

**DUMFRIES TOWN COUNCIL
COMBINED REGULAR & WORK SESSIONS MINUTES
OCTOBER 12, 2010, 7:00 PM**

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

Others Present: Kim Alexander, *Town Manager*; Cathy Holtzlander, *Assistant Town Manager*; Kristi Caturano, *Town Attorney*; Major Colgan, *Acting Police Chief*; Rob Forker, *Administrative Manager (DPD)*; Greg Tkac, *Dir. of Public Works*; Jatinder Khokhar, *Dir. of Community Development*; Debbie Sandlin, *Dir. of Economic Development & Marketing*; Teresa Johnson, *IT Manager*; Catherine Koslicki, *Town Clerk*; Sergeant Evans, Officers Fields and Robinson, Probationary Officers DeWitt and Moody, Aileen Streng, *News & Messenger* and 37 citizens.

Mayor Yohey called the meeting to order at 7:03 PM, and made the following changes to the agenda: Information Items 10a-b will be heard after citizen comments and Action Item 12i will be discussed in Closed Session. Mayor Yohey led the Pledge of Allegiance and the Invocation was given by Reverend Graham of the Church on the Rock Ministries.

PUBLIC HEARINGS

a. Conditional Use Permit application (CUP # 10-002), Streetlight Community Outreach – 17945 Old Triangle Road: Mr. Khokhar explained the CUP application was submitted by the Streetlight Community Outreach Ministries (SCOM). They are requesting a CUP to allow 5 non related, same sex, individuals to reside in the residence at 17045 Old Triangle Road. The individuals residing in the home would be chronically homeless males. Mr. Khokhar advised Council the Planning Commission (PC) is recommending approval of the application.

Mayor Yohey asked if the residence is currently being used in this capacity. Mr. Khokhar advised in the affirmative. Mayor Yohey asked what type of supervision would be in place. Ms. Holtzlander advised the Mayor and Council the applicant is present and is willing to take questions regarding the application. Mayor Yohey thanked Mr. Khokhar and opened the floor to public comments.

Rose Powers, Director of SCOM (the applicant) stated they currently house 2 residents, and they are aware that 3 is the legal limit. They are asking to increase the number of residents to 5, which is the number of bedrooms in home. She advised the residents would be monitored using surveillance cameras located on the outside to monitor activity and Case Managers will be assigned to each resident. She also advised Council that each resident would be required to participate in a number of “life skills” courses as part of the program, in addition to community service.

(Public Hearing, CUP# 10-002, cont.)

Mayor Yohey asked what the typical length of stay is for a resident. Ms. Powers advised the program is permanent housing and a resident's stay could range between 3 years to indefinitely. The Mayor asked who inspects the operation, the State or the County. Ms. Powers advised they work closely with the County. Mayor Yohey asked how long has the program been operating in this house. Ms. Powers stated this house was just acquired and has been operating with the current residents since August; however they operated the program in a leased property for 2 years prior. She advised they had 3 residents in that house, they all had jobs (required as part of the program) and they all pay a program fee to live there (also required as part of the program).

Vice-Mayor West asked how residents were chosen. Ms. Powers advised through referrals from local shelters, current Streetlight Outreach programs and also from the County PATH staff. The clients are evaluated prior to being selected, including background checks and mental and medical evaluations. If clients have any mental issues, a release from their Case Manager is required.

Councilman Toney asked what the age range is for participants. Ms. Powers stated residents must be an adult (18), and there is no maximum age.

Councilman Foreman commended the program. For the purpose of informing the area homeowners, he asked if the organization performs background checks on the individuals residing in the home. He wanted to ensure the citizens were aware that the organization does their due diligence in screening the applicants. Ms. Powers stated extensive background checks are conducted.

Council Lady Jurgensen asked what prevents others from coming in the home on a daily basis. Ms. Powers stated that was one of the reasons for installing the outside surveillance cameras, they are also installed as a precaution and for safety. Council Lady Jurgensen asked who monitors the cameras. Ms. Powers advised they are monitored by the Director of Housing via internet and can be accessed anytime. Council Lady Jurgensen asked if it were possible for the Dumfries Police Department (DPD) to have access and be allowed to monitor also. Ms. Powers stated she believed that could be possible. Chief Taber stated he would work with Ms. Powers on the matter. Council Lady Jurgensen stated she would like for that to be considered as a stipulation to the approval.

Ed McGlothlin, Main Street, stated he is for the approval of the CUP, but asked if a criminal background check was done, specifically a check for child molesters. (Ms. Powers advised in the affirmative.)

The Mayor asked for further comments from the public, either for or against. No other comments were made and the Public Hearing closed at 7:23 PM.

Council Lady Jurgensen made a motion to add the ability of the DPD to monitor the cameras as a stipulation to the application. The motion was seconded by Council Lady Barr.

(Public Hearing, CUP# 10-002, cont.)

Council Lady Forrester made a motion to approve the application with the stipulation, with a second by Vice-Mayor West. On roll call the vote was unanimous, motion carried.

- b. **Conditional Use Permit application (CUP # 10-003), Dumfries Business Park, LLC – 17499 & 17523 Old Stage Coach Road:** Mr. Khokhar explained the CUP application was submitted by Dumfries Business Park, LLC. They are requesting a CUP to allow automobile sales and service. Mr. Khokhar advised Council the Planning Commission (PC) is recommending approval of the application.

Mayor Yohey opened the floor for public comments.

Jay duVon, on behalf of the applicant, stated the purpose of the application is to add auto sales to the existing automobile service. The application asks for up to 2 auto sales businesses to be located on the property, with the first located at Gomez Automotive and the potential for a second business in the future. The property is 2.5 acres and the current requirement is 1 acre for each business, which would allow for the second business. He stated Mr. Gomez has already been successful in the auto sales business and currently has an existing client base. He advised Council Mr. Gomez has received offers to move his business to Stafford County and to Prince William County; however, the property owners would like to keep his business here in the Town. Adding auto sales to his current business would help Mr. Gomez stay in Dumfries, in addition, would allow him to hire more employees. He currently has 7 full-time and would need to hire an additional 3-5 if auto sales were added to his business. Mr. duVon stated he and his clients believe this would generate additional revenue for the Town, additional jobs, and would be a good fit for the area since it utilizes an existing structure

Vice-Mayor West stated she drove by the property recently and asked if the application was suggesting Mr. Gomez had space for 50 total or 50 additional cars. Mr. duVon stated he believed it was 50 total, not additional. She stated she also noticed some of the current vehicles were being parked on the grass and she asked (regarding the passing of an ordinance prohibiting parking on non-paved surfaces) if the owners were prepared to comply with the new ordinance (which takes effect January 1st.) Mr. duVon advised that issue was also addressed by the PC and his client intends to be in compliance.

Councilman Toney asked if consideration could be given to Town residents for any new jobs (assuming they have the necessary skills.) Mr. duVon stated his clients will take that into consideration.

Mr. Tkac stated he had a concern with the use of the Town's right of way on Old Stage Coach Road as a staging area. He stated, if Council approves the application, he would like for that to be included as a stipulation. Mr. duVon stated he believes that it may be another business using the right of way, but he stated he does not see this being a problem.

Mayor Yohey asked for further comments from the public, either for or against. No other comments were made and the Public Hearing closed at 7:30 PM.

(Public Hearing, CUP# 10-003, cont.)

Vice-Mayor West made a motion to approve the application with 2 stipulations: no parking of vehicles on non-paved surfaces and no staging of vehicles on the Town's right of way on Old Stage Coach Road. On roll call the vote was unanimous, motion carried.

- c. Proposed issuance of general obligation public improvement bonds of the Town in the estimated maximum principal amount of \$6,800,000:** Ms. Alexander explained Council had recently been given a presentation by a member of VML/VACO describing Build America Bonds (BABs) for capital improvements. The bonds are a part of the Federal stimulus package and a portion of the bond's interest is subsidized by the government. Town staff had previously recommended 4 projects which Council had approved (Tripoli Heights, Main Street streetscape, Quantico Creek restoration and multi-modal enhancements/improvements).

After considering the debt service estimates, the staff's recommendation is for a total of \$3.3 million (\$3 million project cost, plus interest) for 2 of the 4 projects (Tripoli Heights and Main Street streetscape.) Ms. Alexander explained the Tripoli Heights project is required and the monies would need to be borrowed regardless; the BABs are a better way to finance the cost than traditional financing. The estimated cost of that project is \$1.9 million, of which the state will reimburse approximately \$750 thousand after the project is completed. Once received, that amount could then be applied to the streetscape project. The recommendation of the streetscape project was based on its importance to the Town's economic development. "Streetscaping" means creating a walk-able community (similar to Manassas.)

Mayor Yohey explained that this debt added with the current debt (from 2001 & 2003) would total approximately \$400 thousand annually, which is still within the guidelines for government debt (no more than 10% of your budget.) He stated with the current interest rate, there is no better time to finance. Ms. Alexander advised the current interest rate (prior to the government subsidy) is 3.916%.

Ms. Alexander stated that all projects are important and the staff recognizes that. However the staff could not recommend borrowing the full amount of \$6.8 million (to fund all 4 projects) due to the estimated annual debt service, which would have been approximately \$386 thousand in addition to the current debt service. The annual debt service for the recommended amount (\$3.3 million) would be approximately \$190 thousand.

Council Lady Forrester asked if the recommended amount of debt (\$3.3 million) could be repaid at the current tax rate and expressed her concern that any concessions not be made by the citizens, and that sacrifices be made on the government side. Ms. Alexander stated there are several lines items in the current budget where funds have been identified (Police, Storm Water Management, and Personnel), in addition to other line items that will be reviewed for the next budget. Another possibility considered would be to increase the Storm Water Management fee, since one of the projects directly relates to this area. Ms. Alexander advised that sacrifices would be on the government and not the citizens.

Mayor Yohey asked for comments from the public, either for or against.

(Public Hearing, Public Improvement Bonds, cont.)

Thelma McGlothlin- Main Street- stated she is in favor of streetscaping on Main Street.

Mayor Yohey asked for further comments from the public, either for or against. No other comments were made and the Public Hearing closed at 7:55 PM.

CITIZEN COMMENTS

Jim Vincent-Nichols Court- stated he was opposed to the proposed changes in the Town Manager's duties and does not feel the Council should micromanage. He also praised Ms. Walker for cleaning up her property.

Eileen Thrall-Possum Point Road- stated she is a county resident and she came to speak about the hydrilla in Quantico Creek, a problem that affects Town residents, on behalf of Friends of Quantico Bay. They are working with the county to clean it up and they need help. She is asking the Town to work with Prince William County. Mayor Yohey stated the Town will try to assist. Ms. Alexander stated the Town will try to locate possible grants to assist.

Resident of "Quantico Bay"- stated he is not a member of the group that was just represented. He explained to Council that the group represents 20 people, not 20 homes. He also stated he hopes the legal issues involving Mr. Campbell have not been resolved in the event he is responsible for any pollution in Quantico Bay.

MAYOR AND COUNCIL COMMENTS

Mayor Yohey had no comments.

Vice-Mayor West reported the meetings and events she attended which included the Northern Va. Regional Commission, the Mayor/Vice-Mayor Institute and a ribbon cutting ceremony for a new organization, MTCI, which works with veterans providing counseling services.

Council Lady Barr thanked the citizens for coming to the meeting. She welcomed Chief Taber and congratulated him on an outstanding job thus far. She acknowledged the selflessness of the outgoing Acting Chief, Major Colgan, and the great service he provided to the Town.

Councilman Foreman had no comments.

Council Lady Forrester advised Council and the citizens that she is hosting a "meet & greet" with Congressman Whitman, from 7-9am, next Tuesday (October 19th) at the Dumfries Café. She also welcomed Chief Taber.

Council Lady Jurgensen also welcomed Chief Taber.

Councilman Toney welcomed Chief Taber and expressed his excitement with working closely with him. He reported on attending the First Mt. Zion Baptist Church event at the Weems-Botts Museum on behalf of the Mayor and found the event educational. He enjoyed the presentation and believes the event was a success. He encouraged the citizens to visit the exhibit.

BOARDS & COMMISSIONS

- a. **Historic Dumfries:** Joann with HDV advised Council and citizens of the upcoming events for the Weems-Bott Museum including ghost walks and paranormal recordings. (See full report for additional information.)

TOWN MANAGER/STAFF REPORT

- a. **Town Manager:** Ms. Alexander submitted her report as provided and highlighted a few items. She welcomed Chief Taber to his first meeting. The two positions that had been recently advertised were now closed. The Town received 31 applications for the Assistant Director of Public Works and 83 for the Maintenance Worker position and interviews will begin in the next couple of weeks. Ms. Holtzlander is still working on the Retreat. Ms. Alexander advised Council she will be providing them information in the near future on a Farmer's Market. She will be speaking during Closed session tonight about a possible project involving a Town Center. The Graham Park project will also be discussed with Council this evening. The Town will need to begin thinking about the location of the Police department. The lease runs out in the fall and she believes the owners may be increasing the rent. She also attended the VML conference and has brought back several items from their legislative package that will be discussed tonight as well.

Councilman Foreman wanted to know if demographic information was not part of the application. Ms. Alexander explained the request for that information was now part of the employment application, but it was not in place for the current positions. Some of the applicants have filled out the applications, and some have not.

- b. **Assistant Town Manager:** Ms. Holtzlander submitted her report as provided and highlighted a few items. The Senior lunch is Friday (3rd Friday of the month) at 1pm. The newsletter has been completed and mailed. Currently only 2 applications have been received for the Citizen Academy which will begin the last week of October. She encouraged Council to invite neighbors to sign up for the academy. The Fall Festival is October 23rd.

Council Lady Barr asked what the Town was doing to support the "Green" theme for holiday parade. Ms. Holtzlander explained the guidelines for the decorations support the "Green" theme.

- c. **Police Chief's Report:** Chief Taber submitted his report as provided and highlighted a few items. He has provided a current and a future organizational chart for the department. He believes the future organization will make the department more efficient, effective and responsive to the citizens. He is currently working on the General Orders and it will take time to review each one thoroughly. He is also reviewing the Auxiliary Police program. He recognizes the contributions of the program but has found some items of concern. He will be recommending a temporary disbandment of the program, until a full evaluation can be completed.

Councilman Foreman and Vice-Mayor West both thanked the Chief for his report and for keeping the members of Council well informed.

(Police Chief Report, cont.)

Council Lady Barr asked the Chief if he had been made aware of the question she posed of the former Acting Chief regarding “red light” cameras. He advised he had been informed of the request and he was currently in discussions regarding the issue. Until he has more information, the department is utilizing a “ghost car” to encourage drivers to follow the law.

- d. **Director of Public Works:** Mr. Tkac submitted his report as provided and highlighted a few items. The current projects for his department include sidewalks and asphalt repairs. He is also working on getting grant approvals for future projects.

Councilman Foreman thanked Mr. Tkac for his project update. His report was presented exactly as had been requested.

Councilman Toney expressed his concern for citizens walking on Fraley Boulevard and the need for sidewalks for the safety of these citizens. Mr. Tkac advised the issue is a priority in conjunction with bus stops along Fraley Boulevard; however, the materials used for a sidewalk project would have to be considered regarding future projects of widening the road.

Vice-Mayor West asked if Mr. Tkac had an update on the citizen request at the last meeting regarding parking on Fairfax Street. He has contacted the citizen that presented the request and is looking into the request.

- e. **Director of Community Development:** Mr. Khokhar submitted his report as provided and highlighted a few items. He is working with the PC on updating the Comp Plan and creating a Steering Committee to work through that process. He hopes to enforce and expand the Rental Ordinance. He is in the process of reviewing the Town’s ordinances to prepare him for his role as Building and Zoning official.

Mayor Yohey asked if Mr. Khokhar was aware if there were any businesses currently operating without a current business license. Mr. Khokhar advised he would get the information and provide it to Council.

Council Lady Barr thanked Mr. Khokhar for his assistance with a property in the Knolls and she stated she is looking forward to the enforcement of the Rental Ordinance.

Vice-Mayor West thanked Mr. Khokhar for the detailed information provided in the agenda packet for the Public Hearings on the CUPs.

- f. **Director of Economic Development & Marketing:** Ms. Sandlin submitted her report as provided and highlighted a few items. The first priority on her work plan is the website and she has two main goals, strategic planning and rebranding the Town.

Councilman Toney stated he had stayed in a local hotel recently and was surprised not to find any information on Dumfries in the “area guide.” Ms. Sandlin advised she will meet with the Visitor’s Bureau to make sure Dumfries is not overlooked.

(Director of Economic Development & Marketing Report, cont.)

Vice-Mayor West thanked Ms. Sandlin for her quick and efficient response for a display and brochures recently.

g. **Treasurer:** Ms. Ladd submitted her report as provided.

Councilman Foreman asked if the budget information available online could be updated periodically to reflect the estimated versus the actual budget (show the year-to-date figures) by updating the current spreadsheet or post the Treasurer's monthly reports. Ms. Holtzlander advised she would work with the webmaster to get current information on the webpage.

h. **Town Attorney:** Ms. Caturano submitted her report as provided and highlighted 1 item. The majority of her time in the previous month was spent on responding to FOIA requests.

Mayor Yohey asked if the subject of FOIA requests could be provided in the monthly report because Council usually is not aware of what requests are submitted to the staff. Ms. Caturano agreed.

ADOPTION OF CONSENT AGENDA

Councilman Foreman asked the Clerk if there were certain guidelines she followed in preparing the minutes, specifically what is included and what is not. He pointed out a couple of items that occurred at the September 7th meeting that were not included in the minutes (portions of his comments and a comment by Council Lady Forrester.) He stated he would like to make sure the minutes are consistent in their content. Ms. Koslicki advised there were no set guidelines that she had been given. She used previous minutes as examples and was open to suggestions for improvement. She also advised Council she will be attending training in a couple of weeks, hosted by the Clerks Association, where she hopes to gain a better understanding of what is required. Councilman Foreman suggested that within the next two meetings he would like to see guidelines developed. Ms. Ladd advised only Actions Items are required. Ms. Caturano suggested looking at what other jurisdictions are doing with respect to the format of minutes.

Vice-Mayor West stated she felt that Ms. Ladd and Ms. Caturano were correct, the minutes should reflect action items, but some discussion needs to be present. They do not need to be verbatim, and some discussion does not need to be recorded in the minutes.

Councilman Toney advised of one correction to the minutes from 9/7/2010, p. 7, letter b, under his comments, change the word "face" to "force." Vice-Mayor West suggested Council call the Clerk ahead of time and advise her of typographical errors.

Vice-Mayor West made a motion to adopt the consent agenda (with the correction). The motion was seconded by Council Lady Jurgensen. Ayes: Barr, Foreman, Jurgensen, Toney, West, Yohey; Nays: Forrester. Motion passed, 6-1.

INFORMATION ITEMS

- a. **Presentation by Karen DeVito, Executive Director of Catholics for Housing, on behalf of the Greater Prince William Housing Consortium:** Ms. DeVito described the purpose/mission of the Greater Prince William Housing Consortium, the program they provide and the progress the organization has made since it was established. She thanked the Council for their support and showed some of the properties the group has completed in the Dumfries area. (Attachment-presentation)
- b. **Presentation by the Chief Taber, Dumfries Police Department, Law Enforcement Oath of Honor:** Chief Taber explained that the purpose of the officers taking the Oath of Honor was to rebuild trust between the police department and the citizens. This is his first priority as Chief. He stated the officers present deserve to be officers. He has spoken to each individual officer and they pledge to provide service with integrity and honesty. Sergeant Evans, Officers Fields and Robinson, Probationary Officers DeWitt and Moody took the Oath of Honor and the Chief presented the Mayor with a signed Oath.

DISCUSSION ITEMS

- a. **Option of Real Estate Tax bill discount if annual taxes are paid in full:** Ms. Alexander explained the intent of discussion was to explore whether Council would like to see this item on the agenda in the future in the form of a resolution allowing the Treasurer to offer a discount if a citizen paid their annual tax balance in full. She advised Council that there is no current law that would allow the Town to offer this to its citizens.

Council Lady Forrester asked why a discount would be offered if the expectation that a tax bill is paid in full already exists. She asked for additional explanation on the purpose of the discount. Ms. Alexander advised the expectation is that citizens pay in full. The discount would be offered for citizens who paid the full annual tax bill upfront instead of 2 payments throughout the year.

Council Lady Barr explained the purpose to encourage citizens to pay the full annual tax bill at one time would be to front load revenue. It would also save on the cost of postage for the second billing. She is in favor of offering the discount.

Vice-Mayor West asked if it is the consent of Council to allow the Town Manager to prepare a resolution in preparation of future legislation. (No one spoke against preparing a resolution.) Ms. Alexander advised Council she would have a resolution prepared for the next meeting.

- b. **Council/Staff Relationship and Communications:** Vice-Mayor West explained the document presented to Council was from a session she and the Mayor attended at the Mayor/Vice-Mayor Institute recently. She read the document into the record and explained her intention in providing this document to Council was for everyone to have the same understanding of Council/Staff communications. She believes the current language in the Town code regarding this issue is sufficient and sees no need for any amendment.

Mayor Yohey stated the language of the current ordinance was not the only issue. The main issue is the interpretation of the language, and Council members interpret the same language in different ways.

(Council/Staff Relationship & Communication, cont.)

Council Lady Forrester does not believe the language of the current ordinance (regarding the duties of the Town Manager) is sufficient. There would be no issue if the current language was sufficient. She explained there will always be conflict as long as the Council and the Town Manager interpret the same language differently.

Council Lady Barr suggested that a resolution that incorporates the explanation provided by Vice-Mayor West would be better than an amendment of the code. She feels too much of the citizens tax dollars have already been spent on discussing this issue.

Councilman Foreman pointed out that having a resolution signed by Council does not guarantee that the members will follow it.

Council Lady Forrester stated it is the duty of each member to discuss every issue brought before them, regardless of their opinion of the issue.

(Vice-Mayor West suggested the Council move to the next item of the agenda since no progress was being made on the subject. There was no objection and the Mayor announced the next item.)

- c. **Consider Amendment to Town Code Section 2-83.b(5), Town Manager Duties – 1st reading (new language prepared by Kristi Caturano, Town Attorney)**
- d. **Consider Amendment to Town Code Section 2-83.b(5), Town Manager Duties – 1st reading (new language submitted by Mayor Yohey)**

(Both items, c and d were discussed together)

Ms. Caturano explained to Council she did not necessarily recommend the language she prepared for this proposed amendment. She complied with Council's wishes and devised a compromise between the language offered by Councilman Foreman and the concerns of the Town Manager regarding that language. If she were asked to recommend one of the proposed amendments, she would recommend the language prepared by Mayor Yohey.

Mayor Yohey explained the meaning of "day-to-day" was the daily business of the Town Manager that would not need to go before Council.

Vice-Mayor West asked Ms. Caturano to explain the definition of "report." Ms. Caturano advised, unless specifically defined within the language, the definition would be as defined in *Webster's* (Dictionary).

Council Lady Forrester feels the Town Manager did "report" to Council, she gave notice of her actions, notice is not the issue. She would support the language prepared by the Town Attorney because the issue has not been addressed by the language prepared by the Mayor.

Council Lady Forrester made a motion to have the language prepared by the Town Attorney read into the record, with a second by Councilman Toney. Ayes: Foreman, Forrester, Toney, Yohey; Nays: Barr, Jurgensen, West. Motion passed, 4-3.

Council Lady Barr made a motion to have the language prepared by the Mayor read into the record the record, with a second by Council Lady Jurgensen. Ayes: Barr, Jurgensen, Toney, West, Yohey; Nays: Foreman, Forrester. Motion passed, 5-2

Both proposed amendments were read into the record by the Town Clerk.

ACTION ITEMS

- a. Consider adoption of a Resolution for the issuance of general obligation public improvement bonds of the Town in the estimated maximum principal amount of \$6,800,000:** Ms. Alexander proposed changing the total amount to \$4 million. By approving the resolution, Council is allowing the process to move forward.

Council Lady Forrester asked if the statement Ms. Alexander made earlier regarding no tax increase would still apply (with that amount.) Ms. Alexander stated if Council approved \$3.4 million (allowing for a small cushion for the amount of deferred interest) her statement would stand.

Council Lady Barr made a motion to adopt a Resolution for the Tripoli and streetscape projects in the amount of \$3.4 million as recommended by staff, with a second by Vice-Mayor West. On roll call the vote was unanimous, motion carried.

- b. Consider approval of Police Training MOU with Prince William County Public Safety Academy:** Chief Taber recommends the approval of the police training MOU with Prince William County. The Town does not currently have any agreement with regard to training and the officers risk losing their certification if they do not receive the proper training. He also recommended Council approve alternative A if Council approves the MOU. Ms. Alexander also explained to Council that approving the MOU would reduce the cost of training.

Council Lady Forrester made a motion to approve the MOU with the recommendation of Chief Taber (alternative A), with a second by Councilman Toney. On roll call the vote was unanimous, motion carried.

- c. Consider Tax bill insert for Voluntary Contributions:** Ms. Alexander stated the letter would be sent out with tax bills and the contributions would support projects that require funding that the Town often lacks.

Councilman Toney asked if these contributions were tax deductible. Ms. Caturano advised the letter instructs citizens to contact a tax attorney if they have questions regarding that.

Council Lady Barr explained this idea came from a similar program in Culpeper County that has been very successful.

Council Lady Forrester stated she could not ask the citizens to give more money to the Town than necessary. If approved by Council, she would like her name removed from the letter.

(Tax Bill Insert-Voluntary Contributions, cont.)

Council Lady Jurgensen made a motion to consider a tax bill insert for Voluntary Contribution, with a second by Vice-Mayor West. Ayes: Barr, Foreman, Jurgensen, West; Nays: Forrester, Toney, Yohey. Motion passed, 4-3.

d. Consider approval of Roadway patching, milling, overlay and miscellaneous shoulder grading contract (rider to City of Manassas contract No. 10B058A):

Council Lady Forrester made a motion to approve the roadway patching, milling, overlay and miscellaneous shoulder grading contract (rider to City of Manassas contract No. 10B058A), with a second by Council Lady Jurgensen. On roll call the vote was unanimous, motion carried.

e. Consider adoption of a Resolution supporting VML's Legislative Program & Policy Statements:

Council Lady Forrester asked if adoption of this resolution includes all items in the VML Legislative Program and Policy Statements, or if it is only portions. Ms. Alexander advised adoption would include all items.

Council Lady Barr made a motion to adopt the resolution in support of VML's Legislative Program and Policy Statements. Ayes: Barr, Foreman, Jurgensen, Toney, West, Yohey; Nays: Forrester. Motion passes, 6-1.

f. Consider adoption of a Resolution regarding changes to BPOL Tax: Ms. Alexander explained this resolution simply means the Town would not support any legislation the state may introduce that would limit a locality's ability to collect BPOL tax.

Vice-Mayor West made a motion to adopt the resolution regarding changes to BPOL Tax, with a second by Council Lady Barr. Ayes: Barr, Foreman, Jurgensen, Toney, West, Yohey; Nays: Forrester. Motion carried, 6-1.

g. Consider adoption of a Resolution supporting the Prohibition of Predatory, Usurious Lending Practices in the Commonwealth of Virginia:

Council Lady Barr made a motion to adopt the resolution supporting the prohibition of predatory, usurious lending practices in the Commonwealth of Virginia, with a second by Vice-Mayor West. On roll call the vote was unanimous, motion carried.

h. Consider adoption of a Resolution supporting Vacant Property Registration and Taxes: Ms. Alexander explained the purpose of the resolution is to ask the General Assembly to allow the Town to create a registry of vacant properties, charge a fee for the registration and a possible tax. Ms. Alexander advised Council the resolution would benefit the Town by providing additional revenue, but it would also assist in the enforcement of zoning and nuisance violations.

Council Lady Forrester stated she could not support any new tax on the citizens.

(Vacant Property Registration, cont.)

Councilman Foreman suggested removing the sentence regarding adding a new tax from the resolution. He also wanted to know if “vacant property” included undeveloped land. Ms. Caturano advised it did not include unimproved property.

Council Lady Jurgensen stated she would like for the list to be able to include foreclosed properties.

Vice-Mayor West asked if the registry could include commercial property in addition to residential property. Ms. Caturano advised it would depend on what legislation was approved by the General Assembly.

Council Lady Jurgensen made a motion to adopt a resolution supporting a vacant property registration and fee for vacant residential and commercial properties, with a second by Council Lady Barr. On roll call the vote was unanimous, motion carried.

- i. **Consider approval of a Real Estate contract for purchase:** Agenda item was moved to Closed session for discussion.
- j. **Consider Amendment to Town Code Section 2-83.b(5), Town Manager Duties – Read on September 7, 2010, ready for vote (submitted by Councilman Foreman):**

Councilman Foreman asked if this proposed amendment (the language prepared by Councilman Foreman and read into the record on September 7, 2010) is voted on and passes what would happen to the other 2 versions read into the record at this meeting. Ms. Caturano advised for the other versions to be considered, they would need to be amended and re-read. The Council has the following options regarding this proposed amendment: they could vote to move the item to the next meeting (to be considered with the 2 other versions), they could vote at this meeting, or they can do nothing.

Councilman Foreman made a motion to consider this amendment at the next meeting, with a second by Council Lady Jurgensen. Ayes: Foreman, Forrester, Jurgensen, Toney, Yohey; Nays: Barr, West. Motion passes, 5-2.

- k. **Consider Amendment to Town Code Section 2-83.b(17), Town Manager Duties – Read on September 7, 2010, ready for vote (submitted by Councilman Foreman):**

Vice-Mayor West asked if the Town Manager agreed with the proposed language as being an interpretation of the current language, then does the ordinance have to be changed. Ms. Alexander expressed her agreement with the interpretation.

Mayor Yohey inquired if there were any other sections of the code dealing with the Town Manager’s duties that deal with the similar issues. Ms. Caturano advised Council, that if approved, the language in this proposed amendment would contradict language in subsection 11. There would be conflicting statements in the code.

(Town Code Section 2-83.b(17), Foreman, cont.)

Councilman Foreman made a motion to consider this amendment to Town Code Section 2-83.b(17), Town Manager Duties (as read into record on September 7, 2010, by Council Lady Barr (original second was made by Council Lady Jurgensen and withdrawn). Ayes: Foreman, Forrester; Nays: Barr, Jurgensen, Toney, West, Yohey. Motion failed, 2-5.

(At this time there was a motion to adjourn and reconvene at 12:05 AM, October 13, 2010 was made by Council Lady Jurgensen and seconded by Council Lady Barr. There were no members opposed to the motion and the meeting was adjourned at 11:59 PM.)

CLOSED SESSION

Vice-Mayor West made a motion to enter into closed session under Virginia Code § 2.2-3711A (3) Real Estate (discussion of 2 real estate matters.) Councilman Toney seconded the motion. Ayes: Barr, Forrester, Jurgensen, Toney, West, Yohey; Nays: Foreman. Motion passed, 6-1. Council entered closed session at 12:12 AM.

Vice-Mayor West read the certification to end the closed session and to return to open session. The motion was seconded by Councilman Toney. There were no members opposed to the motion therefore the motion carried.

The Council returned to open session at 12:34 AM.

Councilman Toney made a motion that the Town Council authorize the Town Manager to move forward with the real estate contract on the identified property at the rated of \$325,000, with a second 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 Forrester. All Ayes. The meeting adjourned at 12:37 AM.

Minutes submitted by

Approved by

Catherine H. Koslicki
Town Clerk

Fred E. Yohey, Jr.
Mayor