



DUMFRIES, VIRGINIA  
Virginia's Oldest Continuously Chartered Town  
CHARTERED 1749 INCORPORATED 1961

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**DUMFRIES TOWN COUNCIL  
COMBINED MEETING (REGULAR & WORK SESSIONS) MINUTES  
DECEMBER 7, 2010, 7:00 PM**

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

**Absent:** Council Lady Barr

**Others Present:** Kim Alexander, *Town Manager*; Cathy Holtzlander, *Assistant 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*; Debbie Sandlin, *Dir. of Economic Development & Marketing*; Retta Ladd, *Treasurer*; Teresa Johnson, *IT Manager*; Catherine Koslicki, *Town Clerk*

**Audience:** 14 people

Mayor Yohey called the meeting to order at 7:00 PM. The Invocation was given by Doug Geeting, Pastor of Dumfries United Methodist Church. Mayor Yohey led the Pledge of Allegiance.

The following changes were made to the Agenda:

Information Items a and b will be presented after the Boards & Commissions reports.

**CITIZEN COMMENTS**

Bill Noaker-President of South Cove HOA-thanked Chief Taber for his cooperation and for the good work of his department regarding the truck parked in South Cove.

**MAYOR AND COUNCIL COMMENTS**

**Mayor Yohey** commented on the success of the new Council over the past 6 months and thanked Ms. Alexander for her hard work. He listed his agenda for the next 6 months as follows:

- goals & objectives for the Town
- the proposal by Councilors Toney & Barr regarding committees
- the future use of the Potomac Landfill
- the mid-year review of the budget
- Council retreat

He complimented the staff on a job well done, in particular the new staff members who have made seamless transitions. He reminded everyone the Christmas Parade is this Saturday and he challenges the community to have the largest turnout ever. He also reminded everyone that it is not too late to donate to the Christmas in Dumfries program run by DPD.

**Vice-Mayor West** thanked the citizens, the Town Council, staff and the Dumfries United Methodist Church for all the support she and her family received during this difficult time as they deal with the loss of their son Keith. The support has been overwhelming and it goes to show what a wonderful community we live in.

**Council Lady Barr** (absent)

**Councilman Foreman** gave his condolences to Nancy & Gary West. He announced today (December 7<sup>th</sup>) is Pearl Harbor Day. He stated he is in favor of continuing to have the Invocation at Council meetings and gave several examples of dates and events referencing God and Christian beliefs throughout our nation's history. (See **Attachment A** for the full statement.)

**Council Lady Forrester** had no comments.

**Council Lady Jurgensen** wished everyone a Merry Christmas and looks forward to seeing everyone at the Christmas Parade.

**Councilman Toney** expressed his condolences to Vice-Mayor West and apologized for being unable to attend the funeral. He was attending a memorial service for a close friend on the same day.

### **BOARDS & COMMISSIONS**

- a. **Historic Dumfries, Virginia:** Joann reminded everyone of the Holiday Open House at the Weems-Botts Museum immediately following the parade on Saturday. She advised the museum will be closed the last 2 weeks of December and will re-open in February. Staff will be available on a limited basis during the month of January.

### **TOWN MANAGER/STAFF REPORT**

- a. **Town Manager:** Ms. Alexander provided Council with her report and highlighted a few items. She advised Council that Ms. Holtzlander continues to work on the retreat and could provide additional details during her report. Council has been given a copy of the Town's Legislative Agenda packet. She asked for Council's support of this agenda. The closing for Streetscape/Tripoli Bonds will be Friday and funds should be available after January 1<sup>st</sup>. She congratulated Eric Jurgensen on receiving the Bronze Star. She addressed Councilman Toney's earlier comments regarding the Williamstown basketball court. She has met with the Williamstown HOA and they will be discussing the courts and pool in the future for a possible partnership.
- b. **Assistant Town Manager:** Ms. Holtzlander submitted her report as provided and highlighted a few items. The Annual Staff/Seniors Holiday Social is Friday December 17<sup>th</sup> at noon in the Community Center. The Town's 36<sup>th</sup> Annual Holiday Parade is this Saturday, December 11<sup>th</sup> at 1pm. The parade has over 75 entries and will feature the Quantico Marine Band, Pride of the Potomac Marching Panthers and the Freedom High School Band. She asked Council to arrive at Town Hall by noon for light refreshments and to greet their fellow dignitaries.

*(Staff Reports-Asst. Town Manager, cont.)*

Regarding the retreat, she has met with John Anzivino, Senior Vice President of Springsted Incorporated, and should have more information to present to Council at the first meeting in January. She announced to Council she had celebrated her 10 year anniversary with the Town on November 27<sup>th</sup>. She introduced Babur Baser, as the new Assistant Director of Public Works.

Mr. Baser thanked Council. He said he feels this is a great Town and he is glad to be here. Mr. Tkac advised Council Mr. Baser had been an intern with the Town since 2007. He also introduced Ray Lowery as a new crew member.

Councilman Toney stated he may need assistance getting through the traffic. Ms. Holtzlander advised him to contact her and she would work to resolve any issues. He asked what Council's position was in the parade. She advised after the Quantico Marine Band.

- c. **Police Chief's Report:** Chief Taber submitted his report as provided. He advised Council, effective with his next report, he will eliminate the pages of statistics and present those every 6 months. He reminded everyone that Christmas in Dumfries is December 18<sup>th</sup> and they are still in need of donations and volunteers. The DPD is currently offering free gun locks as part of a fire arm safety program. If any individual would like more information or needs a gun lock, he asked that they contact the DPD. He advised Council and the citizens of extended daylight coverage by DPD due to the release of probationary officers from training.

Vice-Mayor West looks forward to the new report format. She thanked the Chief for completing the audit of supplies and updating the inventory. She asked when the department would start using the automatic ticket machines. Chief Taber advised the machines are in, but have not been installed. They are a great asset and time saver, but the issue is the software maintenance costs. The cost will be addressed for the upcoming budget.

Councilman Toney stated he had not received as many donations for this 2<sup>nd</sup> Annual Christmas Bird Give-away and he hopes to be able to give 30 this year. He would like to work with Chief Taber and the DPD to help identify families. Chief Taber agreed to assist.

Councilman Foreman stated there are vehicles stacked on Canal Road (from Croppers Towing) and he asked whether the road was public or private and who provides enforcement, DPD or DCD. Mr. Tkac advised the road is not maintained by DPW so he believes it is a private road. Chief Taber said if the road is private violations would be a zoning issue and they would not be enforced by DPD. Mr. Khokhar advised he will look into the situation and report back to Council at the next meeting. He stated, if there are zoning violations, they will be enforced.

Mayor Yohey asked how many staff members the DPD was allotted and how many they currently had. Chief Taber stated they currently have 10 staff, including 2 civilian positions, and 2 vacancies. He will probably recommend to the Town Manager not to fill at least 1 of the vacant positions. His goal is to have a full staff by July. Mayor Yohey asked if the Chief could provide at the next meeting the approximate amount he expects to collect for the year in fines and fees.

- d. **Director of Public Works:** Mr. Tkac submitted his report as provided and highlighted a few items. He is happy to report the Graham Park Road Sidewalk project is substantially complete. A bus pad has been installed and there are plans for a shelter. The Public Works Department is very proud of the project. A public information meeting regarding the Tripoli Blvd Drainage Improvement project will be scheduled in January. He announced that all vacant positions in the Public Works had been filled. He advised Council, the majority of his time during the past month has been dedicated to various meetings and SWM and the Crew completed 80 tasks this past month.

Vice-Mayor West asked for an update on Harbor Station and the meeting Mr. Tkac attended. Mr. Tkac stated the project is now bank-owned. PWC held the meeting to make sure the new developer will honor the proffers agreed to by the old developers. He attended the meeting to ensure the Town would be included in future plans for the project.

Councilman Toney commended the Publics Works department for the work on sidewalks throughout the community. He is excited about the vision and the changes it will bring to the Town.

Mayor Yohey asked what the cost of the GPR sidewalk project was. Mr. Tkac advised less than \$50,000 (approximately 3 payments of \$15,000), which included the sidewalks, a retaining wall and railings.

Vice-Mayor West asked where the retaining wall is. Mr. Tkac advised the retaining walls are located in front of Connie's market, in front of the bank and in between the bank and Old Triangle Road.

Councilman Toney asked if adding sidewalks to Fraley Blvd was still on the radar for the DPW. Mr. Tkac advised they are, as is Old Triangle Road.

Mayor Yohey asked if these projects are part of the M-MT plan. Mr. Tkac advised they are.

- e. **Director of Community Development:** Mr. Khokhar offered his condolences to Vice-Mayor West. He submitted his report as provided and highlighted one item. The kick-off meeting for the CP Steering Committee was December 6<sup>th</sup>. He feels the goals for the meeting were met as the group discussed transportation, land use, historical and cultural resources. Three sub-committees were formed and will include Ms. Sandlin, Mr. Tkac, Ms. Alexander and himself.

Mayor Yohey asked if a member from HDV has volunteered to participate on defining possible districts in the Town. Mr. Khokhar advised the question would be better answered by Ms. Sandlin who is the staff member assigned to the ARB.

Councilman Foreman thanked Mr. Khokhar for his assistance at the Religious Tolerance gathering he attended recently along with Councilman Toney.

- f. **Director of Economic Development & Marketing:** Ms. Sandlin submitted her report as provided and highlighted a few items. She announced the Website RFP had been published and noted important dates regarding the website update.

(Staff Report-ED&M, cont.)

Jan. 10	proposal is due	Feb. 2	contract awarded
Jan. 24-25	interviews with top 3 respondents	April 29	website goes live
Feb. 1	contract approved by Council		

She thanked the website update team (Ms. Koslicki, Ms. Johnson, Ms. Holtzlander and Ms. Alexander).

Ms. Sandlin asked for Council to set dates for the incentive program work sessions. She announced Rob Clapper, CEO/President of newly merged Chamber of Commerce, has agreed to assist Council with developing the incentive program.

Vice-Mayor West advised Ms. Sandlin and Council she is not available on Wednesdays. Councilman Toney advised he is not available on Thursdays. He asked if the "off" Tuesdays are a possibility. Ms. Sandlin advised the ARB holds their monthly meetings on one of the "off" Tuesdays, but the other Tuesday would be a possibility.

The Mayor said it sounded like the purpose of the incentive program was to attract new businesses. He asked what incentives would be offered to existing businesses. Ms. Sandlin advised that Council will decide what incentives they want to give.

Council Lady Forrester asked for Ms. Sandlin to provide a list of recommendations for Council to review before they commit Council time. Ms. Sandlin stated she had given Council the information previously. Council Lady Forrester does not think that Council should be involved at this point (in the planning). She expressed her concern that Council does not possess the same expertise on this subject as Ms. Sandlin does and she doesn't feel there would not be much to discuss without further information from Ms. Sandlin.

Councilman Foreman suggested Council commit to 1 date tonight, and at that meeting they can discuss the purpose of the incentive program and layout the plan for future meetings. He suggested they meet on the Tuesday that is not a Council meeting or an ARB meeting. The meeting was set for January 25<sup>th</sup> at 7:30pm. Council Lady Forrester advised she will not be able to attend, but would like for the meeting to be open to the public and televised. Ms. Sandlin advised the meeting could be held in Council Chambers.

Councilman Toney asked if she could elaborate on the meeting with Mr. Campbell. Ms. Sandlin advised she is not able to speak on that meeting publically, but she could provide Council with details in Closed Session. Councilman Toney asked if there had been changes from the original proposal. Ms. Sandlin advised changes had been made.

Councilman Toney asked who Angela Lee was. Ms. Sandlin advised Council Ms. Lee is the owner of an existing business. She met with her as part of her visitation program. Vice-Mayor West inquired about Mr. Joe Miller with DCS and Mr. Tim Jab of Jabs Construction. Ms. Sandlin replied those meetings were also part of her visitation program. She announced that Jabs Construction had been given the award for Small Business of the Year from the PWC Chamber. Her goal is to meet with at least 2 existing businesses a month.

- g. **Treasurer:** Ms. Ladd submitted her report as provided and noted only the Revenues & Expenditures are available at this time.

Mayor Yohey asked Council and staff to set a date for the budget mid-year review. Ms. Alexander suggested the January work session (18<sup>th</sup>). Ms. Holtzlander advised the 18<sup>th</sup> is the day after a 4-day holiday weekend and asked if Council would allow more time to prepare, considering 3 staff members would be reviewing their budgets for the first time. It was decided between staff and Council to have the mid-year budget review on February 15<sup>th</sup> during the work session.

Councilman Foreman asked if he could be provided with the answers to his BPOL questions prior to the mid-year review so he can be prepared. Ms. Alexander asked what questions he had. Councilman Foreman stated he would like the list of the BPOL categories and the rates for each category. He will email staff next week and would appreciate a quick response to prep for the budget review. He would like to be able to take the information to the DBA and show them what categories (if any) the Town is the lowest on (in comparison to other localities in the area.)

Mayor Yohey stated the Town cannot compete with PWC, they offer no BPOL on the first \$100,000. The Town cannot afford to do that. Councilman Foreman wants to be able to point out the attractiveness in certain categories. The Mayor stated unless the Town eliminates BPOL, he doesn't see how the Town can compete.

- h. **Town Attorney:** Ms. Caturano submitted her report as provided. There were no comments or questions from Council.

### **INFORMATION ITEMS**

- a. **Presentation by Coach Chaz of the Beltway Bombers:** Coach Chaz Dudley thanked Ms. Koslicki and Council for the opportunity to come speak to them. He stated the Beltway Bombers are a professional basketball team in the ACPBL (Atlantic Coast Professional Basketball League). He announced the opening home game of the Beltway Bombers is Sunday at Potomac High School. Tip-off is 3pm. He invited all Council members and staff as his guests at the first game. He wanted to come and introduce himself, his partner, Ira Perry (CEO/Co-Owner) and their organization. He expressed to Council the organizations willingness and desire to work with the Town and give back to the community.

Ms. Caturano asked if they had considered a basketball camp. Coach Chaz stated they would love to host a summer program, but have no venue. He hopes they would be able to provide a camp that is convenient for parents and teaches the kids.

Councilman Toney thanked Coach Chaz for coming to address Council. He stated this is the first community he has lived in that did not have a basketball court. He hopes that Coach Chaz and the Beltway Bombers can lend their voice and he would appreciate any efforts and/or assistance they could provide to give the kids a place to play (basketball). Coach Chaz welcomes any suggestions on how his organization can work with the community. Councilman Toney referred Coach Chaz to Ms. Alexander, Town Manager, for discussions for future collaboration.

*(Information Items-Beltway Bombers, cont.)*

Coach Chaz stated the Beltway Bombers have 7 home games and the talent on the team is tremendous. The players are working professionals who tried out for the NBA (National Basketball Association) and due a “numbers game” did not make a team. Many of them have played for other professional leagues, including overseas. Coach Chaz and Mr. Perry hope their organization will be the NBDL (NBA Development League) franchise for the DC/Maryland area and try to think of themselves as such. They feel character is just as important as skill when looking at players. He encourages the community to come out and enjoy the games, the half-time entertainment and meet the players.

Chief Taber stated the police department will be starting an explorer program soon and he hopes the Beltway Bombers would be a part of the program, share their success stories and speak to the kids about being an upstanding citizen and why that is important.

Council Lady Jurgensen asked if the basketball camp would be for boys and girls. Coach Chaz stated it would be.

Mayor Yohey is excited to have a pro-basketball program in the area and looks forward to partnering with the Beltway Bombers.

- b. **Presentation by Mr. Daniels with ENS:** Mr. Daniels thanked Council for the opportunity to address them. He would like to update Council and staff on the programs being funded by the grant they received with the help of the Town. Primarily, they provide mentoring and life skills to at risk youth in the community. He also introduced the staff members who implement the programs:

Walleska Wagner	Associate Director Counseling
Parvaneh Latifzade	Assistant of Marketing
Harold Jackson	Associate for Mentoring Services
Anita Waddell	Special Assistant/Human Resources
Kamisha Bratton	Associate Mentoring Services/Counseling
Juana Jenkins	Lead Teacher, Day Center
Fay LeSane	Director Counseling Services

He thanked Chief Taber for his recent presentation. He thanked Council for supporting their programs and for allowing them to “do what they do.”

Councilman Toney advised Mr. Daniels he was extremely impressed with this organization, its services and the tremendous outcomes they achieve. They have great success with the youth they work with and he looks forward to working with them to change the culture in the community. Mr. Daniels stated one of the greatest successes is having a kid go from juvenile detention to college and advised Councilman Toney he is welcome back anytime.

Vice-Mayor West stated she is extremely proud of the work Mr. Daniels and ENS is doing in the community.

**ADOPTION OF CONSENT AGENDA**

Vice-Mayor West pointed out one correction made prior to the meeting by Ms. Koslicki (*Minutes from 11/3/2010, p.7, paragraph begins with Councilman Foreman made a motion to..., add West and Yohey to the list of Nays*) and made a motion to adopt the consent agenda (with the correction). The motion was seconded by Councilman Foreman

Prior to the vote, Ms. Koslicki advised of an additional correction that will be made (*Minutes from 11/3/2010, p.2, paragraph begins with She recently had a conversation...the word "no" will be inserted between the words "with" and "availability" in the last sentence*).

Both Vice-Mayor West and Councilman Foreman agreed to the change and the motion was amended to adopt the consent agenda with both corrections. On roll call the vote was unanimous, motion carried. (Absent: Barr)

**ACTION ITEMS**

a. **Consider Bond Release for White Haven Custom Homes, LLC:** Mr. Tkac advised Council he does not recommend the release of the bond. Water continues to flood the neighbor's yard. Mr. Tkac stated he would like the opportunity to try to work with the developer to correct the issue before releasing the bond to the Town. He is not sure the bond would be enough money for the Town to correct the problem.

Council Lady Forrester made a motion to reject the request of the bond release for White Haven Custom Homes, LLC. The motion was seconded by Council Lady Jurgensen. On roll call the vote was unanimous, motion carried. (Absent: Barr)

**DISCUSSION ITEMS**

a. **Invocation policy:** Ms. Alexander stated the item had been placed on the agenda at the request of the Mayor. The current guidelines adopted by Council state the same person cannot give the Invocation more than 3 times in a year. Ms. Caturano advised the limitations were included in the resolution so no accusation could be made that the Town was favoring any particular faith over another. Ms. Alexander advised Council, if they make any changes, the current resolution would have to be revoked or amended.

Councilman Foreman stated the Council needs to decide whether the individuals, when giving the Invocation, are representing their religious organization or the Town. He would like for the pastors, etc. to be able to identify themselves, their organization, their religious affiliation and beliefs. Ms. Caturano advised to err on the side of caution, she would prefer that not be part of the Invocation, and suggested the Citizen Comments section would be more appropriate, if they chose to do so.

Council Lady Jurgensen stated she wants the Town to be inclusive of all faiths and beliefs.

Vice-Mayor West thanked Councilman Foreman for his earlier comments regarding the Invocation. She mentioned the PWC BOS invites pastors to give the Invocation at their meetings and do not ask the pastors to speak about their church. She thanks the language used (in the Resolution) may be a little harsh and would like for a new letter to be drafted. Ms. Koslicki agreed to draft a new letter inviting area pastors to give the invocation.

*(Discussion Items-Invocation policy, cont.)*

Mayor Yohey suggested referencing the Supreme Court ruling in the letter to explain the Town's position.

**ADJOURNMENT**

Vice-Mayor West made a motion to adjourn with a second by Council Lady Jurgensen. All Ayes. The meeting adjourned at 10:03 PM. (Absent: Barr)

Minutes submitted by

Approved by

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Catherine H. Koslicki  
Town Clerk

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Fred E. Yohey, Jr.  
Mayor

**ATTACHMENT A**

**Councilman Foreman's Speech**

Today, December 7th is Pearl Harbor Day. The attack on Pearl Harbor resulted in a loss of 2,402 souls. Almost half of the casualties were as a result of the sinking of the USS Arizona – 1,177 members of her crew were never recovered. Pearl Harbor Day serves as a harsh reminder of the challenges the men and women of our armed services face on a daily basis, as they stand in harm's way defending our nation, its liberty and our values.

Tonight we're going to discuss invocations as part of the Town Council Meetings. I have a few thoughts on this subject.

Allow me to bring to your attention a few dates and events:

1776 - - God is referred to once in the Declaration of Independence. ".....the separate and equal station to which the Laws of Nature and of Nature's **God** entitle them..."

Declaration of independence states, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator ....."

1787 - - The men who wrote the Constitution were Christians who knew the Bible. Our idea of individual rights comes from the Bible.

1789 - -The first Senate of the United States elected the Reverend Samuel Provost, the Episcopal Bishop of New York, as its first Chaplain. In our past two hundred plus years all sessions of the Senate have been opened with prayer, strongly affirming the Senate's faith in God as Sovereign Lord of our Nation.

1814 - - The U.S. national anthem Star Spangled Banner, Written by Francis Scott Key contains the phrase: "... And this be our motto: 'In God is our trust'"

1863 - - Gettysburg Address, "that this nation, under God, shall have a new birth of freedom -- and that government of the people, by the people, for the people, shall not perish from the earth"

1954 - - The phrase "under God" was incorporated into the Pledge of Allegiance

1956 - - The official Motto of the United States "In God We Trust" is established by law

Our Armed Forces Prayers reference the following

**U.S. Navy Hymn**

Verse 1: Eternal Father, strong to save

Verse 2: O Christ! Whose voice the waters heard

Verse 3: Most Holy Spirit!

**U.S. Marines Prayer**

Almighty Father, whose command is over all and whose love never fails.

**U.S. Air Force Prayer**

Lord guard and guide the men who fly.....Eternal Father, strong to save.....O God bless the men who fly...

**U.S. Coast Guard Prayer**

Almighty and Everlasting God, Whose hand stills the tumult of the deep.... Encourage them, O Lord, as they stand guard over our coasts and the bulwarks of our freedoms.

**Senate Chaplain Barry Black**

**PRAYER FOR THE SENATE (June 18, 2007)**

**Eternal and dependable Creator of the universe, we acknowledge you as the giver of every good and perfect gift. You are our solid rock; you arm us with strength. Thank you for the seasons and climates, for sowing and reaping, for color and fragrance. Thank you for the time of harvest when our labors and dreams are rewarded.**

**Today, bless our lawmakers. Illumine their lives to keep them on the right paths. May the creative power of your word produce in them a stronger faith and an indomitable hope. Keep them from slipping; fill them with courage as you show them your unfailing love. Give them an attitude of openness to receive the fullness of your grace and truth. We pray in your precious name. Amen.**

The name Jesus Christ is not mentioned in the prayer. It does not make Senate Chaplin Barry Black any less of a Christian. Anyone who has read Senate Chaplain Barry Black's prayers or speeches given outside Senate chambers would see the name Jesus Christ at the forefront. There is no doubt that he is a believer, follower and preaches the word of Jesus Christ. But inside the Senate Chambers his prayers contain the words God, Lord, Giver and Creator.

Having the invocation removed from the Council agenda is not an option. The invocation should be a foundation for our council meetings just as is the pledge of allegiance.

The debate is whether we allow a Chaplin to say Jesus Christ. I attended a Town Function on December 4<sup>th</sup>, 2010. The function was at a Town / County facility. The innovation was given. First a standard prayer was given much like the Armed Forces prayer I referenced earlier, and then what followed was a personal prayer by the Chaplin. He ended his prayer with, "In Jesus Name we pray, Amen." There was no gasp from the audience, there was no startling revelation. There was acceptance in that the Lord would bless the gathering.

I find it fitting that we are having this debate in December. As a Christian and a believer in Jesus Christ I will vote tonight to allow invocations with Jesus' name being used.

There is one more date that bears consideration during the discussion tonight. In 1870 - - Christmas celebrating the birth of Jesus Christ was designated as a Federal Holiday in the United States by Congress and President Ulysses S. Grant.