

TUESDAY, APRIL 21, 2020

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 7:03 PM Mayor Wood called the meeting to order. The following members were recorded as present: Wood, Nickerson, Fields, Miles, Neville; the following members were noted as absent: Brewer, Willis.

II. Moment of Silent Prayer & Pledge of Allegiance

III. Adoption of the Agenda

On a motion made by Councilwoman Miles, to amend the agenda as follows; seconded by Councilman Fields, the agenda was adopted, as presented on a vote 5-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).

IV. Action Items

- A. Motion – To direct the Town Manager to facilitate the lowering of the Town of Dumfries Flag to half-staff at Town facilities in honor of citizens who have passed due to COVID-19 and in recognition of essential workers responding during the pandemic – Councilwoman Neville
Public Hearing: No comments were made.
On a motion made by Councilwoman Neville; seconded by Councilman Fields, the resolution was adopted. Vote 5-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).
- B. Ordinance to Appropriate Funds for FY21 Budget – Keith Rogers Jr., Town Manager
Public Hearing: No comments were made.
On a motion made by Councilwoman Neville; seconded by Councilman Fields, the resolution was adopted. Vote 5-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).
- C. Ordinance to Adopt Fee Schedule – Keith Rogers Jr., Town Manager
Public Hearing: No comments were made.
On a motion made by Councilwoman Neville; seconded by Councilman Fields, the resolution was adopted. Vote 5-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).
- D. Resolution to Adopt FY21-25 Capital Improvement Plan – Keith Rogers Jr.
Public Hearing: No comments were made.
On a motion made by Councilwoman Neville; seconded by Councilman Fields, the resolution was adopted. Vote 5-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).
- E. Resolution Authorizing the Refunding of General Obligation Bonds – Keith Rogers Jr.
Public Hearing: No comments were made.

On a motion made by Councilwoman Miles; seconded by Councilwoman Neville, the resolution was adopted. Vote 5-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).

V. Adjournment

At 7:49PM Mayor Wood adjourned the meeting.

DUMFRIES TOWN COUNCIL

Meeting Minutes

TUESDAY, May 5, 2020

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 7:03 PM Mayor Wood called the meeting to order. The following members were recorded as present: Wood, Nickerson (joined after roll call), Fields, Miles, Neville, Willis (joined after roll call); the following members were noted as absent: Brewer.

II. Moment of Silent Prayer & Pledge of Allegiance

III. Adoption of the Agenda

On a motion made by Councilwoman Miles; seconded by Councilwoman Neville, the agenda was adopted, as presented on a vote 4-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A)

IV. Action Items

A. Motion – To terminate the employment contract of the Town Attorney

Public Hearing: No comments were made.

On a motion made by Councilwoman Miles; seconded by Councilman Neville, the motion was adopted. Vote 5-1 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: Willis; Absent: Brewer).

V. Adjournment

At 7:19PM Mayor Wood adjourned the meeting.

DUMFRIES TOWN COUNCIL

Meeting Minutes

TUESDAY, May 19, 2020

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 7:01 PM Mayor Wood called the meeting to order. The following members were recorded as present: Wood, Nickerson, Fields, Miles, Neville, Willis; the following members were noted as absent: Brewer.

II. Moment of Silent Prayer & Pledge of Allegiance

III. Adoption of the Agenda

On a motion made by Vice-Mayor Nickerson; seconded by Councilwoman Miles, the agenda was adopted, as presented on a vote 6-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).

IV. Action Items

A. Motion – To request the Mayor and Town Manager to engage 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 6-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A; Absent: Brewer).

V. Adjournment

At 7:07PM Mayor Wood adjourned the meeting.

DUMFRIES TOWN COUNCIL

Meeting Minutes

TUESDAY, June 2, 2020

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 7:01 PM Mayor Wood called the meeting to order. The following members were recorded as present: Wood, Nickerson, Fields, Miles, Neville, Willis; the following members were noted as absent: Brewer.

II. Moment of Silent Prayer & Pledge of Allegiance

III. Adoption of the Agenda

On a motion made by Councilwoman Willis; seconded by Vice-Mayor Nickerson, the agenda was adopted as amended, on a vote 6-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).

IV. Action Item

- A. Resolution to Approve Subdivision Plat FP 2019-004, Highland Park Townhomes at Town Square

Public Hearing: No comments were made.

On a motion made by Councilwoman Miles; seconded by Councilwoman Neville, the resolution was adopted. Vote: 6-0 (Yes: Wood, Nickerson, Fields, Miles, Neville, Willis; No: N/A).

V. Introduction Item

- A. Ordinance to Amend FY20 General Fund Budget In Consideration of CARES Act Funding

On a motion made by Councilman Fields; seconded by Vice-Mayor Nickerson, the public hearing was scheduled for June 16th. Vote 6-0 (Yes: Wood, Nickerson, Fields, Miles, Neville, Willis; No: N/A).

VI. Adjournment

At 7:25PM Mayor Wood adjourned the meeting.

DUMFRIES TOWN COUNCIL

Meeting Minutes

TUESDAY, June 16, 2020

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 7:02 PM Mayor Wood called the meeting to order. The following members were recorded as present: Wood, Nickerson, Fields, Miles, Neville; the following members were noted as absent: Brewer, Willis.

II. Moment of Silent Prayer & Pledge of Allegiance

III. Adoption of the Agenda

On a motion made by Councilwoman Neville; seconded by Councilwoman Miles, the agenda was adopted as amended, on a vote 5-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).

IV. Action Items

A. Ordinance to Amend FY20 General Fund Budget In Consideration of CARES Act Funding – Keith Rogers Jr., Town Manager

No public comments were made.

On a motion made by Councilwoman Miles; seconded by Vice-Mayor Nickerson, the ordinance was adopted. Vote 5-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).

B. Resolution to appoint Gary West the Planning Commission – William Capers III, Director, DPCCD

No public comments were made.

On a motion made by Councilwoman Miles; seconded by Councilwoman Neville, the resolution was adopted. Vote 5-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).

C. Resolution to appoint Lawrence Nickerson to the Architectural Review Board – William Capers III, Director, DPCCD

No public comments were made.

On a motion made by Vice-Mayor Nickerson; seconded by Councilwoman Neville, the resolution was adopted. Vote 5-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).

D. Resolution to authorize a public hearing for RZA 2018-002, The Harbor at Quantico Creek – William Capers III, Director, DPCCD

No public comments were made.

On a motion made by Councilwoman Neville; seconded by Councilwoman Miles, the public hearing was scheduled for September 1st. Vote 5-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).

E. Motion - To direct the Town Manager to work with Prince William County to provide a remote social services location within the Town – Councilwoman Neville
No public comments were made

On a motion made by Councilwoman Neville; seconded by Councilwoman Miles, the motion was adopted. Vote 5-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).

F. Resolution to Condemn Systemic Racism – Councilwoman Neville

On a motion made by Councilwoman Neville; seconded by Councilman Fields, the resolution was adopted. Vote 5-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).

G. Resolution to Establish Juneteenth as a Town Holiday – Councilwoman Neville and Councilwoman Miles

On a motion made by Councilwoman Neville; seconded by Councilwoman Miles, the resolution was adopted. Vote 5-0 (Yes: Wood, Nickerson, Fields, Miles, Neville; No: N/A).

V. Adjournment

At 8:00PM Mayor Wood adjourned the meeting.

DUMFRIES TOWN COUNCIL
Meeting Minutes
WEDNESDAY, AUGUST 5, 2020

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 Vice-Mayor Nickerson, seconded by Mayor Wood, the agenda was adopted as amended on a vote 4-2 (Yes: Wood, Nickerson, Fields, Neville; Willis. No: Brewer, Willis; Absent: Miles).

IV. Presentation

The following presentation was made:

A. Comprehensive Plan Update – AECOM

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

On a motion made by Councilwoman Miles, seconded by Councilman Fields; the Ordinance was continued to September 1st. Vote 5-2 (Yes: Wood, Nickerson, Brewer, Fields, Miles; No: Neville, Willis).

B. Initiating Resolution to update the Town's Comprehensive Plan - William Capers III, Director of Planning & Community Development

On a motion made by Vice-Mayor Nickerson, seconded by Councilwoman Neville; the public hearing was scheduled for September 15th. Vote 5-2 (Yes: Wood, Nickerson, Fields, Miles; No: Brewer, Willis).

C. Initiating Resolution to amend to Chapter 70-1, Sec. 70-13, Sec. 70-14, and Division III - William Capers III, Director of Planning & Community Development

On a motion made by Councilwoman Miles, seconded by Vice-Mayor Nickerson; the public hearing was scheduled for September 15th. Vote 6-1 (Yes: Wood, Nickerson, Fields, Miles, Willis; No: Brewer).

D. Initiating Resolution to authorize a Public Hearing for ZTA2020-001 - William Capers III, Director of Planning & Community Development

On a motion made by Councilman Fields, seconded by Vice-Mayor Nickerson; the public hearing was scheduled for September 15th. Vote 5-2 (Yes: Wood, Nickerson, Fields, Miles; No: Brewer, Willis).

E. Ordinance to Amend Chapter 70, Article IV (Site Plan) of the Town Code - William Capers III, Director of Planning & Community Development

Following the public hearing, on a motion made by Vice-Mayor Nickerson, seconded by Councilman Fields; the ordinance failed. Vote 3-4 (Yes: Wood, Nickerson, Fields; No: Brewer, Neville, Miles, Willis).

- F. Ordinance to Amend Chapter 54 (Subdivisions) of the Town Code - William Capers III, Director of Planning & Community Development
Following the public hearing, on a motion made by Councilman Fields, seconded by Vice-Mayor Nickerson; the ordinance failed. Vote 3-4 (Yes: Wood, Nickerson, Fields; No: Brewer, Neville, Miles, Willis).

Councilwoman Willis made a motion to reconsider the vote on Items E and F, seconded by Councilman Fields; the motion passed. Vote 6-0 (Yes: Wood, Nickerson, Brewer, Neville, Fields, Willis; No: N/A; Absent: Miles).

Councilwoman Willis made a motion presumably to have staff review the validity period for site plan and subdivisions, seconded by Councilman Fields; the motion passed. Vote 6-0 (Yes: Wood, Nickerson, Brewer, Neville, Fields, Willis; No: N/A; Absent: Miles).

- G. Resolution to Re-Appoint Diana Knez to the Planning Commission - William Capers III, Director of Planning & Community Development
Following the public hearing, on a motion made by Councilwoman Miles, seconded by Councilwoman Neville; the resolution was adopted. Vote 7-0 (Yes: Wood, Nickerson, Fields, Brewer, Neville, Miles, Willis; No: N/A).

- H. Ordinance to Vacate a Portion of Market Street (GPIN 8189-91-1574) - Jonet Prevost-White, Director of Public Works
Following the public hearing, on a motion made by Councilman Brewer, seconded by Councilwoman Willis; the ordinance was adopted. Vote 4-3 (Yes: Nickerson Brewer, Fields, Willis; No: Wood, Miles, Neville).

- I. Resolution to Rename Merchant Park Bandstand to "Dumfries Distinguished Citizen Bandstand" - Councilwoman Miles
Following the public hearing, on a motion made by Councilwoman Miles, seconded by Councilwoman Neville; the resolution was adopted. Vote 7-0 (Yes: Wood, Nickerson, Brewer, Fields, Neville, Miles, Willis; No: N/A).

- J. Motion - To direct the Town Manager to work with public safety professionals to review Police Department policies and procedures particularly, Use of Force, De-Escalation, and community relations - Vice-Mayor Nickerson
On a motion made by Vice-Mayor Nickerson, seconded by Councilman Fields; the motion was adopted. Vote 6-1 (Yes: Wood, Nickerson, Fields, Neville, Miles, Willis; No: Brewer).

- K. Motion - To direct the Town Manager to draft a letter to state officials to extend moratorium on evictions by August 7th - Councilwoman Neville
On a motion made by Councilwoman Neville, seconded by Councilwoman Miles; the motion was adopted. Vote 6-1 (Yes: Wood, Nickerson, Fields, Neville, Miles, Willis; No: Brewer).

L. Initiating Resolution to authorize a Public Hearing for ZTA2020-002 - Keith Rogers Jr., Town Manager (Public Hearing Date: September 15th)

On a motion made by Councilwoman Miles, seconded by Mayor Wood; the public hearing was scheduled for September 15th. Vote 4-3 (Yes: Wood, Nickerson, Miles; No: Brewer, Fields, Willis).

VI. Discussion Item

The following matter was discussed.

A. Town Manager's Report – Keith Rogers, Jr., Town Manager

Councilwoman Willis made a motion to direct the Town Manager to have a temporary Clerk for Council meetings to produce meeting minutes, seconded by Councilwoman Neville. Vote 7-0 (Yes: Wood, Nickerson, Brewer, Fields, Miles, Neville, Willis; No: N/A).

On a motion made by Councilwoman Willis, seconded by Councilwoman Neville, the Council continued the meeting into August 6th. Vote 4-3 (Yes: Wood, Nickerson, Brewer, Fields; Miles, Neville. No: Fields, Nickerson, Wood).

VII. Closed Session under Virginia Code Section 2.2-3711(A)(1) Personnel (2 Matters regarding the performance of specific employee(s))

On a motion made by Councilman Fields, seconded by Councilwoman Neville, the Council convened in Closed Session. Vote 4-3 (Yes: Brewer, Miles, Neville, Willis; No: Wood, Nickerson, Fields,).

On a motion made by Mayor Wood, seconded by Councilwoman Neville; the Council concluded Closed Session and reconvened its meeting in Open Session. Vote 6-0 (Yes: Wood, Nickerson, Fields, Miles, Neville, Willis No: N/A).

Councilman Brewer departed the meeting during Closed Session

On a motion made by Councilwoman Neville, seconded by Mayor Wood, the Council requested that the Town Manager prepare necessary legislation to continue to meet virtually for the remainder of the calendar year. Vote 6-0 (Yes: Wood, Nickerson, Brewer, Fields; Miles, Neville. No: N/A Absent: Brewer).

VIII. Adjournment

On a motion made by Councilwoman Neville, seconded by Councilwoman Willis, the meeting was adjourned at 1:28AM. Vote 6-0 (Yes: Wood, Nickerson, Brewer, Fields; Miles, Neville. No: N/A Absent: Brewer).

DUMFRIES TOWN COUNCIL

Meeting Minutes

WEDNESDAY, July 7, 2020

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, Miles, Neville, Willis; Councilman Fields arrived late; Councilman Brewer was recorded as absent.

II. Moment of Silent Prayer & Pledge of Allegiance

III. Adoption of the Agenda

On a motion made by Councilwoman Miles, seconded by Vice-Mayor Nickerson, the agenda was adopted 5-0 (Yes: Wood, Nickerson, Miles, Neville, Willis)

IV. Presentation

The following presentation was made:

A. Town Center Development Proposal – Pete Singh, Developer

V. Action Items

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

Public Hearing: No comments were made.

On a motion made by Councilwoman Neville, seconded by Councilwoman Miles; the motion was adopted. Vote 5-0 (Yes: Wood, Nickerson, Miles, Neville, Willis; No: N/A).

B. Initiating for Amendments to Chapter 70, Article IV Site Plan Ordinance - William Capers III, Director of Planning & Community Development

Public Hearing: No comments were made.

On a motion made by Vice-Mayor Nickerson, seconded by Councilwoman Willis; the resolution was adopted. Vote 5-0 (Yes: Wood, Nickerson, Miles, Neville, Willis; No: N/A).

C. Initiating Resolution for Amendments to Chapter 54, Subdivision Ordinance - William Capers III, Director of Planning & Community Development

Public Hearing: No comments were made.

On a motion made by Vice-Mayor Nickerson, seconded by Councilwoman Willis; the resolution was adopted. Vote 5-0 (Yes: Wood, Nickerson, Miles, Neville, Willis; No: N/A).

D. Resolution to Appoint Kelvin Noye to the Planning Commission – William Capers III, Director of Planning & Community Development

Public Hearing: No comments were made.

On a motion made by Vice-Mayor Nickerson, seconded by Councilwoman Neville; the resolution was adopted. Vote 5-0 (Yes: Wood, Nickerson, Miles, Neville, Willis; No: N/A).

- E. Resolution Naming the Basketball Court in Ginn Memorial Park in Honor of Former Vice-Mayor Willie J. Toney - Councilwoman Miles
Public Hearing: No comments were made.
On a motion made by Councilwoman Miles, seconded by Mayor Wood; the resolution was adopted. Vote 5-0 (Yes: Wood, Nickerson, Miles, Neville, Willis; No: N/A).
- F. Resolution Recognizing and Commemorating the 30th Anniversary of the American's with Disabilities Act - Councilwoman Miles
Public Hearing: No comments were made.
On a motion made by Councilwoman Miles, seconded by Councilwoman Neville; the resolution was adopted. Vote 6-0 (Yes: Wood, Nickerson, Fields, Miles, Neville, Willis; No: N/A).

VI. Introduction Items

- A. Ordinance to Vacate a Portion of Market Street (GPIN 8189-91-1574)
On a motion made by Councilwoman Willis, seconded by Vice-Mayor Nickerson; public hearing was scheduled for August 5th. Vote 5-0 (Yes: Wood, Nickerson, Miles, Neville, Willis; No: N/A).
- B. Ordinance Authorizing the Town Manager to Execute a Purchase and Assignment of Rents and Lease of Town Telecommunications Facilities Located at 3460 Canal Road
On a motion made by Councilwoman Neville, seconded by Councilwoman Miles; public hearing was scheduled for August 5th. Vote 6-0 (Yes: Wood, Nickerson, Fields, Miles, Neville, Willis; No: N/A).
- C. Ordinance to Rename the Complete Terminus of Confederate Court to Liberty Lane
On a motion made by Councilwoman Neville, seconded by Councilwoman Miles; public hearing was scheduled for September 15th. Vote 6-0 (Yes: Wood, Nickerson, Fields, Miles, Neville, Willis; No: N/A).

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

On a motion made by Mayor Wood, seconded by Councilwoman Miles, the Council convened in Closed Session. Vote 6-0 (Yes: Wood, Nickerson, Fields, Miles, Neville, Willis).

On a motion made by Mayor Wood, seconded by Councilwoman Miles; the Council concluded Closed Session and reconvened its meeting in Open Session. Vote 6-0 (Yes: Wood, Nickerson, Fields, Miles, Neville, Willis; No: N/A).

VIII. Adjournment

Mayor Wood adjourned the meeting at 9:00PM

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON TUESDAY, SEPTEMBER 1, 2020: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE 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,;

EMERGENCY ORDINANCE TO EXTEND ESTABLISHED EMERGENCY PROCEDURES FOR THE CONTINUITY AND OPERATION OF THE GOVERNMENT FOR THE DURATION OF THE COVID-19 PANDEMIC

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, which is hereby affirmed by the Town Council; and

WHEREAS, the impacts to public health, local economy, and the operation of the Town government are likely to be protracted for several months; and

WHEREAS, there are actions which must be taken by the Town in the next several months which, by law, require the action of the Town Council, and;

WHEREAS, it is currently impractical, unsafe, and potentially life threatening for a quorum of the governing body to be physically assembled in one location; and

WHEREAS, Section 3.08 of the Town Charter provides, in pertinent part, that the Town Council has the authority to adopt emergency measures to meet a public emergency affecting life, health, property or the public peace; and;

WHEREAS, Section 15.2-1413 of the Code of Virginia, provides that notwithstanding any contrary provision of law, general or special, any locality, may, by ordinance, provide a method to assure continuity in its government, in the event of an enemy attack or other disaster; and

WHEREAS, Section 2.2-3708.2 of the Code of Virginia provides for electronic meetings in the event of an emergency; and

WHEREAS, given the likely duration of the current COVID-19 emergency, meetings of the Town Council and other Boards and Commissions must be held in the interim for the continuity and continuing operation of the functions of the Town's government, including but not limited to the adoption of the Town's budget; and

WHEREAS, given the severe limitations on the gathering of people during the COVID-19 pandemic, the Town Council finds it necessary and prudent to provide, by ordinance, a method

of transacting necessary public business during the disaster without the physical attendance or gathering of people for the duration of the COVID-19 disaster.

WHEREAS, the Town Council desires to extend the provisions previously adopted on April 7, 2020 which expire on September 7, 2020.

NOW, THEREFORE BE IT ORDAINED, pursuant to Section 3.08 of the Town Charter and Sections 15.2-1413 and 2.2-3708.2 of the Code of Virginia that the Town Council for the Town of Dumfries hereby adopts the following emergency procedures:

1. The Dumfries Town Council shall meet electronically until such time as it is safe for the public to physically attend meetings and the Town's public buildings are reopened, as evidenced by a declaration of the Governor of Virginia that the emergency in the Commonwealth of Virginia has ended. A quorum of Town Council (four members) must participate in the electronic meeting in order to conduct business. Meetings shall be conducted in an electronic format which allows and enables citizens to both observe and participate electronically. Due to the closure of public buildings, meeting notices and agendas shall be posted on the Town's website only. All other meeting requirements of the Virginia Freedom of Information Act shall be met. Instructions regarding how citizens may observe and participate in meetings shall be maintained on the Town's website.
2. The Town's Planning Commission, Architectural Review Board, and Board of Zoning Appeals may meet electronically as necessary pursuant to the requirements of Section 1. A quorum must participate in the electronic meeting to conduct business.
3. Public hearings shall be conducted electronically, provided the meeting meets the requirements of Section 1. Public hearing notices shall be published in a newspaper with general local circulation as required by the Code of Virginia, and information regarding electronic participation shall be provided in the notice.
4. Any other public meeting which is required pursuant to law, including but not limited to the Virginia Public Procurement Act, or any other law of the Commonwealth of Virginia, or the Code of the Town of Dumfries, shall be held electronically, and meeting participants shall be provided direction for how to participate in the meeting prior to the start of the meeting.

The provisions of this ordinance shall expire upon declaration by the Governor of Virginia that the emergency in the Commonwealth is ended, or on December 31, 2020, whichever is earlier.

By Order of Council:

Derrick R. Wood, Mayor

ATTEST:

Dawn Leander, Town Clerk

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.

W I T N E S S E T H:

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:

ACTION	AGENCY (DETAIL)	VALUE
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