

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON JANUARY 17, 2012, IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:

THERE WERE PRESENT: Mayor Nancy West (joined the meeting via electronic communication as noted below)
Vice-Mayor Willie Toney
Dorothea Barr
Gerald Foreman
Kristin Forrester
Michelle Jurgensen
Gwen Washington
Daniel Taber, Town Manager
Christine Sanders, Town Attorney

IN RE: CALL TO ORDER AND ROLL CALL

Vice -Mayor Toney called the meeting to order. Dawn Hobgood, Town Clerk, took roll call.

Ms. Sanders read the following.

“Pursuant to Section 2.2-3708(A)2 of the Code of Virginia allows for the participation of a member of a public body in the event of an emergency, disability, or distance from meeting location for public bodies. Participation by a member of the public body shall be under the following conditions: when a quorum is assembled at the primary or central meeting location and all the persons at the primary or central meeting location can hear the voice of the remote participant. Mayor West notified Vice-Mayor Toney that she would be unable to attend due to knee surgery and would like to participate electronically by telephone. In order for her to do so Council has to approve such participation by a majority vote and if permitted it has to be recorded in the minutes, the specific nature of the disability and the remote location from which she is participating.

Is there a motion to allow Mayor West to participate in tonight’s meeting through electronic communications, by telephone, due to a temporary medical condition that prevents her physical attendance at tonight’s meeting, January 17, 2012. It is understood that Mayor West will be participating from her home at 3867 Cameron Street, Dumfries.”

Ms. Barr made the motion, seconded by Ms. Jurgensen, to allow Mayor West to participate in the meeting electronically, by telephone. The motion carried by the following roll

call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; Ms. West, absent.

Ms. Hobgood established an electronic connection, by telephone, with Mayor West that everyone in attendance could hear.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Chris Rhodenhizer, Image Church, gave an invocation and then all in attendance recited the Pledge of Allegiance to the Flag of the United States.

IN RE: APPROVAL OF THE MINUTES

The minutes from the September 6, 2011, November 15, 2011, and January 3, 2012 meeting were not available for adoption.

IN RE: ADOPTION OF THE AGENDA

Mr. Taber requested that the closed session be removed from the agenda.

Ms. Forrester made the motion, seconded by Ms. Jurgensen, that the agenda be amended to remove the closed session. The motion carried by the following roll call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; Ms. West, yes.

Ms. Barr requested the agenda be amended to include under Information Items, Item A, Report from the Newsletter Committee.

Ms. Washington made the motion, seconded by Ms. Jurgensen, that the agenda be amended to include under Information Items, Item A, Report from the Newsletter Committee. The motion carried by the following roll call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; Ms. West, yes.

Ms. Forrester moved, seconded by Ms. Jurgensen, to adopt the Agenda as amended. The motion carried by the following roll call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; Ms. West, yes.

IN RE: APPROVAL OF THE CONSENT AGENDA

Ms. Forrester moved, seconded by Ms. Jurgensen, to adopt the Consent Agenda as presented. The motion carried and the following resolutions were approved by the following roll call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; Ms. West, yes.

AN ORDINANCE TO AMEND THE TOWN OF DUMFRIES ZONING MAP TO RECLASSIFY 2.5012 ACRES OWNED BY JJ CAPITAL ONE, LLC, DESIGNATED AS GPIN 8289-02-6440, LOCATED AT 17650 POSSUM POINT ROAD FROM B-1, GENERAL BUSINESS TO FB/O-1, FLEX BUSINESS/OFFICE FOR THE PURPOSE OF ALIGNING THIS PARCEL'S ZONING WITH TOWN'S ADOPTED LONG RANGE LAND USE PLAN

WHEREAS, a rezoning application (REZ11-92) has been submitted by owner JJ Capital One, LLC to rezone property known as GPIN 8289-02-6440 from B-1, General Business to FB/O-1, Flex Business/Office, to amend the Town of Dumfries Zoning Map; and

WHEREAS, the property requested to be rezoned is located at 17650 Possum Point Road, on the south side of Possum Point Road approximately 500 feet southeast of Route 1 where it intersects with Possum Point Road; and

WHEREAS, the Town of Dumfries Planning Commission, after holding a duly advertised public hearing at their December 12, 2011 meeting, recommended approval of REZ11-92 to the Town Council; and

WHEREAS, the Dumfries Town Council held a duly advertised public hearing on January 3, 2012; and

WHEREAS, the Dumfries Town Council finds that the proposed FB/O-1 zoning is reasonable given the existing use and character of the land and the abutting properties and is consistent with the adopted Town of Dumfries Comprehensive Plan; and

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries on this the 17th day of January, 2012, that rezoning application REZ11-92 be, and it hereby is, approved to amend the Town of Dumfries Zoning Map to rezone the property known as GPIN 8289-02-6440 from B-1, General Business to FB/O-1, Flex Business/Office.

AN ORDINANCE TO RATIFY, RECONFIRM, AND READOPT THE OFFICIAL ZONING MAP FOR THE TOWN OF DUMFRIES

WHEREAS, a rezoning application (REZ11-92) has been submitted to rezone a property known as GPIN 8289-02-6440 from B-1, General Business to FB/O-1, Flex Business/Office (hereinafter "the Property") in Town to amend the Town of Dumfries Zoning Map; and

WHEREAS, on January 17th, 2012, the Dumfries Town Council approved to amend the Town of Dumfries Zoning Map to reclassify the Property; and

WHEREAS, the Town of Dumfries Zoning Map has been reformatted and redrawn to better illustrate the existing zoning classification of the Property and the existing zoning classifications of all of the properties within the Town; and

WHEREAS, the Town of Dumfries Planning Commission, after holding a duly advertised public hearing at their December 12, 2011 meeting, recommended that Town Council ratify, reconfirm, and readopt the Official Zoning Map for the Town of Dumfries; and

WHEREAS, the Dumfries Town Council held a duly advertised public hearing on January 3, 2012; and

WHEREAS, the Dumfries Town Council finds that the Zoning Map is consistent with the Comprehensive Plan.

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries on this the 17th day of January, 2012 that the Town of Dumfries Zoning Map is hereby ratified, reconfirmed, and readopted.

IN RE: CITIZEN COMMENT PERIOD

There were no citizen comments.

IN RE: MAYOR'S COMMENTS

Mayor West thanked Council for allowing her to participate in the meeting electronically due to her surgery.

IN RE: BOARDS & COMMISSION

A. Architectural Review Board (ARB)

Ms. Sandlin, Community and Economic Development Director, reported on behalf of the ARB that it received and approved an application for a certificate of appropriateness to build a deck.

B. Board of Zoning Appeals (BZA)

Mr. Moss, Town Planner/Zoning Administrator, reported the only business conducted at the last BZA meeting was electing the slate of officers. The elected Chair is Betty Begley and the Vice-Chair is Bob Price.

Mr. Price reported the following items from the January 11 BZA meeting.

- Reviewed, examined, and approved the October minutes.
- Officers were elected.
- Discussion about the possible joint meeting with Town Council scheduled for January 24.
- It was suggested that Town Council consider adding one or two members to the existing BZA to assist in establishing a quorum when business matters needed to be conducted.

- Mr. Moss advised the BZA about the changes in the Zoning Ordinance with the B-1 and B-2 districts.

Mr. Toney was interested in the nature of the request for additional members. Last year there was a bit of a delay in getting members, which may have impeded with the ability to conduct business.

Mr. Moss clarified that what the BZA was looking for was to have some back-up non-voting members who attend the meetings. Staff is checking into State Code and the Charter to determine what the possibilities are and a report will be provided to Council and the BZA. The idea is to have back-up members available for when a member leaves the BZA to be able to fill the position quicker.

Ms. Forrester noted that when she and Vice Mayor Toney became Council members they were required to resign. She wanted to know how having a non-voting member would help with a quorum.

Mr. Moss clarified that the additional members were not to establish a quorum, but to make it quicker to fill a vacant seat on the BZA. In the past, it took several months to fill an empty seat.

Vice Mayor Toney recalled that the problem was that staff allowed the terms to expire before bringing forward possible replacements. In the past, three to six months before a term expired staff would determine whether the member wished to continue serving. He felt the matter was just an over site last year and will rectify itself in the future.

Ms. Sandlin advised that Ms. Begley requested that the joint meeting scheduled for January 24 with Town Council be cancelled since there are no matters to be discussed.

Vice Mayor Toney understood that Council meets with the various Boards and Commissions two times a year.

Ms. Sandlin confirmed that was correct.

C. Historic Dumfries (The Weems-Botts Museum)

Mr. Gary West, Board Member at Large, went over the following information.

- The Annual Open House was held on December 12. The Dumfries United Methodist Youth Group sang Christmas Carols and helped with the craft table. The Dumfries Business Association sponsored the event. Fliers were delivered to

all the children at Dumfries Elementary, the neighbors, and guests at the Dumfries Parade.

- Gene Seevers, member of the American Pewter Collectors Association, brought pewter tea service sets for display in the museum and on January 12 spoke about his collection.
- A Mary Washington University student from the History Department will be interning with the Museum working on historical interpretations, oral history projects, and various other assignments.
- There have been larger group tours from the girl scouts, boy scouts, and home schooled children. A group of children from the Lake Ridge Middle School is scheduled to tour in April.
- At the Dumfries Senior Luncheon, discussions will be held about the Museum and the African-American History of Dumfries through the ages. Donald and Susan Palma will hold a free genealogy program at the Museum on “Finding Your Roots.” The Palma’s have been helping people reconnect with lost family members for over 15 years and are offering the class on the fourth Saturday of the month starting January 28, from 2 p.m. to 4 p.m. called Genealogy 101.
- A new tri-fold brochure for the Museum will be ready in February to be distributed to rest stops, motels, hotels, Dumfries business establishments, and other historic sites.
- A meeting was held with a partnership group, Prince William Convention and Visitor Center (PWCVC), for the first time. The Museum reports its numbers quarterly to the PWCVC.
- Schedule of events
 - January 12 – Tempests of Teapots
 - January 20 – Dumfries Senior Luncheon
 - January 21 – Regional Discussion of Slavery and Emancipation at the Alexandria Black History Museum on a project called “Remembering Slavery, Resistance, and Freedom.” The main goal is to identify regionally appropriate ways of commemorating the 150th anniversary of the Emancipation Proclamation in Virginia. What should be done about fitting

in the public's memories of slavery, resistance, and freedom in the Commonwealth for the Sesquicentennial?

- o January 28 – Genealogy 101
- o January 25 – The Missing Connection - genealogy class

Vice Mayor Toney asked when the Dumfries Business Association was holding its meeting.

Mr. Taber noted the meeting is scheduled to be held after the Senior Luncheon on January 20 in the Community Center at 3:30 p.m.

D. Planning Commission (PC)

Mr. Christopher Padberg advised that at the January 9 meeting, two new business items were discussed and public hearings held that involved the Ginn Memorial Park. The first matter was to ensure that the Comprehensive Plan and the development of the park were in conformance and the second matter was an amendment to the Capital Improvement Plan regarding the budget. Both matters were approved are being forwarded to Council for consideration. Discussions were held about broadcasting of the PC meetings. It was requested that staff not broadcast the last meeting. The PC understands the wishes of Council and the action taken at the previous meeting directing staff to broadcast the PC's meeting. He felt, and the rest of the members agreed, that the concerns outlined in the PC's report, which the PC was asked for input, were not addressed in the report given by staff, in particular, concerning the presence and input from the Town Attorney and the logistics of the recording secretary. He had provided some ideas about how to accommodate the balance of the Town Attorney not actually being able to attend the meetings with a four meeting review by the Town Attorney at which time the PC could meet with the Town Attorney to provide guidance and input on where the last four meetings have been. The last meeting was videotaped so a library has been started. After having a discussion with Ms Sanders, he learned that with the interface of recording technology the minutes could be built from the recording.

Mr. Taber mentioned there is a discussion item on the agenda dealing with this issue. Council passed a resolution directing staff to broadcast the PC meetings and if Council wishes to act on the suggestions being made an adjustment would need to be made to the resolution.

IN RE: STAFF COMMENTS
A. TREASURER – RETTA LADD

Ms. Ladd was ready to answer any questions that Council may have regarding the monthly financials for December 2011.

Ms. Jurgensen thanked Ms. Ladd for providing information on the checks drawn to Olde Towne Landscaping. She asked that Ms. Ladd go over that information for everyone's benefit.

Ms. Ladd advised that check number 22940 for \$3,500 was for the removal of a fuel and septic tank from the Graham Park Road property. Check number 22996 for \$11,995 consisted of four invoices, which covered the following items.

1. Mine Road – clear out, grade, and stabilize drainage ditch by the cemetery
2. Possum Road – remove brush and trees from outfall
3. Washington Street – materials and installation of a 15-inch pipe

Check number 22973 for \$12,122.55 consisted of six invoices, which covered the following items.

1. Changing of seasonal banners
2. Labor to assist with the parade
3. Installation of a stop sign at Graham Park Road
4. Washington Street – materials, excavate and locate gas and water lines, cut street for stormwater pipe replacement, lay block for catch basin, and added work to cut and install 15 inch pipe

Ms. Jurgensen asked if the town had to hire outside help to take down seasonal banners.

Mr. Tkac explained that it would not be cost effective to have the equipment needed for use once or twice a year.

Ms. Jurgensen asked how much the Town has spent with Olde Towne Landscaping this year.

Ms. Ladd advised that through December 31, 2011 the Town has paid \$89,644.16.

Vice Mayor Toney asked what budget the funding came from.

Mr. Tkac explained that the funds come from several different accounts. The Town is contracted with Olde Towne Landscaping for roadwork, stormwater drainage work, and to have on-call laborers available. He noted that most of the funding spent this year is from the stormwater management account. Things like banner removal and help with the parade come out of the general fund and roadwork would come out of another account.

Mr. Foreman asked if the current fiscal year's budget was up to date yet in the excel database.

Ms. Ladd noted a copy of the spreadsheet was placed in each Council Member's mailbox. She noted she was having a bit of a problem with the format on the electronic version and hoped to be able to provide it to Council electronically within a day or two.

Vice Mayor Toney asked who the Berkley Group was.

Mr. Tkac explained it was one of the Town's on-call consulting groups. He noted that the Council would be seeing more from them since they are working on the Route 1 and Curtis Drive intersection project.

B. TOWN ATTORNEY – CHRISTINE SANDERS

Ms. Sanders is tracking things in the General Assembly now that it is in session. She has responded to several Freedom of Information Act requests with two of those being significant. She noted there are a lot exciting discussions going on about land use and economic development. She has spent some time discussing policies and legal issues regarding land use. The Writ of Election was received by the Circuit Court Judge for the special election to be held in May to fill the unexpired term of Mayor. She noted she has been dealing with a lot of questions about the special election and the election that will be held for the three Council seats expiring in June.

Vice Mayor Toney asked if any juveniles were prosecuted.

Ms. Sanders noted there was one that still needs to be disposed of involving breaking and entering.

IN RE: INFORMATION ITEMS

A. Report from the Newsletter Committee

Ms. Barr advised that the Newsletter Committee had a meeting. The goal of the Newsletter Committee is to contemporize the newsletter much like the Website Committee contemporized the website. The Committee wants to expand the newsletter, yet cut the costs. A space is going to be used in the newsletter to determine if people would prefer receiving the newsletter on-line. The paper version can still be done; however, the Committee believes that an expanded newsletter could be done on-line with more information and depth. In the same section of the newsletter, there will be a call for editors who want to be part of an Editorial Board. The concept is that the Town Manager will oversee the Department Heads submissions, but for all of

the other items submitted, not necessarily produced by staff, the Editorial Board would review. The Editorial Board will consist of people who live in the Town that are stakeholders in the community. The mission statement that was adopted for the newsletter is a non-political, informative, and timely citizen communication from the Town of Dumfries. The Newsletter Committee is looking for citizen journalists, which will be called contributing journalists. This is good for people who are looking for jobs and trying to build some kind of foundation that can be used as reference material on an application. This is good for youth that are going to be going to college and applying for special programs. A link can be provided to the website to show their civic support and see the quality of their work. The Committee thinks this would be good for citizens, people looking for a job, those looking for applications to go to school, and good for the Town. She mentioned that the Town had someone who was in the final four and someone in the Olympics, which are perfect opportunities to do a phone interview and include in the newsletter. The Newsletter Committee will also be calling for contributors, editors, and input on whether a citizen prefers getting notice that the newsletter is available on-line or a paper version. The reason is to cut costs and to provide a better service. The Committee knows that Peggy Ham will be on the Editorial Board and part of the Committee. Ms. Barr and Ms. Jurgensen will be participating at the Senior Luncheon on Friday and will be talking about it to encourage people to participate.

IN RE: DISCUSSION ITEMS**A. Demographic Information – Jurgensen – Dan Taber**

Mr. Taber explained that this started as a request from Ms. Jurgensen to Debi Sandlin, Director of Community, and Economic Development, to provide information on demographics. The reason for being on the agenda is to get clarification to make sure that Ms. Sandlin knows what is being requested since demographics can mean many different things.

Ms. Jurgensen indicated that to better understand where the Town is economically, where the Town wants to be, and how to see growth in the area, one needs to know what the community is comprised of. She wanted to see information on population and local attractions.

Vice Mayor Toney asked if this information was specific to the Town of Dumfries.

Ms. Jurgensen noted it was specific to the Town. She indicated there is information on the website within a 15-mile radius.

Ms. Sandlin confirmed that was correct.

Ms. Jurgensen wanted to see something more specific to the Town like how much office space there is in the Town, how much commercial space is available, and what transportation is available including the number of bus stops in the Town.

Mr. Foreman advised that the 2010 Census is available and has all the demographics for the Town that can be linked to the Town's website. Prince William County's (PWC) website has demographics for the Town, which some match what is on the Town's website and some do not. He wanted to know, of the businesses registered in the Town, the number of employees there are and how many of those employees are citizens of the Town. He explained it is relatively quick to send out a letter and if a response is not received, follow up by making a phone call.

Mr. Taber explained that was the reason for getting clarification on what Council wanted to see. He noted the methodology seems solid to him and does not seem to take too much staff time. He explained that PWC takes an extended regional view and not one within the limits of the Town. He indicated that the sources of information are never going to truly match.

Mr. Foreman mentioned that PWC might be using the zip code, which includes areas outside the Town's limits.

Ms. Forrester mentioned that she is a statistician and works with large data sets all the time. She offered to assist with analyzing data.

Ms. Jurgensen noted that although the website does say fifteen miles outside the information is somewhat misleading and she would prefer more clarification to what is in the Town.

Vice Mayor Toney has seen in the past where companies have entered into Memorandums of Agreement that require a certain number of employees be hired from the residents of the Town. He understood that some businesses need individuals with a certain skill set that would require hiring from outside the Town; however, there are other businesses in the Town that do not require this.

Ms. Sandlin noted that as part of the process of putting together the Economic Development Strategic Plan, stakeholder surveys are being created to be mailed out that have specific questions tailored to who the stakeholder is; however, there is nothing on the survey about employees. She provided the following examples of questions that would be asked: What would bring you here? Why are you coming here? What are you looking for? She noted that

there is a question of availability of workforce on some of the surveys. These will be going out in the February March timeframe. The surveys are being finalized this next week.

Mr. Taber noted that Ms. Jurgensen is working on that Committee too.

B. Consideration of Town Decal Compensation for Resident Employees – Jurgensen

Ms. Jurgensen proposed that the resident employees for the Town be compensated for their vehicle decal. Three Town residents are employees that she wanted to extend the benefit of being compensated for the Town decal.

Vice Mayor Toney mentioned that decals cost \$27. He mentioned that citizens have approached him about Prince William County (PWC) no longer requiring decals. He asked why Dumfries was still requiring a decal.

Mr. Taber explained the difference is that PWC is doing away with the expense of the decal by combining the fee into the personal property tax on automobiles. The Town lacks the ability to collect the fee through a personal property tax on automobiles and does not have an alternate way. The only way to make sure that an individual has a decal is by making sure that the decal is posted on the vehicle and issuing summons or parking tickets to those vehicles that do not have them.

Ms. Barr was concerned with doing away with the decal. She explained that whenever PWC puts a tough rule in place that not everybody wants to follow people dump their cars in Dumfries. She mentioned that there is a situation going on now where cars are being parked in front of an elderly couple's home while another car comes along and picks up the drivers in the morning and the reverse at night. She understood the request was not to do away with the decal, but to do something for the employees who live in the Town. She did not have a problem with the suggestion.

Vice Mayor Toney explained that this was the first time anything has been brought up about the decals and he was piggy backing on it. He could see supporting the suggestion.

Ms. Forrester did not have a problem with supporting the suggestion. She did not understand since the fee is only \$27 and thought the idea behind the incentive was to get more employees to live in the Town, which \$27 will not do.

Ms. Jurgensen noted that was not the idea. It was just an extension to compensate those individuals.

Ms. Forrester noted that the employees are compensated every two weeks. She did not mind supporting it; however, she did not see the purpose.

Mr. Foreman indicated that when there has been vacancies over the past 18 months there has been talk about offering incentives to live in the Town that have gone nowhere. He was on board to listening to this being part of an incentive package to live within the Town of Dumfries. One of the incentives he suggested was \$1,000 a year toward rent. Maybe this is the time for the Town Manager to put this on a priority list, work it out, and come back with an incentive package for employees that live within the Town. The Town's salaries are very comparable to other localities and government administrations, which has been proven by the employees from the top to the bottom. The Town wants to take care of its employees and the next step would be to let them have a vested interest by working and living in the Town. This would be something he would support if it came in a package.

Mr. Taber recalls discussions in the past specifically on the rent subsidy for law enforcement officers, the cost benefit analysis. If an officer is living in Town, they are able to respond faster, there is a take home car that is parked in a neighborhood, which has shown in some research to reduce crime rates. In his opinion, this should be addressed through the budget process to outline what those costs are and then in the course of presenting the budget discuss the cost benefit analysis. He thinks the Council will see something like that proceeding into the next budget.

Ms. Washington thought it was a wonderful idea; however, she is all about being equitable. When she thinks about it, it is about three people and \$27. She thinks about the people who live within the Town who do not have jobs, have lost their homes, and the senior citizens living on social security checks. That \$27 to those people is a lot more meaningful. She was not trying to be unfair to the Town employees who do an excellent job, but this is about \$27. Now, if the talk were about a package that was going to really make it worth living in the Town then it would be a different idea.

Ms. Jurgensen asked if senior citizens paid for a decal.

Mr. Taber was not aware of any exceptions.

A citizen in the audience advised that handicapped individuals get theirs free.

Ms. Jurgensen appreciated the discussion on the issue.

Ms. West spoke with Ms. Jurgensen in November about this matter and thought it had merit. She would like to see the matter taken under advisement and maybe be part of an incentive package or as Ms. Washington suggested allowing others to be eligible too.

C. Request by Planning Commission to have Town Attorney Present and a Third party Stenographer

Mr. Taber noted the issue developed because of a vote taken by Town Council to require the various Boards and Commissions meetings be recorded and/or aired to the public depending on what business was being conducted. In the case of the Planning Commission (PC), it was to both record and broadcast its entire meeting. In the course of enforcing that resolution, an issue came up about legal matters that may present themselves. Mr. Padberg, Chair of the PC, had made an initial request to have the Town Attorney present to offer some legal advice and that arrangements possibly be made for a third party stenographer to record the minutes. Because of the nature of the resolution that was voted on and the enthusiasm of which Mr. Padberg brought the issues forward he felt that in the best interest of the Town the matter be brought back before Council to discuss a little further. The Town Attorney has a previous commitment on Monday nights and is unable to attend the meetings. Mr. Padberg made the recommendation to just record the next two or three meetings, allow the Town Attorney to review the recordings, make notes, and then meet with the PC or Chair to hold discussions and make suggestions on what went well, what can be approved upon, and how to better conduct its meetings. This will take away some of the trepidation the PC has of not having the Town Attorney present. The second issue is that the PC has someone who writes written minutes down. After reviewing State Code, the Town Attorney has advised Mr. Padberg that minutes can be transcribed later from the actual recordings. After discussing it with all parties involved, he believed that Mr. Padberg's suggestion has merit, but it is not up to him to make the decision because of the resolution that is in place. He is willing to use some of the Town Clerk's time to transcribe those minutes in a written format from the recording. What staff needs is for Council to pass a resolution that would exempt the PC from broadcasting its meetings. He had gone out on a limb because Mr. Padberg did not feel comfortable Chairing the meeting with it being broadcast due to cases that were coming before the PC and he did not want to inconvenience citizens by not letting the process go through so that meeting was recorded and not broadcasted.

Mr. Padberg did not have anything to add and would be available for any questions that Council may have.

Ms. Sanders noted that it is better business practice to record the proceedings; however, she would not discourage or deter any member not to take hand written notes. You do not have to have real time hand minutes under the statute; however, there has to be written minutes that can be transcribed from an electronic recording. When a resolution is passed, it is effective immediately unless the resolution states differently.

Ms. Forrester indicated that Ms. Sanders answered her question sufficiently about when things actually go into effect since past practice has been at the Town Managers discretion.

Mr. Taber noted that unless it is stated differently an item becomes effective upon the completion of a vote from Council; however, if Council wishes to delay an action for 30 days it can be placed in the resolution.

Ms. Forrester reiterated that it is not at the Town Managers discretion.

Mr. Taber indicated that was correct.

Ms. Sanders noted that it was not at the discretion of anyone else either. It is the Council's decision.

Ms. Barr made the motion, seconded by Ms. Forrester, to accept the recommendation of the PC Chair and amend the resolution that was passed at the January 3 meeting to record but delay broadcasting until the fourth complete meeting and that the Town Clerk transcribe the minutes.

Ms. Sanders asked if the fourth meeting meant beginning in May.

Ms. Barr noted the PC has held one meeting, so that would mean three additional meetings. The motion would be for four complete meetings, the Town Clerk would transcribe the minutes, and broadcasting would start on the fifth meeting.

Ms. Sandlin asked if the motion included the Board of Zoning Appeals (BZA).

Ms. Barr indicated that it did not.

Mr. Foreman asked if the Town Clerk would be transcribing the minutes indefinitely.

Ms. Sanders noted the staff that staffs the particular Board or Commission would be recording the meetings and deferred to Mr. Taber on staff time for transcribing.

Mr. Foreman understood that one of the biggest issues is that all the members of a commission want to observe and participate in its meeting and although there has always been

someone taking notes it would be beneficial if a secretary was taking and transcribing the notes. He noted that all the Boards and Commissions are being recorded in some form whether that be video and audio or just audio. He did not understand why the tape could not be provided to the secretary to be transcribed later. He feels that if the transcribing was being done for one committee the others will want equal treatment.

Ms. Sanders explained that all three of the Boards and Commissions would be recorded electronically so minutes can be transcribed later. There is no need for any member to actually be taking hand transcribed notes as long as the other is occurring. She did not want to discourage anyone from taking their own notes. She was suggesting that a member should no longer be required to take notes because it would be difficult to fully participate as a member and be charged with taking notes.

Vice Mayor Toney asked if the PC bylaws require a member to serve as the Secretary.

Mr. Padberg said the bylaws did and was asking what the PC needs to do if that is changed.

Ms. Sanders noted the bylaws could be amended since there is no legal requirement.

Ms. Washington expressed concern over Council talking about three committees and only voting to change for one. She asked if the matter could be tabled in order to find out what the other two committees want. She explained that Council talked about this at the last meeting before voting that people were going to feel insecure about being taped, especially when the members took their positions meetings were not being taped.

Ms. Sanders noted that discussions have been occurring since August. It is true that there are people on these Boards and Commissions that did not expect to be electronically recorded. The requirement that there be complete and accurate minutes is not a new requirement however, that gets accomplished. So, if Council is more comfortable continuing to delay final action on them that is fine. This arose at the staff level because of good business practice in keeping accurate and complete records on behalf of the Town.

Ms. Washington understood that part. She asked if that would not be true of the other two committees.

Ms. Sanders agreed.

Ms. Forrester offered a friendly amendment to include the other two committees.

Ms. Barr accepted the friendly amendment.

Ms. Washington seconded the friendly amendment.

Mr. Taber was focusing on resource allocation. The nature of what the PC does, not minimizing at all what the other two committees do, and accomplishes needs to keep accurate records, transcribe those records, and the volume of work in this particular setting he believes is dramatically greater. What he has to deal with is limited resources to accomplish everything that needs to be completed. He was prepared this evening to state that the Town Clerk, among the many great things she has been doing since being hired, has the ability to transcribe the minutes of the PC. He could not justify in his mind doing that noting there are other issues dealing with the archives of information that the Town has or does not have access to on the Town Clerk's plate. He will yield, as the Town Clerk will too, to the advice of Council on this. Just because one committee brings it up, he would hate to have the other two committees it really is not a problem, but since it is being done for one committee why not do it for us as well. He reiterated he would do whatever it takes to make it work. This is an important issue and the ability to come to an agreement is very important to move forward. He did not want to lose the ability to have an accurate recording of those meetings. He did not want to go back on his commitment, which he believes is a commitment of all the Council members, to have openness in government. The different Boards and Commissions have stated that the citizens do not know what the committees do. Giving the citizens that insight through broadcasting is important. He would agree to have the Town Clerk transcribe the other two committees meetings in order to resolve the matter.

Ms. Barr suggested trying it for the four sessions and looking into contracting with a transcription service.

Mr. Taber indicated that was an excellent idea. He explained that would be a budget item that is not in the current budget.

Ms. Forrester pointed out that the Board of Zoning Appeals (BZA) may meet twice a year and the Architectural Review Board (ARB) does not meet much more than that.

Ms. Sanders noted the BZA might meet more frequently as the Town moves forward with zoning enforcement and would be difficult to forecast. She mentioned that Mr. Moss, Town Planner/Zoning Administrator, has been putting together a database on the uses in the Town. What the uses are? Where they are? What the parameters of those uses should be? This will provide some predictability and certainty of land use in the Town. As greater clarity is made, there may be more issues for the BZA resulting from that effort.

Mr. Taber explained it was a tremendous advantage not to have the Town Clerk present at the meetings.

Ms. Barr thinks that looking into backup options is a good thing. If something can be found that is cost effective in the interim or an alternative she did not see why Council would not consider that.

Mr. Taber would look at the matter during the budget process.

Ms. Sanders advised that the amended motion on the floor is to continue electronic recordings, audio and visual recordings, for all the Boards and Commissions, and delay broadcasting until the completion of four meetings. For clarity, she would like to see a time certain in the motion since the various Boards and Commissions meet on different schedules.

Ms. Barr asked what the timeframe would be needed for another three meetings.

Mr. Padberg indicated that the meeting in April would be the fourth one.

Ms. Barr amended her motion to include the ending date of May 1.

Ms. Jurgensen seconded the amendment to the motion.

Ms. Hobgood advised that the motion on the floor is for the next four meetings or until May 1, 2012, all of the Boards and Commissions meetings will be electronically recorded, audio and visual, not broadcasted, and the Town Clerk will transcribe the minutes.

Ms. Sanders recommended that the motion previously passed at the earlier January meeting be rescinded and in place thereof offer the current motion for clarity.

Ms. Barr indicated that this would not be an amendment then if the original motion were rescinded.

Ms. Sanders noted that it is either an amendment or the previous motion is rescinded and a new motion is offered.

Ms. Barr indicated the motion is an amendment.

Ms. Forrester was not clear as to whether the Town Clerk would be transcribing the minutes for the period that the meetings are not being broadcast or indefinitely. She understood that it was for an indefinite period.

Ms. Barr understood it was for the period that the meetings were not being broadcast and that staff would be looking into the options that are available.

Ms. Forrester understood that the arrangement was that the Town Clerk would transcribe the minutes indefinitely. She thought the point in the option was to see if it was more cost

effective to have the Town Clerk transcribe the minutes or for someone else to do it and not whether or not it would be continued into the future.

Ms. Barr felt that if the motion were made for perpetuity now then another amendment would need to be made later.

Mr. Foreman asked when the next PC meeting is scheduled.

Mr. Padberg advised that the PC meets the first Monday after Town Council has its first meeting.

Mr. Foreman noted that Town Council has a meeting before any of the committee's meet again. He asked why the matter could not be referred back to the Town Manger, placed on the next agenda to discuss the options and vote. This will allow time for the Town Manager to talk to all three of the Chairs, determine the financial options, and come up with another option as to how to handle the minutes after the four meetings.

Mr. Padberg clarified that one of the things that has come out of all the discussions is that there is no need to keep real time minutes. The PC has no problem with the minutes it is keeping and how they were being kept. The basis for recording the meetings was so the Town would have a defense in a lawsuit. The concern was that there are real time minutes being recorded that might be off a word or two although the intent and the tempo would be the same and the PC did not want to risk that error. The PC now knows that State Code allows written minutes to be created from a recorded meeting. If the Town Clerk comes during the trial period, this will give the PC time to discuss whether the existing secretary can handle the minutes or if a position needs to be made to build the minutes in house without having to spend any money. The PC was under the false impression that real time minutes had to be kept that would ultimately be the final minutes.

Ms. Barr asked Mr. Padberg if he was okay with the amended motion.

Mr. Padberg understands that as of May 1, the PC will lose the Town Clerk and the meetings will start being broadcast. During that time, the PC has to decide how to modify its minutes based on the existing recording and he thinks can be worked out internally.

Vice Mayor Toney asked Mr. Padberg if the plan was to meet with the Town Attorney during this period for guidance on how to conduct meetings.

Mr. Padberg explained that the suggestion that was brought forward was that either he or the entire PC would meet with Ms. Sanders in April after she had an opportunity to review some

of the meetings to discuss areas of the meeting that may need to be adjusted or what is going well, etc.

Ms. Washington felt that it would make it clearer if the motion was rescinded and another motion made. She is the clerk who takes the minutes at her Church meetings that are also recorded. She goes back, adjusts her minutes accordingly to the recording, and thinks that the person the PC has in place now will be able to do the same.

Vice Mayor Toney noted that Ms. Washington did not make a motion but a suggestion.

Ms. Washington suggested for clarification that it would be clearer for the minutes in the future to rescind the original motion that was amended three times and make a new motion.

Ms. Forrester withdrew her friendly amendment and her second to the motions before Council.

Ms. Barr withdrew her original motion.

Mr. Foreman mentioned that the matter is a discussion item and it could easily be moved to an action item at the next Town Council meeting with recommended solutions.

Ms. Washington agreed.

Ms. Jurgensen asked what the PC understood happened at the last meeting with the motion that Mr. Foreman made of recording. She asked specifically if the meeting was to be recorded and not broadcast at that time.

Ms. Sanders recalled that the meeting was to be audio and visually recorded and broadcast live.

Ms. Jurgensen asked if that was done.

Ms. Sanders noted that the meetings can be broadcast at any time and do not have to be broadcast live. She reminded Council that there is nothing stopping an individual from coming into any of the Boards and Commission meetings with a hand held video camera, record the proceedings, and upload them to the worldwide web. She explained that there could be stipulations placed on the recording like not being disruptive etc.; however, the Town cannot prohibit it. The Town is moving in a direction to try to put some policy in place that is already afforded to any citizen that walks into any of these Boards and Commissions meetings.

Vice Mayor Toney noted there no longer is an amended motion on the floor, what the Council has is a resolution that states that the PC and BZA will be recorded and broadcast, and there are no Boards and Commissions meeting before the next Town Council meeting.

Therefore, this discussion was just a discussion, does not warrant any action until the next meeting when staff will be better prepared to further elucidate the problem, and suggest some solutions.

IN RE: COUNCIL COMMENTS

Mr. Foreman thanked the citizens of the Town. He has been walking around knocking on doors and the citizens of the Town are outstanding, care about their local government, their businesses, and their Council.

Ms. Washington congratulated Dumfries Elementary School for being named a School of Excellence again this year. She reminded everyone that the Dr. Seuss Read Aloud was coming up and was looking forward to everyone participating again this year. She congratulated the Human Rights Commission for the outstanding breakfast held on Saturday where many awards were handed out and Ms. Norma Fields was one of the recipients.

Vice Mayor Toney mentioned that it was Martin Luther King Day yesterday and he hoped that everyone commemorated the day in a fitting fashion. He wanted to comment on the passing of a very close friend, Kevin English, who was a previous member of the body and an outstanding citizen of Dumfries. Mr. English had a real estate company and was a renaissance man. The visitation will be held from 2-4 p.m. and 6-8 p.m. at Mountcastle Turch Funeral Home on Thursday. A memorial mass will be held at St. Francis of Assisi, on Fuller Heights Road, in Triangle, at 11 a.m. on Friday.

IN RE: ADJOURNMENT

Ms. Washington moved, seconded by Ms Barr, to adjourn the meeting. The motion carried by the following voice vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; Ms. West, yes.

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Nancy H. West
Mayor