



DUMFRIES, VIRGINIA
Virginia's Oldest Continuously Chartered Town
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**DUMFRIES TOWN COUNCIL
AND PLANNING COMMISSION
JOINT PUBLIC HEARING
FEBRUARY 1, 2011, 7:00 PM**

Present: Mayor Yohey, Vice-Mayor West, Councilors Barr, Foreman, Forrester, Jurgensen, Toney

Not Present: Council Lady Forrester

Others Present: Kim Alexander, *Town Manager*; Cathy Holtzlander, *Asst. Town Manager*; Kristi Caturano, *Town Attorney*; Chief Taber, *Chief of Police*; Rob Forker, *Administrative Manager (DPD)*; Greg Tkac, *Dir. of Public Works*; Jatinder Khokhar, *Dir. of Community Development*; Debi Sandlin, *Dir. of Economic Development & Marketing*; Teresa Johnson, *IT Manager*; Catherine Koslicki, *Town Clerk* and 56 citizens.

PUBLIC HEARING:

Application for Conditional Use Permit for a private school for Badr Community Center located at 17794 Main Street, Dumfries, Virginia 22026

The Public Hearing was called to order at 7:03PM. Mr. Khokhar gave a brief description of the Conditional Use Permit application. A brief statement was made by the applicant, Mr. Mustafa. The hearing was opened for public comment at 7:06PM.

Mr. Faruk stated he is a former Town resident, but he currently works in the Town for Dr. Naem. He spoke in favor of approving the CUP for the benefit of his children.

There were no other comments for or against the CUP and the Mayor asked for Council questions.

Vice-Mayor West asked if all school participants would be Town residents. Ms. Alaa Abdelhamid, Vice President of Badr stated the children would come from various parts of PWC. There would be a total of 20 students in grades K-6. Vice-Mayor West asked if the children would be given the same education as they would receive in public school. Ms. Alaa Abdelhamid stated the children would have a secular and a religious curriculum.

Council Lady Jurgensen asked if the location would be used for worship, school and as a community center. Ms. Alaa Abdelhamid responded yes. Council Lady Jurgensen asked if there would be separate hours for school and worship. Ms. Alaa Abdelhamid explained that worship takes place several times throughout the day, and the hours for the school would be 8:30A-3:30P. She also stated the program would be year round.

Councilman Foreman asked about the fire evacuation plan and the use of the back door. Ms. Alaa Abdelhamid advised a plan had been completed and she advised Council the back door will be locked during school hours and will be equipped with an alarm that will sound if opened. He asked how many exits (not including the back door) did the building have. She advised two.

Vice-Mayor West asked if there were plans for a play area and Ms. Alaa Abdelhamid affirmed.

Mayor Yohey asked if they had plans for a fence. Ms. Alaa Abdelhamid advised they already have a fence and it is six feet, which is the maximum allowed by the Town.

Councilman Foreman asked if he could visit the site on Friday and Ms. Alaa Abdelhamid responded yes.

The Public Hearing was closed at 7:17PM. Mayor Yohey stated the vote will be taken on February 15th.

**DUMFRIES TOWN COUNCIL
REGULAR SESSION MINUTES
FEBRUARY 1, 2011, 7:00 PM**

Present: Mayor Yohey, Vice-Mayor West, Councilors Barr, Foreman, Forrester, Jurgensen, Toney

Not Present: Council Lady Forrester

Others Present: Kim Alexander, *Town Manager*; Cathy Holtzlander, *Asst. Town Manager*; Kristi Caturano, *Town Attorney*; Chief Taber, *Chief of Police*; Rob Forker, *Administrative Manager (DPD)*; Greg Tkac, *Dir. of Public Works*; Jatinder Khokhar, *Dir. of Community Development*; Debi Sandlin, *Dir. of Economic Development & Marketing*; Teresa Johnson, *IT Manager*; Catherine Koslicki, *Town Clerk* and 9 citizens.

Mayor Yohey called the meeting to order at 7:20 PM. The Invocation was given by Vice-Mayor West, followed by the Pledge of Allegiance led by the Mayor.

The following changes were made to the agenda:

Action Item 8E was moved to discussion in Closed Session. Consideration of the Council Retreat was added as an Action Item (8J).

Two Discussion Items were added to the agenda; 9A – Section 18-63 (Carnivals, circuses, trained animals shows and speedways) and 9B – Annual Agenda

Council Comments became item number 10, Closed Session became item number 11 and Adjournment became item number 12.

CITIZEN COMMENTS

No comments were made.

MAYOR COMMENTS

Mayor Yohey asked that comments and discussions be brief due to the incoming inclement weather. He stated he recently attend the meeting of the Friends of Quantico Bay to discuss the issues regarding the hydrilla in Quantico Creek.

STAFF REPORTS

a. Town Manager: Ms. Alexander submitted her report as provided and highlighted a few items. The mid-year budget review is February 15th. She reminded Council the VML/VACO Legislative Day is February 3rd. The funds are available for the Streetscape and Tripoli Bonds and staff has begun working with Anderson and Associates on developing a scope of work. The Environmental Assessment of the Graham Park Road Park Project has been completed and there were no significant findings. Mr. Basur has been working on the Town property assessments.

Mayor Yohey asked if she had received additional questions from other Council members regarding the mid-year budget review. Ms. Alexander advised only from Councilman Foreman.

Council Lady Barr asked if she was working on the non-profit breakdown and Ms. Alexander replied yes.

b. Assistant Town Manager: Ms. Holtzlander submitted her report as provided and highlighted a few items. The Annual Black History Celebration is Saturday, February 19th at 1pm. The Quantico Creek Clean-Up will be Saturday, April 9th from 8AM-12PM. The next monthly Senior/Retirees luncheon will be Friday, February 18th. In response to complaints received after the last snow storm regarding the Blackboard Message system, she asked for residents to reconsider removing themselves from the service completely. She stated the information sent are important messages and can be received via email or text.

c. Chief of Police: Chief Taber submitted his report as provided and highlighted the \$2000 Community Grant the DPD will receive from Walmart to be used for a Kids Police Academy. He advised Council the VRS bill has passed the Senate Finance Committee and is moving forward to the next step, the "cross-over" to the House. He asked the members to reach out to the Delegates for support.

Council Lady Barr congratulated the Chief on both the grant and the progress of the bill. She said she would like to see if a self-defense class for citizens could be offered through the DPD. Chief Taber stated he will research and provide Council with information, possibly in March. He stated his main concern would be the Town's liability.

Vice-Mayor West also congratulated the Chief and said she was happy to see the department working with Grace Church. She asked if any of the kids would be participating in the explorer program. The Chief advised the children are too young to participate in the explorer program; he has had several calls since the information session and believes he will have enough for the program.

Councilman Foreman thanks the Chief and the Mayor working with the Boy Scouts is a great thing. He thanked the Chief for allowing the Council to review the General Orders. He asked if the VRS bill passes would it allow the Chief to stay with full-time employment. The Chief advised it would.

- d. Director of Public Works:** Mr. Tkac submitted his report as provided and highlighted the hard work of the Public Works Crew responding to the two snow storms in January. He announced to Council an application was submitted for \$438,000 for safety improvements at the Mine Road/Main Street intersection and a federal RFP for civil engineering services has been prepared. In addition, they responded to numerous citizen complaints.

Council Lady Barr asked if the application Mr. Tkac referred to was for revenue sharing. He advised this is in addition to the revenue sharing application (which was requesting \$1million). She asked about the status of the Trail Grant. He advised they did not meet the deadline for the application. She asked if the grant was annual and if they could apply next year. He stated he was not sure if the grant would be available next year, but he will seek other opportunities. She asked if the Hazard Mitigation Plan includes the staff having HAZMAT suits. He advised hazmat suits are not included in the plan for staff because there are other resources available. Chief Taber advised the DPD has "1st Responder" suits that will allow quick actions until professional HAZMAT responders arrive.

Councilman Foreman asked if Mr. Tkac could include grant information in his monthly reports including what the grant is for, when it is received and the amount of the grant. Mr. Tkac stated he would.

- e. Director of Community Development:** Mr. Khokhar submitted his report as provided and highlighted the inspections for the month and one item he is working on with the PC. He stated the new owner of the Metts sub-division, SAV Contractors, plans to build six single family dwellings. They will be coming before the PC in February 2011 for a pre-conference.

Vice-Mayor West asked for an update on the property at the corner of Main Street and Mine Road. Mr. Khokhar stated the Town has issued a temporary shoring permit to the contractor and he has received an application for a permit today and progress should be seen in a couple of weeks. She asked for an update on the structure discussed previously on Old Stage Coach Road. He stated he has spoken with the owner, he has explained the code violations and the property owner has submitted an application for review. She also asked how many homes is the Metts sub-division currently approved for. He stated the Council had approved three homes in 2005 or 2006.

Councilman Foreman asked if the owners would have to re-apply since they are trying to add 3 additional homes. Mr. Khokhar stated the owners would have to reapply; it is being treated as a new case.

Council Lady Barr asked if they had been working on a rental property map. Mr. Khokhar advised yes, and he hopes to have an information session in the future for management companies, realtors, property owners and renters.

Mayor Yohey asked if there had been any resolution for the issues with the discrepancies between the PWC zoning and the Town zoning. Mr. Khokhar said the Town Attorney is working on the issue, but it will be a substantial project. Ms. Caturano stated she may have an update in March. Councilman Foreman asked about the progress of the “before” map of the Historic District. She stated that is also “on her list.”

- f. Director of Economic Development & Marketing:** Ms. Sandlin submitted her report as provided and highlighted the progress on the website and the Incentive Program. She also highlighted her work with the ARB on the establishing guidelines for identifying historic and cultural resources and the Land Use sub-committee.

Council Lady Barr asked about the Facebook Interactions. Ms. Sandlin advised that is new information provided on the Facebook monthly usage report.

Mayor Yohey asked what type of businesses is the Town trying to attract. Ms. Sandlin advised the Council needs to decide what fits the Town.

ADOPTION OF CONSENT AGENDA

Vice-Mayor West made a motion to adopt the consent agenda (with one correction). The motion was seconded by Council Lady Barr. On roll call the vote was unanimous, motion carried. (Absent: Forrester)

ACTION ITEMS

- a. Consider the Request for Proposal for On-Call Engineering, Project Management and Construction Support Services (DPW 11-05)**

Vice-Mayor West made a motion to approve the Request for Proposal for On-Call Engineering, Project Management and Construction Support Services (DPW 11-05). The motion was seconded by Council Lady Barr. On roll call the vote was unanimous, motion carried. (Absent: Forrester)

- b. Consider the partial release of the Performance Bond for Potomac Cove Phase 2**

Mayor Yohey asked if these were the houses located between Howard Street and Leonard Street. Mr. Tkac stated yes.

Councilman Foreman asked if there was a plan for removal of the temporary fence or plans for grading. Mr. Tkac stated the release was only 50% of the Performance Bond not the E&S Bond. Ms. Alexander advised Councilman Foreman all of his concerns fall under the E&S Bond which is not being released.

Vice-Mayor West made a motion to approve the partial release of the Performance Bond for Potomac Cove Phase 2 with a second by Council Lady Jurgensen. On roll call the vote was unanimous, motion carried. (Absent: Forrester)

c. Consider Approval of Lease Amendment and Extension to Lease with Curtis Properties, Inc. for approximately 2,984 square feet of office space in the Triangle Plaza Shopping Center at 18130 Triangle Shopping Plaza, Dumfries, Virginia 22026

Chief Taber advised Council this is the item he reviewed at the last meeting. The current lease was included in Council packets as requested. Ms. Caturano advised Council there is no "out" in the contract. Once the contract is signed, the Town is bound by the terms. The Chief stated his recommendation to approve the contract took this into consideration. He stated there are no other viable options for space since they are not going to build and the other properties available to rent are too large.

Councilman Foreman stated he will vote to approve the lease and thinks the Chief has done a good review. He would like to visit the idea of a space study in the future.

Vice-Mayor West made a motion to approve the lease amendment and extension to the lease with Curtis Properties, Inc for approximately 2,984 square feet of office space in the Triangle Plaza Shopping Center at 18130 Triangle Shopping Plaza, Dumfries, Virginia 22026. A second was made by Council Lady Barr. On roll call the vote was unanimous, motion carried. (Absent: Forrester)

d. Consider Appointment of Officer Jewel Dewitt to the Dumfries Towing Advisory Committee as a replacement for Officer Brian Fields

Council Lady Barr made a motion to appoint Officer Jewel Dewitt to the Dumfries Towing Advisory Committee as a replacement for Officer Brian Fields with a second by Council Lady Jurgensen. On roll call the vote was unanimous, motion carried. (Absent: Forrester)

e. Consider Resolution regarding the Deed for the portion of Union Street located between Main Street and Fairfax Street that was vacated by unanimous vote of Town Council on August 18, 2009 (moved to Closed Session)

f. Consider awarding the Website Redesign contract to MDA Technologies

Ms. Sandlin advised Council the website committee had interviewed two firms, MDA Technologies and CivicPlus. MDA is a local firm and can provide personal attention to staff. CivicPlus did not address all of the criteria in the RFP and the committee was concerned with possible additional costs in the future. She recommends awarding the contract to MDA.

Mayor Yohey asked for the annual cost associated with the contract. Ms. Sandlin advised there would be no annual fee paid to MDA; the website would be hosted by a 3rd party. The Mayor asked how much the hosting would cost. Ms. Sandlin advised if the Town goes with godaddy.com, the cost is \$14.99 per month, this is the option recommended by MDA. He asked what the Town currently pays in annual cost. Ms. Holtzlander stated the cost varies monthly based on services rendered, but a monthly average is approximately \$200. This would be a savings with the new contract. He asked if the meetings would be available on the new site. Ms. Holtzlander advised the plan is to have live streaming.

Council Lady Barr asked if the contract will include the ability of staff to update the information with no additional cost. Ms. Sandlin stated that would be included as part of the content management system. Council Lady Barr stated if the Town sold advertising on the new site, the ads could generate revenue. Ms. Caturano stated she does not recommend this because the Town would have to allow all business to advertise.

Council Lady Jurgensen asked if citizens will be able to pay for items online (decals as an example). Ms. Sandlin advised yes.

Ms. Alexander also advised the domain name would be changed to “dumfriesva.gov.” Council Lady Jurgensen asked if the current site would be redirected to the new site. Ms. Johnson advised yes.

Vice-Mayor West made a motion to award the Website Redesign contract to MDA Technologies with a second by Council Lady Barr. On roll call the vote was unanimous, motion carried. (Absent: Forrester)

g. 1st Reading: Consider Proposed Ordinance Amendment to Town Code Section 34-21 relating to Rules and Regulations of the Police Department (REVISED from 1/18/2011)

The proposed Ordinance Amendment was read into the record. Council Lady Barr made a motion to move the proposed Ordinance Amendment to February 15th for a vote with a second by Council Lady Jurgensen. On roll call the vote was unanimous, motion carried. (Absent: Forrester)

h. 1st Reading: Consider Proposed Ordinance Amendment to Town Code Section 62 regarding Unattended and Inoperable Vehicles

Due to length, the reading was waived. A copy will be available for inspection in the Clerk’s Office.

Vice-Mayor West stated this item had a public hearing on June 1st 2010 and was referred to the TAC. On June 23 Council put the item on hold. She asked if another public hearing was ceded. Ms. Caturano advised a new public hearing was not necessary, but one could be scheduled if Council chooses.

Ms. Cox with Croppers Towing stated the proposed amendment was placed on hold previously because Council was reviewing multiple amendments to similar issues at the same time. Councilman Foreman asked if under Sec. 62-210 (p.7) would allow a vehicle to be under a car cover for six months. Ms. Cox advised no, the vehicle would have to be covered by a structure, for example a garage.

Mayor Yohey asked what the fines would be. Ms. Caturano advised the fines would be set by the judge and usually depends on the offense. The fines could be from \$50-\$1000. He asked if there would be a grace period for enforcement. Chief Taber stated it would be up to officer discretion, but the enforcement would be applied evenly. Ms. Caturano advised the Council can set the effective date. Vice-Mayor West stated the last ordinance passed dealing with vehicles gave the residents approximately three months notice. Council Lady Barr stated that ordinance possibly required citizens to provide new surface material, this one does not. The Mayor asked if this would allow for vehicles to be towed from private property. Ms. Caturano advised that typically would not happen.

Vice-Mayor West made a motion to move proposed Ordinance Amendment to February 15th for a vote with a second by Council Lady Barr. On roll call the vote was unanimous, motion carried. (Absent: Forrester)

i. Consider approval of Amendment to Town Manager Employment Contract

Council Lady Jurgensen made a motion to approve the amendment to the Town Manager's Employment Contract with a second by Council Lady Barr. Councilman Foreman asked if the motion could be amended to include striking the last sentence of the amendment. He does not feel it is necessary. Both Council Lady Jurgensen and Council Lady Barr agreed with the amendment to the motion. On roll call the vote was unanimous, motion carried. (Absent: Forrester)

j. Consider approval of Council Retreat

Ms. Holtzlander asked for Council to take a formal vote to move forward with the Council Retreat. She stated she has spoken with Ms. Alexander and the funds will come from "Unbudgeted."

Mayor Yohey, Vice-Mayor West, Councilman Foreman and Council Lady Barr all stated they would approve moving forward with the retreat. Councilman Toney also stated he would support moving forward but had a concern with "Phase 1." He stated he didn't understand the need for the facilitator to ask staff why Council needed a retreat. He feels they should go straight to the source and ask Council why they need a retreat. Ms. Holtzlander advised she will address his concern with Mr. Anzivino and clarify with Council.

Vice-Mayor West asked if there were any possible dates at this time. Ms. Holtzlander advised once Council approves moving forward, she will get with Mr. Anzivino and get back to Council with dates.

Vice-Mayor West made a motion to allow staff to move forward with the Council Retreat with a second by Council Lady Barr. On roll call the vote was unanimous, motion carried. (Absent: Forrester)

DISCUSSION ITEMS**a. Section 18-63 (Carnivals, circuses, trained animals shows and speedways)**

Councilman Foreman reviewed his explanation. He asked if the current language is what the Town wants. He stated his main concerns are the Town collecting \$1000 and limiting the advertising to only 15 days. He asked Ms. Alexander if this item can be assigned to staff to review. He would like to see how much money has been collected in the past 10 years. Ms. Alexander stated she will research how much has been collected in the past 10 years and what language is in the PWC Code and report to Council in March. Ms. Caturano stated she would draft new language.

Council Lady Jurgensen and Vice-Mayor West both expressed their support for a change in language. Council Lady Jurgensen stated she would support any measure to make the Town more "family-friendly." Vice-Mayor West asked if a fee had ever been collected from the vendors who have used the Dumfries Shopping Center in years past. Ms. Holtzlander stated she does not believe a fee was ever collected.

b. Annual Agenda

Councilman Foreman suggested each member review their campaign pledges and prioritize the items to move forward. These items should be used to create an Annual Agenda for Council. Non-budgetary items could be realized easily and items that require funds to be budgeted should be agreed upon by Council. Progress of the Annual Agenda should be reviewed with the mid-year review of the budget. He stated the agenda would be a means to measure progress and success. Currently, there is no such measurement.

Council Lady Barr stated this is not what she perceived as an annual agenda. She thought the purpose should be issues that are facing the Town, not personal campaign agendas. She agrees with the concept, but does not want to use staff resources to further Council member's agendas.

Councilman Toney feels there is already an "annual agenda" in place. He stated last Spring, Council gave the Town Manager a list of the Town's priorities and the Town Manager has been working to address those priorities. Mayor Yohey stated the list of priorities was given to the Town Manager during her review. He feels an agenda is needed and the current list could be expanded and prioritized.

Councilman Foreman stated it would not have to be a personal agenda, but the Council needs a way of measuring what they wanted to do vs. what they have done. If there is already a process in place, he would like more information. Council Lady Jurgensen agrees that an agenda would be a way to keep Council focused and moving forward.

COUNCIL COMMENTS

Vice-Mayor West, Councilman Foreman and Council Lady Barr had no comments.

Councilman Toney asked for staff to consider his schedule (his commute) when scheduling meetings which require Council involvement, for example the Incentive Program. He reminded everyone of the festivities celebrating Black History month being held at Little Union Baptist Church, Saturday, February 19th at 1pm. He encourages everyone to attend.

Council Lady Jurgensen congratulated her son, Evan for being accepted to the Dumfries/Triangle Rescue Squad. She would also like to recognize Will Wonderly, who is Evan's best friend, for being nominated to be "operational." Both boys are seniors at Potomac High School and will learn to be EMTs through a program sponsored by the County. She also congratulated her son, Ethan, for participating in the DPD Explorer Program. She encouraged residents who have children 15 and 18 years old to participate in these programs.

CLOSED SESSION

Vice-Mayor West made a motion to enter into closed session under Virginia Code § 2.2-3711A (3).Real Estate regarding Union Street deed. Council Lady Barr seconded the motion. On roll call the vote was unanimous, motion carried. (Absent: Forrester) Council entered closed session at 9:21:42 PM.

Vice-Mayor West read the certification to end the closed session and to return to open session. The motion was seconded by Councilman Toney. On roll call the vote was unanimous, motion carried. (Absent: Forrester)

The Council returned to open session at 10:59 PM with one item to report. Councilman Toney made a motion to authorize the Town Manager to move forward with the property deed for Mr. Hashimi as discussed with the extension of 1 year (to August 18, 2013) with a reversion clause. On roll call the vote was unanimous, motion carried. (Absent: Forrester)

ADJOURN

Councilman Toney made a motion to adjourn with a second by Council Lady Jurgensen. All Ayes. The meeting adjourned at 11:04 PM.

Minutes submitted by

Approved by

Catherine H. Koslicki
Town Clerk

Fred E. Yohey, Jr.
Mayor