



DUMFRIES, VIRGINIA
Virginia's Oldest Continuously Chartered Town
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**DUMFRIES TOWN COUNCIL
REGULAR SESSION MINUTES
SEPTEMBER 7, 2010, 7:00 PM**

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

* *late arrival*

Others Present: Kim Alexander, *Town Manager*; Cathy Holtzlander, *Assistant Town Manager*; Kristi Caturano, *Town Attorney*; Major Colgan, *Acting Police Chief*; Greg Tkac, *Dir. of Public Works*; Debbie Sandlin, *Dir. of Economic Development & Marketing*; Catherine Koslicki, *Town Clerk*, Teresa Johnson, *IT Manager* and 15 citizens.

Mayor Yohey called the meeting to order at 7:00 PM, followed by the Pledge of Allegiance and the Invocation.

CITIZEN'S COMMENTS

Jim Vincent-Nichols Ct-thanked Town Council. He stated he came here to support the Town Manager; he thinks Ms. Alexander is doing a great job. He stated he feels she needs more authority, not less. He stated the Town only has one (1) Town Manager, not seven (7).

Gary West-Cameron St-stated the HDV meeting is Thursday. They will have a speaker on paranormal activity. He also stated, he and Vice-Mayor West have celebrated their 50th wedding anniversary, they were married in 1960.

MAYOR'S COMMENTS

No comments.

COUNCIL MEMBERS TIME

Council Lady Jurgensen wanted to remind everyone that our students have returned to school and to support them in their efforts.

Councilman Foreman stated he had several items to address.

- He asked if an Annual Agenda may be added to the agenda for a work session. He stated it should outline what the Council hopes to accomplish and what the Council has already accomplished.
- He asked when Comp. Plan and the CIP will be redone.
- He asked if the budget could be posted online. Ms. Alexander advised that information is part of the Treasurer's monthly report and all agenda items will be posted online going forward.

(Council Members Time, cont.)

- He asked Greg if a memo regarding the Storm Water Management program (that was requested previously by Council) had been give to Council. Mr. Tkac advised he did submit a memo as requested to Council via their boxes. Councilman Foreman asked Mr. Tkac to provide Ms. Caturano with a copy. Mr. Tkac advised he would.
- He stated in the application the Town needs to be capturing demographic information. He asked if the employment application could be posted online. Ms. Alexander advised the new employment applications would ask demographic information of applicants; however, for the recent positions applications have not been submitted, candidates have submitted a resume and cover letters. Councilman Foreman said he would like for the demographic information to be captured and used to show the Town is an Equal Opportunity Employer. Ms. Alexander stated it is possible for the application to be available online for candidates to complete and submit.
- He asked if feedback from quarterly meeting with the County was provided to Council. Ms. Alexander advised she will discuss this in her report.
- He stated he would like to see what projects each department is working on and the current progress for those projects. He stated he would like to see a “Project Management progress report” in addition to the current information provided in each department’s monthly staff report.
- He questioned the salary of the new Director of Community Development. He stated the actual salary is significantly higher than the advertised salary and he would like to know where the money is coming from for the difference. Ms. Alexander advised the salary is within the Community Development budget since Mr. Khokar will be providing services for site plan reviews and building official duties, and will save the Town the expense of paying for those services. He stated his intention in bringing this up is on average, with the last three (3) new hires, we have gone over budget approximately \$10,000. He stated his concern is if the Town continues this trend we will be \$80,000 over budget. Ms. Alexander advised that all salaries thus far have been within budget and the budget will not be over.

Councilman Toney would like to wish his mother a Happy Birthday.

Vice-Mayor West thanked the Public Works department for clearing weeds on Washington Street.

Council Lady Forrester- no comments.

TOWN MANAGER/STAFF REPORT

- a. **Town Manager:** Ms. Alexander stated she is removing Action Item 8b (Consider a Resolution to Support a Modification to the Virginia Retirement System) from the Regular Session agenda and it will be placed on the next Work Session agenda.
- She reminded the Council of two events, Civ-Mil taking place tomorrow in Merchants Park at 7pm and the quarterly meeting with Prince William County on September 29th at Williams Ordinary at 7:30pm.
 - She announced the start of the new Director of Community Development (DCD) in a few weeks and the new Director of Economic Development & Marketing (DEDM) had started already and was present. (Ms. Alexander yielded the floor to Debi Sandlin, DEDM)
- Ms. Sandlin stated she is excited to work with Council and to grow the Town.

(Town Manager, cont.)

- Ms. Alexander stated she was currently working on two (2) Memorandums of Understanding (MOUs). She is also working on a Letter of Intent for the property discussed, but cannot submit a contract for signature until the property is vacant. She is working on applying for grants for the next fiscal year.
- She stated Prince William County has relayed to her they are not able to provide Building Official duties for the Town; however, the new DCD can provide those.

b. **Assistant Town Manager:** Ms. Holtzlander submitted her report as provided, and highlighted a few items.

- She reminded Council of a couple of events, Civ-Mil is tomorrow night as Ms. Alexander stated and the Town's Fall Festival is October 23rd, from 10am to 3pm in Merchants Park.
- She announced the Citizen Academy will be starting again in October.
- She asked Council and staff to make a note that the deadline for submissions to the Newsletter is September 17th.
- She thanked Council and staff for her recent vacation.

Council Lady Jurgensen asked who was invited to Civ-Mil. Ms. Holtzlander advised the invitations are handled by Quantico and generally localities surrounding the base are invited.

Mayor Yohey asked if her meeting regarding the replacement of signs was the sign at Rt. 234. Ms. Holtzlander advised her meetings were regarding replacing the exterior signs for Town Hall and the Community Center.

Vice-Mayor West asked who is responsible for taking care of the plants around the Town sign located on RT.1 north. Ms. Holtzlander advised Prince William County is responsible.

c. **Police Chief:** Major Colgan submitted his report as provided. He announced the department has hired a new officer and currently has another officer in training.

Councilman Toney asked if both officers were certified and Major Colgan advised in the affirmative.

Council Lady Jurgensen thanked Major Colgan for the sign the department placed in Tripoli Heights.

d. **Director of Public Works:** Mr. Tkac submitted his report as provided.

Mayor Yohey asked about the vandalism of the speed limit signs on Possum Pointe Road and Mr. Tkac advised this is a recent occurrence, and violations will be prosecuted.

Council Lady Jurgensen asked for an update on the curbs, gutters and sidewalks in Tripoli Heights. Mr. Tkac advised he has a meeting regarding this subject tomorrow and can provide Council an update in their boxes. He also stated a rough estimated date is November 2011.

(Director of Public Works, cont.)

Councilman Toney asked about the possibility of sidewalks on RT.1 north. He stated on a daily basis he sees citizens walking on the side of the road during rush hour traffic and feels it is a safety concern the Town should address. Mr. Tkac advised he has already applied for a grant for the multimodal plan and this could possibly include projects on RT.1. He will be meeting with VDOT soon and can provide Council with an updated in their boxes.

Councilman Toney asked Mr. Tkac to keep this project on the priority list. He also stated he feels it should be a top priority for the safety of the citizens.

Mayor Yohey asked Mr. Tkac to elaborate about his meeting with “an engineer representing a potential developer inquiring about the property located where the Old Port Diner was located.” Ms. Alexander advised the subject could be discussed in Closed Session if Council chooses, but Mr. Tkac could not provide additional details at this time.

- e. **Director of Community Development:** Ms. Alexander submitted the report on behalf of Ms. Frye as provided.

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 Jurgensen. On roll call the vote was unanimous, motion carried.

ACTION ITEMS

- a. **Consider Appointing Officer Brian Fields to the Towing Advisory Committee:** Council Lady Forrester made a motion to approve the appointment with a second by Councilman Toney. On roll call the vote was unanimous, motion carried.
- b. *Agenda item was moved to the next Work Session agenda.*
- c. **Consider an Amendment to Town Code Section 2-83.b(17), Town Manager Duties:** Councilman Foreman read the proposed ordinance amendment.

Mayor Yohey asked Ms. Caturano to explain to Council the process of what happens next. Ms. Caturano explained Council they could choose to discuss the proposed changes now and vote at a future meeting or they could discuss and vote at a future meeting. She advised they cannot vote at the same meeting at which the proposed changes are read.

Several Council members expressed they would prefer discussion take place at the same meeting as the vote. Vice-Mayor West reminded Council there is only one meeting in October. Councilman Foreman made a motion to discuss and vote on the proposed amendment to Town Code Section 2-83.b(17), Town Manager Duties at the October 12th meeting. The motion was seconded by Council Lady Forrester. On roll call the vote was unanimous, motion carried.

- d. **Consider an Amendment to Town Code Section 2-83.5(5), Town Manager Duties:** Councilman Foreman read the proposed ordinance amendment.

Vice-Mayor West asked Councilman Foreman to explain his rationale behind the proposed changes. Councilman Foreman explained the ordinance currently stated the Town Manager controls all buildings for town use. He read an email (from Ms. Alexander) regarding possible office moves and a new use for the Conference Room (currently used for Council's

(Action Items, cont.)

Closed Sessions). He stated he responded to Ms. Alexander with questions regarding the process of these possible changes (full email read into the minutes). He received a response from Ms. Alexander referring him to the current Town code, Section 2-83.5(5), Town Manager Duties, which states the “use, rental, loan, or lease of town property shall be the manager’s sole responsibility.” He said he supports the Town Manager, but he feels there needs to be a system of checks and balances.

Council Lady Barr stated she doesn't have problem with anything the Town Manager has done. She said she doesn't see how Councilman Foreman is a team player. She stated when you have a space issue, you use what you have and adapt. She stated Council only used the room for 2-3 hours per month and she didn't feel this was a good use of space.

Council Lady Jurgensen asked for a history on the use of the Conference room. Ms. Holtzlander stated the conference room previously had been open space and was turned into a multi-purpose room that could be used by other departments for meetings as well as for Council during Closed Session. She asked if there is an ordinance that says the Mayor is required to have an office in Town Hall. Ms. Holtzlander advised there is not.

Vice-Mayor West stated she had no problems with the building changes either

Council Lady Forrester stated she values all members’ opinions and asks for assumptions on the intent of others not be made.

Ms. Alexander stated she would like to bring attention to her comments provided before Council places the item on an agenda for a vote.

Council Lady Forrester asked for Ms. Caturano to make a recommendation on possible new language that would incorporate Councilman Foreman’s intent and Ms. Alexander’s concerns.

Vice-Mayor West and Council Lady Barr expressed their disagreement with the use of the Town Attorney’s time. Ms. Caturano advised, she works at the pleasure of Council, if it is their wish for her to assist in drafting possible new language, then she will do so.

Council Lady Forrester made a motion to discuss the modified ordinance amendment for Town Code Section 2-83.5(5), Town Manager Duties (as prepared for Council by Ms. Caturano) at the Work Session on September 21st. The motion was seconded by Mayor Yohey. Ayes: Foreman, Forrester, Toney, Yohey; Nays: Barr, Jurgensen, West. Motion carried (4-3).

- e. **Consider Ordinance To Amend Town Code Section 62-116, Traffic and Vehicles Article IV Stopping, Standing and Parking to Prohibit Parking of Vehicles on Non-designated Spaces:** Ms. Caturano explained a public hearing was held and the ordinance was read in June. The Council, if they voted to approve the amendment, would take an existing Zoning ordinance (Section 70-13) and move it to Section 62 Traffic and Vehicles for enforcement.

Councilman Toney suggested Council look at how they impact people’s lives..He feels like this ordinance is intrusive and he does not support it.

(Action Items, cont.)

Council Lady Forrester asked if there is already an ordinance that states this is illegal, then what does this amendment do? Ms. Caturano stated the current ordinance is in the Zoning section and the Town is not able to enforce it as the current code states. This would allow the ordinance to be enforceable under the Traffic section of the code. Councilman Foreman asked who would enforce the amended ordinance, DPD or Code Enforcement. Ms. Caturano advised either.

Mayor Yohey asked what would be the penalty for a violation. Ms. Caturano advised it would be similar to parking ticket. The Mayor asked what would be the amount of the ticket. Ms. Caturano stated there was no specified amt in the proposed ordinance, so the amount would be the default amount which is a range (for example \$0 to \$250) that would be determined by the judge with possible recommendations from the Town Attorney. She stated the fine assessed would likely be based on repeat offenses.

Council Lady Forrester asked how the Town would inform the citizens, would they be offered a warning for the first offense. Ms. Caturano advised it would be at the discretion of the issuing officer. Major Colgan stated it is possible for this type of violation for a warning to be issued at the first offense; however, it would be a case by case basis and at the discretion of the officer. Mayor Yohey asked if it could be included in the newsletter. Ms. Holtzlander advised in the affirmative. Council Lady Jurgensen asked if Blackboard could be used. Ms. Holtzlander stated it was a possibility; however, the system has a time limit.

Council Lady Forrester made a motion to amend Town Code Section 62-116, Traffic and Vehicles as proposed with a second by Vice-Mayor West. Ayes: Barr, Foreman, Forrester, Jurgensen, West, Yohey; Nays: Toney. Motion carried (6-1).

Vice-Mayor West made a motion for the adopted amendment become effective as of January 1, 2011 with a second by Council Lady Forrester. Ayes: Barr, Foreman, Forrester, Jurgensen, West, Yohey; Nays: Toney. Motion carried (6-1).

DISCUSSION ITEMS

- a. Council Retreat: Ms. Alexander stated she is looking for direction from Council before proceeding.

Mayor Yohey stated the last retreat was in October 2008 and they adopted Vision 2020, since then there have been elections and the Council has three (3) new members.

Councilman Toney stated he appreciates the idea but he thinks what has been proposed is redundant. He feels they need a new facilitator. Thinks purpose and objective of a retreat are a good thing, but not with the same person. Both Vice-Mayor West and Council Lady Jurgensen agree with Councilman Toney.

Councilman Foreman stated he agrees with a retreat, but not with the listed facilitator. He feels either the students failed or facilitator did.

Mayor Yohey stated that all members have expressed the need for a retreat, but they have all stated they do not want the same facilitator. Councilman Toney asked Ms. Alexander if it was possible to get another facilitator. Ms. Alexander advised it is possible.

(Discussion Items, cont.)

(Discussion continued amongst Council members regarding a retreat.)

Councilman Foreman suggested staff find another facilitator, one who is willing to observe Council interactions, read emails, etc. and then customize a plan for the specific problems of this group. He feels not all groups can benefit from a “standard” program. Council Lady Forrester agreed and stated she felt the group should be given a real project to work through instead of a hypothetical. Ms. Alexander stated, she and Ms. Holtzlander will work on finding another facilitator, but a retreat in October would not be possible.

- b. BRAC: Councilman Toney stated that Quantico had been designated as a base to receive people under BRAC. He has a friend from Fort Bragg, NC who explained that each base outlined in BRAC has a task force. Each task force has a representative from each locality surrounding the base. He feels the Town needs to “get on board the boat.” He also asked if the Town could “get in the game” at this point.

Council Lady Jurgensen stated she went to a meeting at Quantico regarding BRAC, and was surprised that Dumfries was not in base’s plan or Prince William County’s plan. She feels the Town needs to promote itself to military families being transferred to Quantico.

Ms. Holtzlander advised Council that the task force was set up approximately 12 years ago. She stated at that time the Council did not have good relationship with the County and representatives from the Town of Dumfries were not invited to join. She stated Ms. Caddigan is our representative and issues are discussed at quarterly meetings. She said she sends welcome packets to prospective citizens.

Mayor Yohey asked if it was possible to get Tom Rumora, the BRAC Coordinator, to come speak before the Council. Ms. Alexander advised she would contact Mr. Rumora to schedule a presentation.

- c. Recording minutes during Closed Sessions: Ms. Caturano advised Council that this would be a great risk. She stated Council members need to speak freely. She stated if the purpose was questions about procedure, perhaps Council would like to elect a member to be the Parliamentarian. She stated she would advise Council against recording Closed Sessions.

Councilman Foreman stated his intent was to keep a record for future Councils. He stated as a new member you inherit what was done prior, but there are no records as a reference.

CLOSED SESSION

Ms. Alexander asked for reason 5 (prospective business) be added to the Closed Session discussion items.

Vice-Mayor West made a motion to enter into closed session under Virginia Code § 2.2-3711A (5) Prospective Business and (7) Consultation with legal council. Council Lady Forrester seconded the motion. On roll call the vote was unanimous, motion carried. Council entered closed session at 10:23 PM.

(Closed Session, cont.)

Vice-Mayor West read the certification to end the closed session and to return to open session. The motion was seconded by Councilman Toney. All Ayes, motion carried.

The Council returned to open session at 11:06 PM.

Vice-Mayor West stated there was nothing to report from Closed Session

ADJOURN

Councilman Toney made a motion to adjourn with a second by Council Lady Forrester. All Ayes, motion carried. The meeting adjourned at 11:08 PM.

Minutes submitted by

Approved by

Catherine H. Koslicki
Town Clerk

Fred E. Yohey, Jr.
Mayor