



DUMFRIES, VIRGINIA

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17755 Main Street
Dumfries, Virginia 22026-2386
Tel: 703-221-3400 / Fax: 703-221-3544
www.DumfriesVirginia.org

DUMFRIES TOWN COUNCIL WORK SESSION MINUTES FEBRUARY 15, 2011, 7:00 PM

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

Others Present: Kim Alexander, *Town Manager*; Cathy Holtzlander, *Asst. Town Manager*; Kristi Caturano, *Town Attorney*; Retta Ladd, *Treasurer*; Chief Taber, *Chief of Police*; Rob Forker, *Administrative Manager (DPD)*; Jatinder Khokhar, *Dir. of Community Development*; Debi Sandlin, *Dir. of Economic Development & Marketing*; Teresa Johnson, *IT Manager*; Catherine Koslicki, *Town Clerk* and 29 citizens.

Mayor Yohey called the meeting to order at 7:00 PM.

The following changes were made to the agenda:

Add discussions regarding Real Estate (3) to the Closed Session agenda item

CITIZEN COMMENTS

No comments.

MAYOR COMMENTS

No comments.

BOARDS & COMMISSIONS

a. Planning Commission: Report presented by Chris Padberg, Chairman of the PC.

Mr. Padberg stated three items were discussed at the last regular meeting, held on February 14th.

The first item was a vote on the CUP application for Badr Academy. The PC voted to recommend approval with 22 conditions, 18 conditions from the June 2010 staff report and 4 additional conditions of the PC. These have been provided to Council. He stated there is a discrepancy he would like to point out between the staff recommendation and the PC's recommendation regarding the total number of students and staff.

Vice-Mayor West asked if the conditions provided by the PC are different than the conditions provided by Mr. Khokhar. Mr. Padberg advised Mr. Khokhar may have additional or different recommended conditions. She asked when this item would be on the agenda for Council consideration. Ms. Alexander advised the item would be on the March 1st agenda.

Councilman Toney asked if the CUP included the daycare center students. Mr. Padberg stated his understanding from the application was the daycare would be included. Ms. Caturano advised Council they can set a limit for the number of students if they choose. Councilman Toney asked if the applicant could answer the question. Ms. Alaa Abdelhamid stated “20” would include the daycare, and 20 is the maximum number.

Mayor Yohey explained the process of the CUP application and approval. The Council receives recommendations from the PC and staff. They consider all information presented in their decision.

The second item was a discussion on the removal of a current member. The PC’s recommendation has been presented and they are asking for Council approval.

Council Lady Forrester asked if the PC has asked for the individual’s resignation in lieu of removal. She would like the opportunity to speak with the individual prior to any decision by Council.

Council Lady Barr stated Council has been aware of this issue for a while and feels the issue needs to be addressed tonight. Vice-Mayor West agreed with Council Lady Barr.

Councilman Toney asked without this individual, what the quorum would be for the PC. Mr. Padberg stated the new quorum would be 4 members. Councilman Toney explained (for the benefit of the citizens) the meaning of a quorum and how it relates to this issue with the PC.

The third item discussed was the request by Council Lady Forrester regarding the zoning discrepancies. Mr. Padberg reported they have been working with staff to correct any issues, but advised it will be a lengthy process. Council Lady Forrester thanked him for the update, but stated her request was not for the PC members to work with staff; her request was for each member to provide a report to Council.

b. Architectural Review Board: Report presented by Don Little, Chairman of the ARB. Mr. Little stated the ARB discussed 2 items at their last meeting.

The first item was the guidelines for a historic district survey. They have identified 3 target areas in addition to the current historic district: the original town grid, the Main Street Entrance Corridor Overlay District and any remaining properties outside of these areas between Fraley Blvd and I-95, south of the intersection at Possum Point Road and Main Street/Fraley Blvd, to Graham Park Road, excluding those properties in the Prince William Estates Development.

The second item discussed was the structure of the ARB. They would like to amend the Town Code to add an additional member to the ARB. The member would be a business owner, but would not need to be a resident of the Town. The ARB voted to allow Ms. Sandlin to ask for Council to approve the change.

Mayor Yohey asked if the current membership only includes one non-resident, who is the architect. Mr. Little replied yes, and stated this proposed amendment would change that.

Councilman Foreman asked for the ARB to consider speaking with Mr. Lansing regarding historical information. He stated Mr. Lansing has a great wealth of knowledge regarding the Town's history.

c. Historic Dumfries, Virginia: Report presented by Joann Barron.

Ms. Barron advised Council the museum is now open on Saturdays for tours from 10a-4p. They are in need of volunteers for on-going assignments and for events. She announced a "Paranormal Lecture" is scheduled for March 19th.

Mayor Yohey asked if a reservation is needed. Ms. Barron stated participation is limited, so reservations are required. Councilman Toney asked if there was a cost to attend. She advised the cost is \$25/person.

Councilman Foreman thanked her for allowing him to do research. Ms. Barron welcomed him anytime.

STAFF REPORTS/COMMENTS

a. Treasurer: Ms. Ladd submitted her report as provided.

Council Lady Jurgensen asked for the amount budgeted for decal revenue. Ms. Ladd stated \$81,000 is budgeted and the decals are available on March 1st.

Councilman Toney asked if Ms. Ladd has reviewed the budget versus spending trends. Ms. Ladd said yes.

Vice-Mayor West asked if the amount of overage spent on Merchant Park (p. 7 of 22, line item 10-415-4000) was due to the broken water line. Ms. Ladd replied yes.

b. Town Attorney: Ms. Caturano submitted her report as provided with one correction, there is no memo attached (it was included with her report for the previous month.)

c. Town Manager: Ms. Alexander advised Council she has met with the appraiser for the Graham Park Road property and the report should be available in the next two weeks. She stated as long as the property appraises for the approved amount, closing can begin.

ACTION ITEMS

a. Consider Proposed Ordinance Amendment to Town Code Section 34-21 relating to Rules and Regulations of the Police Department (1st Reading 2/1/2011)

Mayor Yohey asked Ms. Caturano to explain "not inconsistent." She stated the Chief cannot include anything that is not in line with the State Code or the Town Code.

Council Lady Forrester asked if this language would still allow a "contractor" or the Chief to prepare the General Orders. Chief Taber stated yes and he is currently working in conjunction with a contractor on the review.

Council Lady Forrester made a motion to approve the proposed Ordinance Amendment to Town Code Section 34-21 relating to Rules and Regulations of the Police Department with a second by Vice-Mayor West. On roll call the vote was unanimous, motion carried.

b. Consider Proposed Ordinance Amendment to Town Code Section 62 regarding Unattended and Inoperable Vehicles (1st Reading 2/1/2011)

Council Lady Forrester expressed her concerns with the definition of “Fully enclosed building.” She did not feel the language used is what most citizens would consider to be “fully enclosed.” She would like for the language to be clear, concise and easily understood by all citizens.

Vice-Mayor West made a motion to approve the proposed Ordinance Amendment to Town Code Section 62 regarding Unattended and Inoperable Vehicles with a second by Mayor Yohey. Ayes: Barr, Foreman, Jurgensen, Toney, West, Yohey; Nays: Forrester. Motion passed with a vote of 6-1.

DISCUSSION ITEMS**a. Mid-Year Budget Review**

Ms. Alexander advised a Public Hearing is necessary because revenues have increased by more than 1% due to additional grants received. The Public Hearing will be scheduled for March 15th.

Council Lady Forrester stated she still intends to pursue a Charter change next year that would limit staff’s ability to “spend at will” and would require staff to come to Council for approval for certain spending. For the benefit of the citizens, Mayor Yohey explained the budget process according to the Charter. Council Lady Forrester stated she feels that grant funds should be used on things that were not already planned. They should be used to “supplement,” not “supplant,” the Town’s budget. Ms. Alexander stated grant funding is “ear-marked” and is typically used for capital improvements.

Councilman Foreman asked for the source of the additional funds for Administration (p.4, line item 10-412-6300). Ms. Alexander advised the additional funding is for the ENS grant. He also asked for an explanation of the increased salaries (p.4, line items: 10-412-0101, 10-412-010, 10-412-0102, 10-412-0103 and 10-412-0105). Ms. Alexander advised some of the increase was due to annual leave payouts, approved overtime and additional salary in lieu of benefits. He asked for an explanation of the overages for Buildings and Grounds (p.6, line item 10-415-4000). Ms. Alexander advised the increase to Merchant’s Park was due to the water line. He asked for a detailed account of the expenses for Town Hall (p.6, line item 10-415-4006). Ms. Alexander advised she has the list of expenditures available. He wanted to clarify that the addition to Revenues & Expenditures was due to additional grants and not from taxpayers. Ms. Alexander confirmed. He also asked for an explanation of the increase in General Eng Administrative Salaries (p.8, line item 10-441-0100). Ms. Alexander explained the change in the percentage of Mr. Tkac’s salary spent on this budget area as compared to the other DPW budget areas. He asked if the amended budget includes the cost of the clean-up for the park and are there any plans to do anything with the park between now and the end of the FY. Ms. Alexander said there are not funds for clean-up in the amended budget and if anything is done to the property it will be done using DPW staff. He asked if the amended budget included additional funds for Tripoli Heights. She stated no, but she believes Mr. Tkac may have “marked” funds for the project. He stated there has been discussion on purchasing another property and asked if funds were in the amended budget for that. She said no. He asked what happens to the “Other Unbudgeted” funds (p.14, line item 10-491-5600). Ms. Alexander stated they will be transferred to a LGIP.

Councilman Toney stated the FY11 budget for “Other Unbudgeted” was \$77, 743, the 6 Month Actual shows spending \$20,000 and the 6 Month Estimate shows an additional \$22,743. He asked what this amount was being use for. Ms. Alexander advised for the Graham Park Road project. He asked if the percentages could be added to the chart showing budgeted vs. remaining. Ms. Alexander advised that information could be provided.

Ms. Ladd wanted Council to note the estimates for Real Estate tax is based on assessments from January 2010.

Councilman Foreman asked if the Public Hearing notice could clearly state the increases in revenues and expenditures are at no cost to the citizens and businesses. Ms. Alexander agreed.

COUNCIL COMMENTS

Council Ladies Jurgensen, Barr and Forrester and Councilman Foreman had no comments.

Councilman Toney encouraged everyone to acknowledge Black History Month by attending the celebration at Little Union Baptist Church, this Saturday, the 19th at 1pm.

Vice-Mayor West thanked staff for the donation they made on behalf of her son, Keith, to the PWC Animal Shelter.

CLOSED SESSION

Vice-Mayor West made a motion to enter into closed session under Virginia Code § 2.2-3711A (1) Personnel, (3) Real Estate regarding Fairfax Street and (7) Consultation with legal counsel. Council Lady Forrester seconded the motion. All Ayes, Council entered closed session at 8:36 PM.

Vice-Mayor West read the certification to end the closed session and to return to open session. The motion was seconded by Council Lady Forrester. On roll call the vote was unanimous, motion carried.

The Council returned to open session at 10:20 PM. Council Lady Forrester made a motion to authorize staff to make a real estate offer with the terms as discussed in Closed Session. The motion was seconded by Council Lady Barr. On roll call the vote was unanimous, motion carried.

ADJOURN

Councilman Toney made a motion to adjourn with a second by Council Lady Barr. All Ayes. The meeting adjourned at 10:23 PM.

Minutes submitted by

Approved by

Catherine H. Koslicki
Town Clerk

Fred E. Yohey, Jr.
Mayor