Council Chambers, 25 West Market Street, 7:30 p.m. Mayor Kristen C. Umstattd presiding.

Council Members Present: Kelly Burk, David Butler, Thomas Dunn, II, Suzanne D. Fox, Katie Sheldon Hammler, and Mayor Umstattd.

Council Members Absent: Council Member Dunn arrived at 7:33 p.m.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Director of Parks and Recreation Rich Williams, Director of Capital Projects Renee Lafollette and Executive Associate I Tara Belote.

AGENDA ITEMS

1. Work Session Items for Discussion

a. Skate Park

Kaj Dentler stated that this is Council's opportunity to determine direction to the committee that will be meeting with the County School Board and the Board of Supervisors regarding location of the Skate Park.

Key Points:

- Vice Mayor Burk, Council Members Hammler and Fox will attend the meeting on behalf of the town.
- Important to have a clear, unified message from all Council members.
- Keith Markel and Rich Williams met with county and school board staff. Issues from that meeting:
  - Timeline would have to be stretched out – they would not be able to come to a conclusion by summer.
  - Town will need to be fully committed to a relocation project.
  - Douglass site availability will be dependent on completion of other school facilities and readiness of the Monroe site to accept Douglass programs.
  - Skate Park could be built prior to Douglass programming moving from the site; however, it would need to be factored in to timeline.
  - Construction costs would increase for new construction on a different site versus renovation of existing site.

Council Comments/Questions:

- Mayor: I can easily state my position – not interested at all. I think this is a now a big waste of time. I want to see this built – refurbished as quickly as possible. I don't even see the point for further meetings on it. They have made themselves clear. I am not being critical of them, but their timeline and their expense estimates are not what I would support. It is much cheaper to refurbish it where it is. I see no reason to develop simply to make it cost about 50% more.
- Burk: I'm kind of where you are at this point. We will still be paying for it?

Staff answer: That's correct. We didn't bring up the idea of cost sharing or anything of that nature. They didn't offer that, obviously.

- Burk: Who would be maintaining it?
  Staff answer: We would still treat it as a town park facility.
- Burk: What would be the advantage of doing this?
- Butler: Sell the land for $2.9 million to the rescue folks.
- Burk: You don't know that you are going to get $2.9 and you don't know that it is going to go to fire and rescue. You are assuming that all of believe that we should sell the land. I'm not of the opinion that we should ever sell property that the town owns. We had a majority vote that said that we wanted it to stay there. We had a majority vote that said that we didn't want to extend the timeline. It looks like we're extending the timeline quite substantially because they are going to have to plan that. I see we have a purple thing there, but nobody knows that is where it is going to go.
  Staff answer: We just put that on there so you could get an idea of what 12,000 square feet looks like. That wasn't our suggested location, but just kind of visually depicts what 12,000 square feet looks like in a square.
- Burk: So, we are talking about increasing the amount that it is going to cost. We are talking about making the time line much longer. We are talking about a promise that we made to those kids that we are not going to keep. This is a tough one. I don't see that it is going to be very worthwhile for our town to do this. The time line and the cost – those are big items and I can't imagine that the county would want to fund the cost if it is going to continue to be a town park – so we would have to maintain it. I don't see the advantage to this at all.
- Martinez: So that rectangle or square – that's 12,000 square foot – that's just the skate park?
  Staff answer: That's correct.
- Martinez: No allowance for parking?
  Staff answer: No parking or stands or any support facilities related to the park. Our preference, if it were on this site would not be to be locate it on the back corner of the property, but move it up closer to the existing parking lot where they already have certain recreational programming already in place. That was one of the discussions we had with Parks and Rec – looking at master planning the entire space.
- Burk: So, that's going to add to it too.
  Staff answer: They would do the master planning – they would look at how they could fit all these things together on the site. But, that would add time to the program.
- Martinez: So, as I was going to say, there are too many variables in this. First of all, I'm never in favor of selling any of the town property. I'm still not happy with the fact that we are allowing a mixed use property to use a town parking lot for their parking requirements. There is no way I am going to want to sell any piece of property. You

say $2.9 million, but the dollars are not an issue for me. What is the issue is this piece of property that is owned by the town. We have a skate park on it. We've already made all the plans to get it renovated. There is no way I'm going to support anything like this. I do agree with the mayor that we shouldn't waste their time or our time having a meeting to discuss this.

- Fox: I disagree. I think it is well worth the time to discuss it. I'm still for it and I'll support going forward.
- Hammler: I certainly understand that there are pros and cons, which is why I think it's important at this stage to continue with meetings and hear and listen to the county. The pros are – even our petitioners focused on that it is very much a regional amenity and really should be treated as such. Obviously, if the cost is greater by $236,000 to actually construct it, it would be recouped by, at least potentially, we don't know for certain, by $2.9 million which is the assessed value. We know our debt capacity and the difference between those funds available for other projects. Savings is a benefit and a reason to continue discussions at this point. Some of the cons that I see would be given where the current skate park is located, the land would be possibly very beneficial to a car dealer and I don't see that as a vision for the crescent district to keep expanding car uses so I think we have to be careful because we probably don't have too much control on the bidding process. I see the pros and cons and I look forward to learning more from the county. I really appreciate all the time and effort that Suzanne has put into creating the cooperation so that we can create a win-win, if possible.
- Butler: The cost is almost a red herring because the difference between $550,000 and $770,000 is $220,000, but you know over 20 years along with debt service, you are talking $15,000 a year. Certainly we can take that plot of land and get $15,000 a year out of it. The whole point of this meeting in early June is just to see if there is any interest from the county parties – whether this is even something they want to talk about because we have heard rumors that there was no reason that they certainly didn't want to do it, so we want to find out from the horse's mouth is this something that they would entertain doing and what would be an estimated timeline if we decided to go that way. The big advantage to keeping the land where the skate park is on, is the fire and rescue folks have been looking at this for a long time. If we build a skate park on it now, which I don't have any particular objection to doing, it is pretty much ___ for fire and rescue and they are going to have to come up with some other alternatives. I don't know what they are, but that would be their concern. If we can move it to Douglass, which potentially has advantages over that property, then we can take our property and figure something out potentially with fire and rescue. Give them part of it, give them all of it, lease part of it, sell part of it, all of it, whatever. We have options and we can look at it. It is a significant asset that we have that fire and rescue would be very

interested in working with us on. I think a meeting with the Boards on June 4 just to find out the feasibility of moving the skate park a short distance away for fire and rescue is just a fantastic idea. I am definitely in favor of having the meeting on June 4. Whatever comes out of that, we discuss again and see if it is worth moving forward. It may not be. After June 4, we may say that was a dumb idea, but at least we looked and we can continue on the same time line. Come June 4, it may be wow, this has a lot of potential and then we may make a different decision, but without a meeting, we will never know.

- Dunn: My understanding is that if we were to sell the land where the skate park is, we would have to have that as an open process and it cannot be just earmarked for fire and rescue or for a car dealership. It could be for anybody buying land for any purpose that they are willing to purchase it for, even if it doesn't have the zoning, they could later seek different zoning for that location. So, there is no guarantee that it would be for fire and rescue. I have zero desire to see it purchased by a car dealership to use for parking space because we already have almost that whole side of Catoctin Circle looking like a giant parking lot with car dealerships and frankly I don't think that's on the path of redevelopment that we are really seeking for that area. If it is, we are going by the wrong path. I'm hesitant to want to open that up for bidding and an open sales process. If there is some other means by which we can give the property to fire and rescue, I might consider that, but that's a lot of property to be giving away for free so I'm hesitant to even go down that path. If there is some other means legally, that we can pursue, that doesn't require us to do an open bidding process, maybe we give it to them and waive our donation each year in lieu of, if that's a possibility but I do not have any desire whatsoever for the town to take the skate park and put it on county property and then have town money being spent for what should then be a county skate park and the county should fund it. If it is going to be moved to Douglass, I'm fine with that, but then that needs to be a county skate park, county funds, county operation and the town should not be involved in that whatsoever. If the town wants to be in the skate park business, then stay in the skate park business and fund it; however, I still think that this is another of those items that we should be pursuing – even today, even if it is our own land, county funds to fund it because it is a regional asset, not just a town asset. We don't check IDs at the gate and say you're a town resident, come on in. You're not – stay out. This town has for decades been providing services to County residents that are funded on the backs of town taxpayers and that practice needs to change. So, again, I would be interested in pursuing discussions with the school board but only under their knowledge that we want the county to fund it and that it would be a county park on county property. Then, the town would be out of the skate park business. If the town wants to be in the skate park business, keep it at that location

and see if there are other uses for that property and keep it in the town coffers, but I'm concerned about opening up to sale that would result in it being another parking lot. That, I have no interest in whatsoever.

- Umstattd: Okay, I don't have a consensus now. What staff needs is a clear direction from Council as to what this team is supposed to be aiming for. That's what I don't have any consensus on.
- Burk: I think there are some important questions that need to be asked, first and foremost. The first one is, are they interested in partnering with this project. That has to be the town's question. Are they willing to contribute the parkland and are they willing to take over the operations or are they looking for the town to continue the use and the funding of it.
- Umstattd: What I took from Staff's report is that they are not interested in paying for any of this. They are not interested in having it be a county facility. They are willing to look at a location somewhere on the Douglass site, but not until 2020. If that's all true, I think those questions have been answered by the county all ready.
  Staff answer: At the staff level.
- Butler: That's why we wanted to meet with the supervisors and the school board to get it right from the horse's mouth. I can see three things – number one are you interested in partnering with a short term decision to allow the skate park to go on Douglass, and if so, where. Second, are you interested in paying for the skate park and making it a county facility. Three, are you interested in paying the maintenance on the skate park, have us build it and then turn it over to the county and it be a county facility. If we get the answer to those questions, I think Council can then make a more informed decision as to whether to move forward.
- Dunn: Those questions are on the right track.
- Hammler: Yes, those questions are acceptable. I think it would be helpful for Rich to come with estimates for the maintenance – what we estimate, but it is sort of interesting how Tom is approaching this because – because he has determined that it is not negotiable that the town pay any maintenance. That sort of swings us the other way. I'm anticipating the answers to these questions – maybe that again I understood the offer, and I could be wrong, even from the elected officials perspective, that they were trying to create a win/win given that they thought the town was planning to use our funds for everything, including the value of the land on which it sits but that there would be space available even in the short term but that we would build it and possibly maintain it. If we wanted additional that we were not going to put any funds in, I am beginning to think it is not necessary to have the meeting because I don't think I overheard that was any direction that anybody said. I could be wrong. I'm happy to ask the questions.

- Dunn: I think that approach opens the door for then what to do with the existing property. For me, I think that they should be two separate issues. So, if the goal is to – one if the county funds it – it is county run on county property. Then why would we have a concern for recouping our cost? There would be none. Again, my concern is, as I understand it, a sale has to be open and anybody can buy it.
- Hammler: ____ substituting the value of the land for the $250,000…
- Dunn: We are talking about the ___ when you are talking about….
- Butler: I think there is a consensus to sell it.
- Dunn: That may not be something that has to be brought into the discussion at this point.
- Butler: I agree. The least likely way the fire and rescue will acquire the land is if we sell it, probably.
- Martinez: Not true.
- Hammler: I have no problem asking the questions to get the actual answers.
- Umstattd: I have four members of Council who are comfortable with the questions.
- Martinez: I just want to make sure that we all understand that Tom's position is that if we are going to work with the county on this at all, we are not – they are going to have to take responsibility for the building, maintenance and having it on their property.
- Dunn: I don't know why you call that not working with them.
- Martinez: The bottom line is that if the county is willing to do that, we are not going to have any input in what they do. It then becomes a county park. The town isn't going to have any real direction on what they need to do with it. The only way you are going to go along with this is if the County takes it over.
- Dunn: That's correct.
- Hammler: Obviously, I feel we are never going to reach that because I don't think that was the spirit in which we initiated this meeting.
- Fox: I agree with that.
- Hammler: Also, I agree with the timeline issue. We agreed to stay on a timeline so we have to stay involved.
- Fox: You're right. If Tom is closed down to even finding out the answers to the questions, I feel like it is a moot point as well. I feel like these questions need to be answered. We need to get those things and then we can move forward with it. I think the meeting is still very beneficial. I think that there are questions that they might have of us that we didn't even think about. But, I think getting the information is always a good thing instead of making a decision without all the information.
- Burk: We are actually going to the joint meeting with the Board of Supervisors and the School Board. How is this going to be a discussion point, now that I think about? This is a meeting between the School

Board and the County. You have one representative from the county there, and that's it.
Staff answer: Three from each body, just like we will have three.

- Burk: So, it's a separate meeting?
  Staff answer: They have a quarterly meeting of the two bodies. We are jumping on their regular meeting and placing this on their agenda.
- Umstattd: There were four questions that Council Member Butler laid out and those are the questions that this committee is supposed to try to elicit answers to from the School Board and Board of Supervisor's members.
- Burk: Two of them were my questions.
- Hammler: You are the vice mayor. You are going to have to ask them and take notes.
  Staff answer: We will make sure the questions are printed out. As I have heard, the direction is – are they interested in partnering with us, having the facility at Douglass Community Center and where. Are they willing to take over operations? Are they willing to take over maintenance? And confirm the time table of when they could move. Those are the questions that I have heard and if they are the correct ones, we will have that scripted out.
- Dunn: You left out funding. I didn't hear you mention funding.
  Staff answer: I said are they willing to take over operations and maintenance by funding it.
- Dunn: What about construction?
  Staff answer: We can ask them that. That's not a problem.
- Fox: I just want to know how that is a partnership then – if we are just asking them to do everything.
- Hammler: I also don't know how they are going to have the answers. I think we are going to have to do some basic education – bring a lot of photos because ideally we would do a recon as a group and then actually meet.
- Butler: The original purpose of the meeting was just to explore whether there is any interest in any of these because we heard that there was no interest. So, the reason for the meeting is to find out is this true? Is the answer no? If you are not interested, then it is a very short meeting. But maybe they will say, oh, contrary to rumor, we could be interested in doing that and no, we probably won't fund it but it is worth talking about. The meeting is not affecting the time line. It is not affecting anything. We go to the meeting, talk to them and get some information and it comes back to Council at the second meeting in June.
- Dunn: If they are willing to take over operations, I guarantee if you go in and say would you be willing to take the land and take the operations and fund it then I doubt they would say____. You have to go in and at least try to negotiate from your strongest position and go to a medium….

- Hammler: I see where you are coming from, except you could also argue that if you go in stating we insist that you pay for that, it could become a non-starter.
- Martinez: The thing is they are not willing to do anything until 2020, is that right?
  Staff answer: The site doesn't become surplus until 2020. Now, could they allow the skate park to be built while Douglass school is still operational? Yes. That is an option. It could happen sooner than that.
- Fox: So, you are saying that Douglass School is not going to Monroe until about 2020?
  Staff answer: In the current timeline, that is the earliest they would vacate the property. So it would become surplus property. Douglass site won't be surplus property until the earliest 2020.
- Burk: So, if they were to say you could do it when it is surplus, that would rule it out for us.
- Butler: Then we bring it back to Council and we say okay, who wants to wait until 2020 for the skate park. And I don't think you'd get four votes for that.
- Martinez: How long of a slip are you willing to accept. I'm not willing to accept any slip even if they were to say you can start building in 2016 or 2017.
- Butler: Let's have the meeting and get the information and bring it back to Council. Then we can discuss it. Let's not answer the questions for them before the meeting. That's not useful.

b. <u>Council Invocation Policy</u>

Barbara Notar presented the item regarding a possible Council Invocation Policy.

Key Points:

- Several Council Members wanted a written invocation policy to deal with questions about the invocation.
- Jurisdictions have started to look at invocation policies because the Supreme Court case of the *Town of Greece (NY) vs. Galloway et. al.* was decided on a 5-4 decision.
  - Suit was brought by constituents who were unhappy with being told to bow their heads and join the collective prayer.
  - Clergyman from the community was selected and invited to perform the invocation – nearly all congregations in the community were Christian.
  - Board members were not giving the invocation.
  - District court upheld the prayer practice as consistent with the First Amendment. It found no impermissible preference for Christianity, noting that the town had opened the prayer program to all creeds and excluded none. Although most of the prayer givers were

Christian, the fact reflected only the predominantly Christian identity of the town's congregations.
  - District Court found no authority for the proposition that the First Amendment required the Town of Greece to invite clergy from congregations beyond its borders in order to achieve a minimum level of religious diversity.
  - District Court rejected the theory that legislative prayer must be non-sectarian. The court also found that references to Jesus and the occasional request that the audience stand for the prayer did not amount to impermissible proselytizing.
  - Court of Appeals reversed the decisions holding that some aspects of the prayer program viewed in their totality by a reasonable observer conveyed the message that the Town of Greece was endorsing Christianity and the town's failure to promote the opportunity to the public and/or to invite ministers from congregations outside the town limits ensured a Christian view point.
  - The Court of Appeals concluded that the "steady drumbeat" of Christian prayer unbroken by invocations from other faith traditions tended to affiliate the town with Christianity.
  - The Court found it relevant that guest clergy sometimes spoke on behalf of all present at the meeting by saying "Let us pray", whereby asking members to stand and bow their heads. The invitation to participate in prayer placed audience members who are non-religious or adherents of non-Christian religion in the awkward position of either participating in prayers invoking beliefs they did not share or appearing to show disrespect for the invocation.
  - When board members bowed their heads or made the sign of the cross further conveyed the message that the town endorsed Christianity.
  - The court of appeals emphasized that it was the interaction of the facts present in this case, rather than any single element that rendered the prayer unconstitutional.
  - The Supreme Court reversed the Court of Appeals decision and upheld the prayer practice of the Town of Greece.
- Two issues in the above referenced case were:
  - Were the prayers containing sectarian language or themes that referred to the death, resurrection and ascension of the Savior, Jesus Christ and the saving sacrifice of Jesus Christ on the cross compatible with the establishment clause?
  - Did the setting of the conduct of the town board meetings create social pressures that forced maladherents to remain in the room or even feign participation in order to avoid offending the representatives who sponsored the prayer and would vote on matters citizens bring before the board.

- The Establishment Clause is the first of several pronouncements in the first amendments to the U.S. Constitution: Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.
- Supreme Court relied on *Marsh vs. Chambers*, an earlier Supreme Court case from 1983, which concluded that legislative prayer, while religious in nature has long been understood as compatible with the Establishment Clause. Legislative prayer lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose and expresses a common aspiration to adjust in peaceful society.
- In *Marsh*, the Court instructed that the content of the prayer is not a concern to judges. Whatever is done, there should be no censureship of the content of the prayers provided that the prayer opportunity has not been exploited to proselytize or advance anyone or disparage any faith or belief. Prayers that are solemn and respectful in tone invite lawmakers to reflect upon shared ideas and common ends and embark upon the fractious business of governing serves the business of governing.
- A challenge based solely on content will not likely establish a constitutional violation.
- Legislative prayers in the Town of Greece were performed for over a decade and the pattern is important. Legislative prayer has become part of our heritage and tradition.
- The principal audience for invocations is not the audience, it is the lawmakers themselves who may find that a moment of prayer or quiet reflection sets the mind to a higher purpose and thereby eases the task of governing.
- The Court's analysis would be different if the town's legislators directed the public to participate in the prayers, singled out dissents for opprobrium or indicated that their decisions might be influenced by a person's acquiescence in the prayer opportunity.
- Many localities have looked at their legislative prayer practices and continue to do so.
- Council has three options:
  - Make no changes. Not all invocations are the same denomination. Many Council members give invocations that are not religious in nature. It is open to others. There is no pattern.
  - Make slight changes – don't ask the public to stand up. Invocation is directed to Council members and the public does not have to participate.
  - Eliminate invocations or invite the audience to observe a moment of silence in which they could choose to pray in their own way.
- *Hudson vs. Pittsylvania County* is a case currently under review in the fourth circuit Federal Court. In this case, a member of the legislative body would open the meeting with an invocation, which was usually

explicitly Christian in nature and the audience was asked to stand for the prayers. The case was found for the plaintiff and is currently under appeal. The outcome of this case could affect recommendations.

- Next steps:
  - If Council desires a formal, written policy, a policy could be adopted.

Council Comments/Questions:

- Martinez: Is the reason Leesburg isn't listed among the other localities because we don't have a formal policy?
  Staff answer: Yes and also because you know what the town's practice is – each Council member takes a turn, we stand, and religious leaders in attendance are often invited to offer the invocation.
- Hammler: The Mayor has been kind enough to offer non-clergy people the opportunity, which is a wonderful precedent. You only referenced databases where official clergy people were asked to volunteer. I would suggest having that as an example, especially if people want to stand up for anybody, they should be allowed to.
  Staff answer: That is true as well. I did not mean to narrow it to just clergy. Anybody from the public who wants to give an invocation, no matter the topic or the content, we have opened up our meetings to do that.
- Burk: I am not particularly concerned about lawsuits. What I am concerned about is people being uncomfortable in the audience. So, if we do decide that we are going to continue doing the invocations, I would just like to make sure that whatever we do, we keep in mind that people don't feel ostracized and that they are welcome. I think some of your recommendations – welcoming them, asking them if they want to participate. I, myself, am Catholic and we take prayer very privately. So, I take great pains to make sure that any invocation I give is very non-denominational and it won't offend anybody and that there is a moral or a lesson to it.
- Fox: I do not agree with dispensing of the invocations; however, I remember the Valor Awards prayer and I was actually going to bring that up. I think it is an excellent idea. I think it lets the person who is offering the prayer, do so without ruining his first amendment rights. I think it is inclusive. Anybody who is inclusive can do something in their own mind and in their own head. I think it's a wonderful situation to be able to do that. That is what I would support. Not offending anybody, that goes both ways, honestly. You could be offending somebody who regularly calls upon a deity to bless a meeting. So, you know, that is what I would be in favor of.
- Hammler: Just to put this into context. One specific email that came up after – specifically it was the meeting where we talked about a diversity commission. Mr. ___ wrote and said it is very ironic that during an evening where much of it was spent espousing the correctness

of inclusive and diversity, that the evening's proceedings started out with a Christian invocation. This prayer was in no way inclusive or intended to embrace diversity – in fact the opposite was achieved. I strongly believe that one's religion should be left at the entrance door of all government buildings, be that local or national. He went on to offer two separate solutions. When I read this, I thought what would be helpful is if we did in fact have a written policy. So, I agree that it is very helpful to also state verbally at the beginning of every meeting. I would support having just the guidelines in writing, in resolution form, and perhaps even a small section of every agenda that is passed out to everyone who walks in – just in writing that we can specifically decide the exact language, the preface that was in the Valor Awards, for instance, could be printed that the mission, which is the principal audience is, if we all agree that the principal audience, you know, not the public but this body, if we all agree to that. Our purpose is, you've written the language here, which is to have a higher meaning of inclusivity and ultimately, toning down the fractiousness of politics, if you will. I just think it would be helpful to verbally state it, offer if anyone wanted to say a prayer, they are welcome to sign up with the clerk at any time for a future meeting and we simply state in writing in resolution form what we all agree to.

- Burk: Would there be a time limit.
- Hammler: Brief prayer, all we are going to say is brief. There are some key words here. Excellent report – really good reference material to use.
- Umstattd: The only thing I would say on that particular email – the prayer given that night I think was given by myself and there was no mention of Christianity or Jesus.
- Hammler: That was the interpretation. I don't remember who gave the invocation.
- Umstattd: That was his interpretation, but it did not comport with the reality of the situation.
- Hammler: Perhaps if some people read that statement, maybe wouldn't felt that way.
- Fox: I felt that statement at the Valor Awards was very appropriate. It set a great precedent.
- Hammler: Here is what we do at a public hearing. State what it is. Everybody knows. In a sentence or two, we simply can state that and then as Barbara pointed out, we probably need to amend language like "please stand and bow". We probably can't say that, but if you would like to join…
- Butler: I agree with a lot that was said. Your prayers, I never find anything noninclusionary. It is very reasonable. Typically, most of what we do is we are praying for the folks in Nepal or something like that, which is reasonable. We aren't saying something like Jesus Christ – we tend to not…

- Hammler: But we could given that it is an invocation.
- Butler: I would not be in favor of having people sign up to give prayers. I think I kind of like the way the mayor has done in the past – you know if someone is here for another reason already and might be interested – you know, if the pastor of St. Johns was here and wanted to give the invocation. Very reasonable in that it is not exclusionary. You know, I think if somebody was here because they were building a temple or a mosque or something else, my expectation would be that the same courtesy would be given to them so that there is no particular – you know that we are not being exclusionary at all. I do like your suggestions. I do think that we can focus the prayers on the Council itself and not necessarily everybody. I do like a written policy. The only things I would ask Council to consider is should we have a policy that says Council members are encouraged, but not required to have non-sectarian invocations. I guess we can decide whether mentioning God is probably generic enough to most people.
- Fox: People interpret God in different ways.
- Butler: And they can.
- Dunn: I don't think we need to change anything that we are doing that hasn't become an issue. I think as already has been mentioned, we get one email a year and I wrote back the gentleman about your prayer and I said it was a generic prayer. There was no mention of your saying – I said go to the website and listen to it. He wrote back and said, yeah, you're right. So, I don't think there is a need to into official policy. The way it has been handled has been fine. I have never heard anybody feel that they are uneasy. Asking people to rise at the beginning of proceedings is a common practice – it happens every day, over at the court. Whether they are doing a prayer or pledge or anything, everyone is required to rise. That is out of respect. I don't know if they are complaining about feeling uneasy about having to do that. So, if we are asking people to rise for the invocation and the Pledge of Allegiance, there are two things that they are rising for. We recently just switched it from the prayer and the pledge. We reversed it. People were already standing for the pledge – then we went into the prayer. I think that how people pray is really an individual issue and a lot of it based on how we were brought up within our religions. Some people bow their heads, some people look around. I find it interesting that people felt that they were uneasy because people were looking. I guess how could you feel uneasy if they were looking around just like you were looking at them. For me, I keep my eyes closed and my head down, I'm not looking at anybody. If the prayers that I have given have been – as a Christian, I recognize that ____, I'm also not here to be preaching to them and I pray to God and they can insert whatever God they want. We have had people here pray to their god, Mother Earth, and while they are doing that, I'm bowing my head and I'm praying to my God. So, generally my prayers have been to look for

wisdom for Council and guidance and it hasn't been to ask the audience to become a convert. So, I think if we actually go down the path of having to create a policy, I think we are going to get into the muck and mire and it will probably create more problems than it will cure. I think keep things as they are. I think they have been running just fine. As far as a lot of these issues that were brought up, we get into these issues where Congress will make no laws…it didn't say Council will make no laws. It's Congress will make no laws. It's not talking about local government. That's the Constitution of the United States. We are here to – while the Virginia Constitution, if you read the first paragraph, it says it is based on Christian religion. I don't think that we are pushing that on anyone. We've offered it up to anyone who'd like to come in. I think that just leave it like it is. We are doing fine. I haven't heard anybody really complain. Usually, if you get the complaints and oh, by the way, I'm familiar with that recently. I had plenty of complaints thrown my way because of mentioning diversity and slavery issues and so forth. But, the folks I found that complained were god haters or god disbelievers and usually the folks that want to complain want to prevent you from doing what you'd like to do not trying to be inclusive. I don't think we've been exclusive of anybody. As I've said, we've had, I believe, the Unitarian something church was here and I didn't know what that was. When I looked it up, it was a church for atheists and almost anyone else. So, I'd say we are doing just fine. Let's leave it as it is.

- Umstattd: I'm not sure I'm a big fan of a formal written policy, but what I am taking from this is it is probably a good idea not to request that people stand for the invocation, that way nobody has to feel uncomfortable. They can remain seated. I wouldn't even suggest putting in if they wish to do so. My point based on this would be to no longer request that people stand for the invocation. But, to then request that they stand for the Pledge of Allegiance. Heaven knows we could end up with people objecting to that to.
- Dunn: There are some people that do object to that.
- Umstattd: I agree, but I think we will take that.
  Staff answer: That is not the Establishment Clause. Standing for the Pledge of Allegiance, there is no constitutional violation for that. It is not establishment of religion.
- I read over the Dumfries resolution. I'm not really comfortable with it.
  Staff answer: That was the extreme. I gave you a short one just to show you.
- Umstattd: I don't think we should mandate secular prayer. If we have a Christian member of Council, and we do have several, who would like to mention Jesus during his or her prayer, I think they should have a right to do that.
  Staff answer: They certainly do.

- Umstattd: That's where I will change, barring any formal written policy. I just will not request people to stand for the invocation.
  Staff answer: That's okay.
- Martinez: You are just going to recommend all of us, when we do an invocation, do not ask people to stand?
- Umstattd: Usually, I'm the one who ends up asking people to stand. Sometimes, Council members do. But my recommendation would be don't ask the audience to stand. Even if you say, if they wish to do so, you are still differentiating between different members of the audience, which might some feel uncomfortable. I'd say, Council Member Marty Martinez will give the invocation after which we will have the Pledge of Allegiance led by Council Member Suzanne Fox. Then no body say stand and then we get to the Pledge, whoever is giving it will say if we could all stand for the Pledge.
- Burk: So, would we be standing?
- Butler: I actually find it more comfortable. The mics when you are standing up, I've got to bend down for the mic in order to be heard. I would just as soon remain seated. It is more comfortable with the mic, personally.
- Umstattd: If Council Members are more comfortable standing – I think if you are giving the invocation, stand. If you wanted to stand while you give it, stand. I would probably join you in that.
- Hammler: I think the other phrase we might want to discuss is any direction to please bow your head or something along those lines.
- Dunn: I don't think we even say that.
- Umstattd: We don't.
  Staff answer: It has happened. I've listened to tape. It doesn't happen very frequently, and remember the implication is for you all. It is not for the public. I wouldn't say bow your heads and I agree that if you want to stand up, fine, but don't ask the public to stand up.
- Fox: If we want to bow our head, if we want to stand up – that's our right to do so, but the public does not have to.
- Hammler: I know Adam definitely wants to give the invocation the next time he is here to get a certificate.

It was Council consensus that there will be no formal change; however, the Mayor will not ask the audience to stand for the invocation.

2. Additions to Future Council Meetings

Council Member Dunn: "I wrote an email on this and would like to see if we can't move at least this small portion along and that is can we look at getting a sign or light that says right turn on green only for Battlefield and Route 15 North on the north side of town in Potomac Crossing. Without the presence of a sign directing, the law is that you can turn right on red. At this point, I don't want to into a big discussion because I hate having these huge discussions about whether we want to talk about it,

but if we can talk about it or if Scott can come up with a memo and go for it. I think the end action that is happening at Battlefield and 15 at Potomac Crossing/Exeter, we've got to do something. We can't sit here and wait for the red tape to come off. If Council is willing to have a discussion in the next few weeks, I would appreciate it."

There was Council consensus to have a work session. It was noted that VDOT is currently evaluating options for this location.

Vice Mayor Burk: "Two things. One of them is not something I want immediately, but it is Capital Intensity Factors. I have to admit that I thought we already did this. I did not realize that we as a town do not have this capacity and what it is, just to be brief, is at the County level they get a group together, developers, PEC, business people, a whole cadre of people and they come up with how much each house costs for the libraries, for parks and recreation, for all the services that are provided to a house. This is only for residential. Then when an application comes in, they know exactly how much each house is going to cost that they need to pay the county for. We don't do that. I really would love to have a discussion on that as to whether, I personally think we are leaving money on the table. It should be a formula that we tell the developers/applicants when they come in – you are going to have 60 homes, you need to pay the town this amount of money because we have to provide you with the use of the library, the cleaning of the roads, the parking, the whole thing. So, if we could in the future have a discussion on that. I know it's a new way of thinking about it, but the county has done it for years and years and years. It seems to help the developer or applicant know what is expected of them and the county gets to recap some of the money when there is a cost associated with the services they provide."

There was consensus to have this item on a future work session.

"The next one was a possible change to zoning permits. It now requires that when there is a change in commercial property – you buy my business – nothing has changed, but they still have to come in for a zoning permit. There is a cost to it. It is not extravagant, it is only $25, but a number of businesses have felt that was really just grabbing money, not really very effective and why did they have to do that if the business stayed the same. If nothing changed, why do they have to come into zoning. I'd like to have a discussion as to whether we should just waive that. It should just be part of the check list if there is no change not make them have to pay for it or go through all that. If there is a change, you have to go through the zoning, I understand that. But this is when the business hasn't changed at all".

There was consensus for an informational memo on this subject.

Council Member Fox "I don't know if there is a specific town policy and if there is not, I'd like to talk about it in the future. I've been seeing some open street parking being reserved with no parking signs, it looks like in front of residences. I'm not sure if we have a policy for that. I don't know if that is an allowable thing or how

that is dealt with. It seems that some of the street parking is not there and available. It's unmetered and being reserved for some odd reason." Council Member Fox will report the specific locations to the town manager.

"In light of the two rogue cars that have somehow crashed into the Courthouse grounds, I am a tiny bit worried about the sidewalk issue. I don't know what the politics are behind it, but I see it as a safety issue at this point and I didn't know if there was any stomach to even revisit this, but I thought it would be worth asking."

There was consensus for an informational memo on this subject.

Council Member Hammler "We did get several emails with the new personal property tax non-proration policy. If we could sort of do an after action report – let us know your assessment of how that transition worked and specifically there was an issue dealing with the conversation from a business use to a non-business use - was that compatible with the ordinance. If we could just see how that ordinance change has impacted the community, I would appreciate it." It was decided that this item did not require further follow-up.

Council Member Butler stated he would not be participating tomorrow night. He stated he would be out of town for work and unable to participate or attend the Business Appreciation Awards. He asked Council not to take action on the Sound Ordinance in his absence.

3. Adjournment

On a motion by Council Member Martinez, seconded by Council Member Dunn, the meeting was adjourned at 8:52 p.m.

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Clerk of Council

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