

**AT A WORK SESSION OF THE DUMFRIES TOWN COUNCIL, HELD ON MARCH 19, 2013,
AT 7:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:**

THERE WERE PRESENT: Mayor Gerald Foreman
Vice-Mayor Willie Toney
Charles Brewer (joined the meeting during presentations)
Kristin Forrester
Helen Reynolds
Gwen Washington
Derrick R. Wood
Daniel Taber, Town Manager
Christine Sanders, Town Attorney

THERE WERE ABSENT: None

IN RE: CALL TO ORDER AND ROLL CALL

Mayor Foreman called the meeting to order. Dawn Hobgood, Town Clerk, took roll call.

IN RE: MOMENT OF SILENT PRAYER AND REFLECTION AND PLEDGE OF ALLEGIANCE

There was a moment of silent prayer and reflection, then all in attendance recited the Pledge of Allegiance to the Flag of the United States.

IN RE: CITIZEN COMMENT PERIOD

There were no citizen comments.

IN RE: PRESENTATIONS

A. PUSH TO TALK AND VOTING SYSTEM – JUAN BIALET, PRESIDENT, TSC MANAGEMENT

Mr. Taber explained that during the mid-year budget review some reallocation of funds were done to deal with the issues surrounding the microphones and being able to determine which Council Member's wish to speak. Several systems have been identified that will assist with these issues and be more professional. He introduced Juan Bialet, President of TSC Management, who will talk a little bit about the system being installed.

Prior to Mr. Bialet starting his presentation, Mayor Foreman asked if there were any amendments to the agenda, seeing none the meeting continued.

Mr. Bialet started by telling Council that TSC Management provides audio, visual, and technology solutions. He went over the following in a PowerPoint presentation.

About TSC Management

- ❑ Over 30 years of experience
- ❑ Federal, State, and Local government
- ❑ Industry trained

Why Brailer?

- ❑ All-in-one system (Voting, Push-to-talk, and meeting control)
- ❑ Proven reliability

- High quality voting reports and recorded audio
- Compatible with recently installed system

A sample picture of the system was shown and an explanation was given of how the polling capabilities work. He noted that there are five buttons on the microphone for voting and when a Council Member is speaking a red light around the top of the microphone will be on. The system also features request to speak, which gives the Mayor the ability to change the order of who speaks. The system also allows the technician in the back of the room to control the meeting allowing the Council to focus on business. The Mayor will have the ability to override a microphone. Microphones can be added or taken away at any time as the Town grows. This system was chosen because it will work in conjunction with the current system and because it is an all in one proven reliable system; it will save costs in the long term.

Mr. Taber asked for an explanation of how it will look when a Council Member votes in connection with the cameras and broadcasting.

Mr. Biale explained that a question would display on a PowerPoint slide, as Council votes percentages, pie graphs or bar charts, will appear in real time. There is an ability to put a timer on the voting and a final count will appear. Separately, for security purposes, a spreadsheet is recorded in the backend of the system that will allow you to know how a specific Council Member voted.

Mr. Taber noted it was great to have all those capabilities; however, Council is simply looking for the ability after voting yah or nah to be able to see that and asked if that was the way it would be displayed.

Mr. Biale confirmed it would.

Mr. Brewer joined the meeting at this time.

Mr. Taber reiterated the vote is recorded visually. He noted the citizens watching the broadcast will see the vote displayed from one of the cameras.

Mr. Toney asked if there was going to be a board displaying how a Council Member votes.

Mr. Biale explained that it could be displayed; however, it is displayed separately for security. There is a tally of who voted. The PowerPoint that would be live displays percentages overall.

Mr. Toney questioned there being no real time display of the vote by each Council Member.

Mr. Biale explained the display would not show that Mr. Toney voted yah or nah. He noted it could be done and programmed, but is not part of the proposal.

Mr. Taber mentioned the purpose of this meeting is to ferret out information such as that. It is clear that at least one Council Member would like that kind of information. There has been no decision made on a specific vendor. This is to let staff know what exactly Council wants to see in a system.

Mr. Toney felt that would be a feature that would be advantageous to all the Council Members to see. He understood the significance of the recordings that can be garnered later to show how various

Council Members voted on certain issues. He was sure the press would love to see the voting record of a person over time.

Ms. Reynolds asked if this was the latest and greatest model.

Mr. Bialek indicated it was. He explained the core of it is a proven system. The latest model will have the new chip in the push to talk, which came out in the last six months since the original proposal was provided.

Ms. Reynolds asked if the chip was for speed.

Mr. Bialek noted it is faster more reliable. Maintenance is easier and improved aesthetics of the actual microphone.

Ms. Reynolds asked if the upgrades, when new features come out, would be free.

Mr. Bialek noted upgrades are free; however if there is technical programming that needs to be done it would not be free. Software upgrades and maintenance are free. If buying new hardware, like two more microphones, there is an additional fee.

Ms. Reynolds asked how long it would be before the current boxes would become obsolete.

Mr. Bialek explained the core is designed to work 10 to 15 years. Some of the older models out there are 20 years old, fully analog, and different from what the Town is getting. This is the reason for choosing the Brailer brand versus some of the other brands. Some of the Brailer brand systems, not the one the Town is looking at, are in the United Nations. The quality of that company has been proven.

Ms. Reynolds asked if it was HD quality or beyond.

Mr. Bialek explained it would work in conjunction with the current system. The video system receives an analog audio sound, it will send it in analog, and then from there it will push it out via digital.

Ms. Reynolds wanted to know how the system would save on costs.

Mr. Bialek mentioned part of that is the company is doing work at Town Hall and built a relationship with the Town. Suggestions are based on preferences and the operations of the Town. This system requires very little maintenance and once programmed it is saved within the unit that requires no down time. Maintenance would be done on both the voting system and the push to talk system at one time, if any maintenance was needed at all, versus having to deal with several manufacturers.

Ms. Reynolds asked how the maintenance contract is handled.

Mr. Bialek noted a proposal for next fiscal year was put in to do a monthly or bi-monthly maintenance contract, recertification and basic maintenance to make sure everything is functioning properly. In the maintenance contract there is discounting of any potential rates that would not apply to

the maintenance contract. He indicated that they have been out on numerous occasions working on the old system at no charge. Installation has a warranty, so for the first year there will be no fees.

Mr. Wood asked if Council would just be pushing a button to vote.

Mr. Bialek indicated it would be just pushing a button to vote.

Ms. Washington mentioned there were several features she did not think Council was ready for at this point. She asked if there were add on capabilities where the Council can start with something that is needed now. She thought the system should fit how the Council conducts business rather than changing the way business is done to fit the system.

Mr. Bialek explained there are several ways to purchase the pieces of hardware and build the system up. To address the question of the yah or nah, on the person's particular unit it will show how you voted.

Ms. Washington asked if that was just to her.

Mr. Bialek agreed. He mentioned there is a way to program it in a way that how and who voted is recorded. The key is buying the correct hardware to grow. There is a way to do it the way Council wants to do it. He asked if it was more the push to talk or the voting system Council was leaning toward, which one would be done first.

Ms. Washington felt the push to talk, to know when you are talking, and the voting, to know who and how everyone voted for the citizens at the meeting as well as those watching the broadcast. She was not sure how the Mayor being able to cut someone off while talking or someone in the back controlling the meeting fit the way business was being conducted or whether they would even fit in the future.

Mr. Bialek noted the way Council wants to scale the system is easily done. The core of a voting system and a push to talk system is easy to do.

Mr. Taber mentioned, for Council's edification, another presentation would be done probably at the next work session. He hears that Council wants a more traditional system where there is a physical box on the wall that has the vote and a box that you hit a button when you want to speak that light up. This gives Council an opportunity to know what is available in order to compare the options and direct staff on which way to go.

Mayor Foreman did not need any of the features designed for the Mayor to use. He mentioned the current microphones are annoying and that Haymarket has a small triangle shaped microphone that sits on the dais. He liked what the Town Manager said about a board and if a Council Member wants to talk, they hit a button, he can see the light from where he is, and at the same time, the audience can too. The Mayor as the Chair controls the meeting and decides who talks when. He wanted the voting machine to only display the results once all of the Council Members voted. He noted the Town Clerk

would still announce whether a vote passes and how many voted for or against the motion. Everyone can see how the vote went. He mentioned the Mayor needed to see, in front of him, lights as to who wants to speak and should not have to look over at the wall to see who wants to talk next.

Mr. Bialek noted the proposed system is fully operational from the back of the room to allow Council Members to be fully focused. Part of the system is meeting management and designed to allow focus be placed on the meeting. He indicated the request to speak is easy to do. A panel will display the name of who wants to talk next.

Mayor Foreman noted the current system works by holding a toggle switch. Rather than a toggle switch that has to be held, he wanted to be able to push a button, have the name come up, and re-pushing the button would take your name off the list after speaking.

Ms. Forrester asked how the CSV export would be modified. She asked whether the Clerk would come in the next day and enter text in the cells of what each motion was.

Mr. Bialek stated that was correct.

Ms. Forrester asked if professional development training for everybody was included in the proposal.

Mr. Bialek stated that was correct.

B. UPDATE ON FY12 AUDIT – RONNIE JOHNSON SR., JOHNSON CPA, PLLC & CONSULTING

Mr. Taber reminded Council that during the mid-year budget review a discussion was had about the ongoing audit of the FY12 Budget. During that conversation comments were made about some procedures the Town government had been utilizing that were not meeting the existing standards. In other words, how you credit and debit accounts, line items, and some adjustments were made during the mid-year review to account for that. He thought it was appropriate to have Ronnie Johnson, President of Johnson CPA, who has been the auditor for several years, talk to Council briefly about what the audit showed regarding procedures that were not followed according to current standards and what has been done to take care of it.

Mr. Johnson wanted to take the time to go over where they are, what they are doing, and why. There are several new requirements that the firm can no longer do from an accounting or an internal control standpoint for the protection of funds and for the citizens of this wonderful Town. There is a thing called GASB (Governmental Accounting Standards Board) 54, which requires the firm to account for things differently. A packet was provided to Council of some of the transactions the firm has experienced. What he would like to do, if Council permits, is come back on April 2, present the audit report, and explain everything that is happening. He indicated this was a good thing. He knew that

Council was already in the budgetary process for the next fiscal year. He wanted Council to know that management has been fantastic through all of the adjustments and changes that he was going to go over and would answer any questions Council may have. Staff has bent over backwards to answer questions and provide data needed to help the Town meet the standards not only for the Auditor of Public Accounts, but also the Office of Management and Budget and the Governmental Accounting Standards Board. He gave the following example. You used to be able to take funds received for road construction from the State and credit that to reduce the expenditures. This can no longer be done. You have to show amounts granted or received as total revenue and expenditures have to be recorded in a separate way to show total expenditures whether capitalized or not. Why, what difference does it make, the net effect is the same. Under the new requirements, you cannot understate revenue or understate expenses. Under the old way everybody did, not just the Town. This now has to be shown separately. There are going to be some significant adjustments made to the financials. He will explain all of that to Council when he makes the report on the final audit. He hopes to have the final budget to Council in the next week to allow for a review prior to the meeting so questions can be compiled. He would be getting a draft to Mr. Taber and Ms. Ladd for approval prior to presenting it to Council. When you go out and pave a road or keep a road up, is that an expense or a capital item. There are several rules that you have to go by. If it is maintenance, it is an expense, resurfacing or patching. If it is an expansion, it has to be capitalized and counted as an asset. This is important because it determines what statement it goes to whether it is the governmental statement or the full accrual statement, the one called the statement of net assets of revenue, expenditures, and activities. Sometimes that is a tough call. The Town has a capitalization policy of \$5,000. Under \$5,000, it is going to be expensed no matter what. Anything over that the firm has to look at to determine what it is. When you maintain a highway, the life of that highway is extended, so why is that maintenance. When you put new tires on and change the oil in your car, you extend the life of your car that is maintenance. Primarily it is because it is not an expansion or an improvement. You did not put a luggage rack or a trailer hitch on your car. This is not a black and white issue and Ms. Ladd has provided all the information, under the guidance of Mr. Taber, to help the Town determine what to do with these funds and how to account for them. It is going to improve the reporting to Council and the citizens of the Town. Another thing that needs to be done is internal control. Duties are supposed to be segregated. In other words, the person who is receiving the money should not interact too much with the person who is expending it or signing it. With the Town being small, with only so many employees, the pie can only be sliced so many ways. He is going to sit down with Mr. Taber, go through see what can be done, and ask that consideration be made to assigning functions, not reassigning, but having the approval process maybe cosigned or looked at by another person. This

evolving thing of governmental accounting each year gets tougher and tougher. Why? It is the public's money and they want to make sure that it is being accounted for. A very important thing that has to be done comes from GASB 54. From the time money comes through the door, no matter what the source is, it has to be tagged and followed through the entire system. When money comes through the door, it has to be classified. Is it considered nonspendable? If it is a fund balance from the past, it is nonspendable. Additional classification is done if it is nonspendable. Are the funds restricted? Restricted funds can only be spent for the specific purposes stipulated by constitution or the grantor. Are the funds committed? The legislative body by formal action determines committed funds. If you have nonspendable, restricted, committed funds, what is left? Assigned funds, the Town Manager can pretty much assign. Budgetary gaps, Police Department, highway, whatever; however, the Council has to approve it and it has to follow the budget. Unassigned funds, is money that is left over. That is the process and it has to be tracked through the entire system for every dollar. Under the new clarification standards, it is supposed to make better reporting to the people that Council report to and that is the citizens. That is where the process is at this time. Council will get the June 30, 2012 in April. He wants to present to Council the June 30, 2013 no later than September unless something else crops up.

Mr. Toney asked Mr. Johnson how long the firm has been working with the Town.

Mr. Johnson really did not know. He just knew it has been many, many years.

Mr. Taber was going to find out and let Council know.

Mr. Toney pointed out that some practices had changed and Mr. Johnson was bringing those changes to the attention of this administration. He asked Mr. Johnson if he was just learning about the changes that came up. He asked if the deficiencies were observed earlier.

Mr. Johnson would not call them deficiencies, but a difference in the manner of stating things. These were observed in previous years, before Mr. Taber's time, and were commented on, but the local associations are charged with the responsibility and the Auditor of Public Accounts is supposed to communicate these changes to Council. They did not do such a good job. The reducing revenues and expenses the firm did not know about until it was discovered this year. Statistical sampling is used that is reliable. He explained the audits are not designed to detect fraud nor should they be. He noted there is not an instance of fraud; however, if it is detected, regardless of the materiality, the firm is required to let Council know. He noted this is a new procedure, something that has to be done, and was not required in the past. It is a better reporting model. He noted the firm has many localities that are experiencing the same thing.

Mr. Toney thought it made a lot of sense that the person who brings in the money should not be the same person spending the money.

Mr. Taber used the example of receiving a bill from Olde Towne Landscaping. Currently, the Public Works Director approves the bill, Ms. Ladd looks it over for accuracy, and then he receives it and approves the expenditure. One of the discussions that will be had is whether another layer could be inserted. He used the example of having the Deputy Director of Public Works approving the bill prior to the Public Works Director, which will create more checks and balance.

Mr. Toney supported implementing more checks and balances because when you have just one person charged with approving something it lends itself to more outside scrutiny.

Ms. Reynolds asked if that meant every department would need a second layer.

Mr. Taber did not necessarily think so. He mentioned most purchasing is done between the Police Department and Public Works. This will take more discussions with the accountants and auditors as to what will work best based on the existing organizational structure.

Ms. Forrester thanked Mr. Taber for the examples because what she heard is that the person who brings in the money cannot spend the money, which would require a separate accounts payable and accounts receivable. That is different from what was stated.

Mr. Taber noted Ms. Forrester's interpretation was correct.

Ms. Forrester asked if that meant Council would be entertaining, at some point, hiring someone new. No matter how many people sign off on a bill Ms. Ladd is still the one who writes the checks and receives the money.

Mr. Taber mentioned that would be part of the next step in the discussion with the accountant and auditors.

Ms. Forrester wanted to avoid that because everybody looks at it, the Council sees every check that is written. She did not think Council wanted to go down the road of hiring another person.

Mr. Taber explained the concern is greatly diminished since Council does see the checkbook so to speak every month. He felt Council did a meticulous job of reviewing the checks that have been drawn and questioning anything that does not appear to be normal.

Ms. Forrester suggested another signature line on the checks.

Mr. Taber noted that before any changes are made he would come before Council to talk.

**IN RE: INFORMATION ITEM(S)
 A. TREASURER'S REPORT**

Ms. Ladd explained that she does not always take in the money. Peaches Rodriguez, Deputy Treasurer/Administrative Assistant, receives most of the money and she writes the checks. She asked Council if they had any questions regarding the February schedule of receipts and expenditures.

There were no questions or comments.

IN RE: DISCUSSION ITEM(S)

A. UPDATE ON HIRING AND IMPLEMENTATION OF A SCHOOL RESOURCE OFFICER (SRO) AT DUMFRIES ELEMENTARY – CHIEF FORKER

Chief Forker announced that Officer Renee Moody was selected as the School Resource Officer (SRO). Officer Moody joined the Police Department in October of 2010, is recognized throughout the community, and a very popular Officer with the children. She spends a lot of time at the Dumfries Youth Center at the Dumfries Elementary School. He did not think they could ask for a better Officer. On March 25, Officer Moody will attend SRO training. At the next meeting or work session, he will provide his plans for the direction the Town should go with the SRO position. Council will be able to provide comments and input at that time.

Mayor Foreman asked that when the plan is presented that dates be provided or a timeline for when the SRO will receive training, start at the school, etc.

Chief Forker noted the report would include the projected timeline, cost, etc.

Mr. Toney asked if another Officer would be hired to assume the duties Officer Moody was performing.

Chief Forker noted another Officer would be hired, hopefully before September, prior to Officer Moody starting at the school, to take her position.

Mr. Toney asked how many Officers made up a full staff.

Chief Forker noted that including the SRO position there would be 11 Officers.

Mr. Toney asked how many Officers there are now.

Chief Forker indicated there are eight.

B. ON WHETHER TO MAKE AN APPOINTMENT TO THE BOYS & GIRLS CLUB BOARD OF DIRECTORS – DAN TABER

Mr. Taber noted that over the past couple of months he has met with representatives of the Boys & Girls Club. As mentioned in previous meetings, the Boys & Girls Club will start a pilot transportation program to try to make the facility and programs available to more children in the Town. The Board of Directors of the Boys & Girls Club has offered a full voting seat to a Council Member. There is a monetary commitment. The Board Members contribute a \$2,500 a year stipend to help facilitate that particular process. He wanted Council to consider whether to take up the offer to have a Council Member sit on the Boys & Girls Club Board of Directors knowing that the \$2,500 would be included in the next budget.

Mr. Wood asked for clarification on the \$2,500. He understood the money did not necessarily have to be paid; however, a Board Member would sit on one of the different fundraisers and bring in that amount of money.

Mayor Foreman thought the amount was \$2,900. He explained there is a monetary amount and with that monetary amount, you could sit on the Board of Directors and would have to participate in one of the fundraising events. He mentioned Council could vote on whether to move forward with having a Council Member sit on the Boys & Girls Club Board of Directors and get clarification in the meantime.

Mr. Wood understood the fundraising would be the contribution for being on the Board.

Mayor Foreman mentioned there might have been the quirk that if you participate in a fundraiser, you could raise the contribution.

Mr. Taber would get clarification; however, short of raising the funds it would seem appropriate for the governmental organization to approve the expenditure.

Mayor Foreman recalled you could draw a check for the amount or raise funds and make up any shortfall.

Ms. Reynolds asked how long the term was.

Mr. Taber noted it would be for one year.

Ms. Reynolds asked if someone could sit on the Board for more than one term.

Mr. Taber never asked that specific question. He has known people who have been on the Board for over nine years. He will pose the question.

Mayor Foreman clarified Council votes on appointments to the various boards, committees, or commissions in July.

Ms. Forrester looked forward to getting the information. She was in favor of having a Council Member sit on the Board of Directors; however, she could not support it if the money was coming out to the budget. She thought that Council would have to find ways to fundraise or everyone pitches in. She did not know how Council wanted to have this conversation, but she did not think it was appropriate to use taxpayer money to support any individual non-profit organization. She loves the Boys & Girls Club; her daughter loves it every day of the week, so it is nothing personal. She thinks that when citizens pay in they do not expect to be supporting non-profits of the Council's choice with their money.

Mr. Taber would get all the information back to Council to allow a decision to be made.

Mr. Wood explained that was why he brought up the point, especially with the Parks & Recreation Commission trying to create and build up the community center and programs for the citizens in the Town. Looking at the bus program and being able to partner with some of the Dumfries Cares programs.

Mayor Foreman suggested getting the answer the question as to the dues, how to source those dues, and move the matter to the next meeting for the recommendation of a Council Member. He asked that an email be sent out prior to the meeting just in case there is not enough clarification or if an answer has not been given this way, Council will know why it is not on the agenda.

Mr. Brewer had an issue with the Boys & Girls Club years ago before they closed. One of the problems was that issues were brought up to the Board and nothing came to fruition. Having a seat on the Board, Council will have a lot to say concerning this Boys & Girls Club. He noted the Town was contributing \$20,000 a year, which was reduced to \$10,000, and then it went to zero. Some of the issues were very serious and warranted bringing in the Police Department. If Council were in favor of someone sitting on the Board then Council would definitely have a say being a voting member, which is something the Town was never allowed to do before. He would be in favor of contributing the money and taking a seat on the Board of Directors because you can pretty much dictate, by being a Board Member, how you want, and what you want in the club down here.

C. UPDATE ON RENTAL INSPECTION PROGRAM – RICHARD WEST

Mr. West went over the following information in a PowerPoint presentation.

Rental Inspection Program Update

Enabling Legislation

- **Virginia Rental Inspection Code**

- **Code of Virginia § 36-105.1:1. Rental inspections; rental inspection districts; exemptions; penalties**
- “Residential rental dwelling unit”
- Localities may inspect residential rental dwelling units
- Rental inspection district
 - need to protect the public health, safety and welfare of the occupants of dwelling units,
 - the residential rental dwelling units within the designated rental inspection district are either,
 - blighted or in the process of deteriorating, or
 - are in the need of inspection by the building department
 - necessary to maintain safe, decent and sanitary living conditions for tenants and other residents
- Individual dwelling units outside the rental inspection district
- Notification to owners
- Notification by owners to locality
- Initial inspections
- Follow-up inspections
- Periodic Inspections
- Exemptions
- Fee schedule

Town Ordinance

• **Dumfries Code of Ordinances**

– **Chapter 14 – Buildings and Building Regulations**

• **Article III. Identification and Inspection of Rental Dwelling Units**

- Adopted May 17, 2011
- Mirrors Virginia Rental Inspection Code
- Not yet implemented

Regarding Residential Rental Dwelling Units, Prior to Inspection, Follow These Steps....

1. Rental Inspection Districts - Once rental inspection districts have been identified by the Town Council, Public Works is responsible for keeping an official map showing the districts on file for public inspection.

2. Giving Notice - Give written notice by personal delivery /first class mail to all property owners located within the inspection districts of the requirement to notify Public Works of any owned residential rental property.

The form should...

- specify 60 day window for submission of a written response
- name each owner of the residential dwelling unit and their primary street addresses
- name and address of any responsible party besides owner

3. Setting up Inspections - Within 30 days of giving the notification, the owner should contact Public Works and arrange for an initial inspection of the residential rental dwelling unit.

-Inspections should take place within 120 days of contact/request of owner and should be every 48 months; not including follow-up inspections or any other authorized inspection

-Owner is responsible for within 30 days of title transfer, notifying Public Works of ownership change of the residential rental dwelling unit

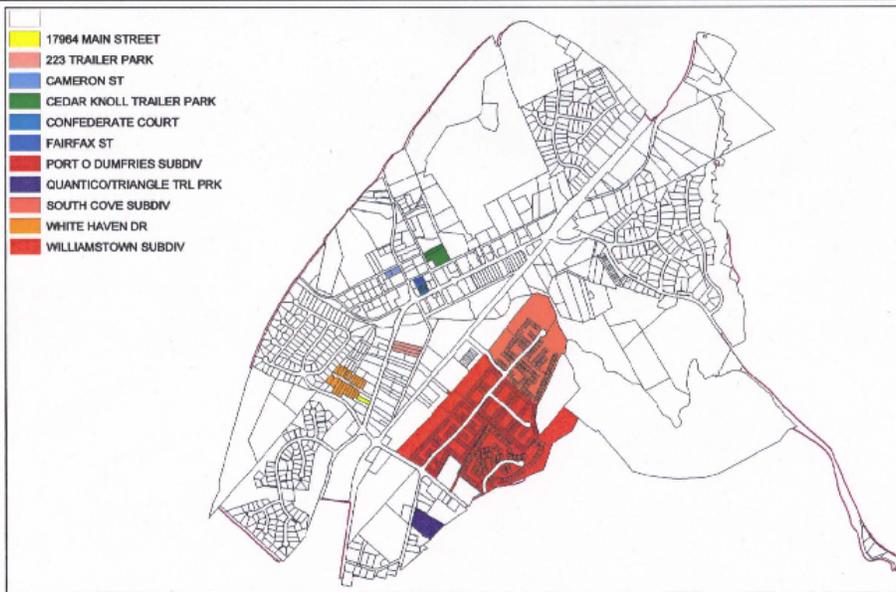
4. Inspection Violations

-Violations include anything in relation to....

- Dilapidation of buildings and other structures
- Obsolescence of buildings and other structures
- Lack of ventilation, light and sanitary facilities
- The proportion of rental units to total units
- Deleterious land use or obsolete layout
- Excessive litter/trash; land coverage
- Faulty arrangement of design
- Overcrowding

TOWN OF DUMFRIES RENTAL DISTRICT

MAY 2011



DISCLAIMER: This map is intended for property tax assessment purposes only. The information contained on this map is based upon recorded deeds, plans, and other public sources. These primary sources should be consulted to verify the information contained on this map. Due to conflicts, errors, and omissions in the primary sources, the tax map should be considered to be a representation of the editor's judgment, based upon the available evidence. Tax maps are not legal evidence of size, shape, location, or ownership of real estate, roads, or municipal boundaries.

NOTE: Grafton Village to be added to Rental District

A letter has been drafted and would go out to the 892 parcels located within the rental district. Looking at the owners where the addresses do not correspond to the property location it appears that at least half are rental properties.

Regarding Residential Rental Dwelling Units, Upon Inspection, Follow These Steps....

1. No Violations

- If inspection reveals no violations, the codes compliance administrator shall issue a 48-month certificate of compliance for such unit.
- If there are violations which do not affect safe and sanitary living conditions, and all fees are paid, a temporary certificate will be issued. It is valid for 30 days, but extensions may be made.

2. Upon Violations

- If inspection reveals one or more violations, a certificate of compliance will not issued until the violations are satisfactorily remedied.
- If conditions warrant, the building official may require that the unit be vacated/remain unoccupied until brought into compliance.
- The owner should be given a written list of specific violations.

3. Exemptions

- No inspection of a new residential rental dwelling unit will be required within 48 months of the issuance of a certificate of occupancy.

- This does not apply to...

- all hotels, motels, inns, bed and breakfasts, etc., that are occupied by transients.
- units owned/leased by the commonwealth, town, or county, so long as they are operated in carrying out its public purpose.

4. Fees

- There shall be an inspection fee established by the town uncodified fee schedule, charged for inspection of each unit.

-As well as a re-inspection fee, if applicable.

5. Multiple Family Developments

- Defined by containing more than 10 dwelling units in the initial and annual inspections

- Inspection must cover at least two units, and no more than 10%.

- If 1+ of the same violation is found within 1+ units; further inspect as many units as deemed reasonable. The fee will be based per dwelling unit inspected.

- Charge the fee authorized by this article for inspection of no more than ten dwelling units.

A draft has been developed by looking at some of the other localities within Virginia. A checklist is in place and staff is working on a few of the details in order to be as efficient as possible in doing the mailings and setting up the inspections. If there are no changes to the system staff hopes to have the program up and running after July 1.

Mayor Foreman went back and looked at the discussion Council had April 5, 2011 about how the areas were picked to be in the rental district. It was stated the areas were picked with high density, which did not answer why Grayson Village was included. That night Council made sure to add language that would require the Town contacting the Homeowners' Associations (HOA). He read the following from Section 14-122, Rental inspection districts established.

“The town council may designate a rental inspection district on the official map after receipt of a petition signed by the property owner from at least two-thirds of the housing units in the district, after amendment of the homeowners association covenants to request inclusion in the inspection district, or upon redesignation of an existing district. The town manager shall forward the petition or the amended covenants to the town council along with a report which rates the district based on the criteria in subsection (b) of this section for informational purposes and which provides a recommendation for action. The town council shall may designate a district as an inspection district if it finds that such areas are in danger of deteriorating to a condition similar to that which exists in the inspection districts. ~~The town council will deselect an inspection district upon making a finding that the area is no longer in danger of deterioration.~~ A homeowners association may petition for exclusion from an inspection district by amendment of its covenants. (Ord. of 7-5-2005, § 1(4-99))”

He explained not wanting any HOA thinking that Council is jamming this down their throats. He understands what this is for and why Council did it. He mentioned the Town has to get in contact with the HOA's and Mobile Home Parks to let them know this passed and what their options are.

Mr. Brewer mentioned the program being revenue neutral and wanted to know who was paying to mail all the letters out, the Town.

Mr. West agreed.

Mr. Brewer noted, as far as the HOA's are concerned, ignorance of the law is no excuse. He asked who would be filing all of the paperwork, where it would be kept, and how you would go back and look at past inspections. He indicated a database would have to be created. He did not think this would be revenue neutral.

Mr. West explained staff is looking at the fee not only covering the cost of paying the inspector for the inspection, but also administrative costs.

Mr. Brewer suggested putting the responsibility on the homeowner having their own inspection done and filed with the Town rather than staff jumping through hoops to get this done. He deals with a lot of inspections every day of the week, so he knows what it takes to do inspections. It is a lot of work. It is a huge database even with as small as the Town is. You have to deal with changes of property owners. It makes more sense to him to have the property owner provide the proof.

Mr. Taber advised staff would get together to discuss that and provide comments to Council later.

Ms. Forrester did not know if it was voted on; however, each time this has been discussed she has asked for some sort of exemption for homeowners who have tenants on Section 8, because they are already inspected annually.

Mr. West noted that was his oversight for not mentioning it; however, that is something that needs to be looked at. One of the final details that needs to be worked out is how Section 8 housing works. Section 8 housing is controlled through Housing and Urban Development, a Federal Agency. Section 8 housing may or may not be exempt or fall under the Town's ordinance anyway.

Ms. Forrester explained an individual could provide the paperwork from the inspection and would be an option rather than paying to have another one done that is not needed. She asked if the Town had the ability to assign fees for violations.

Mr. West explained if violations were found, the way he sees it working out, is that the violation would fall under a nuisance or blight issue. There are fines and fees involved with nuisance or blight to get a homeowner to bring things up to code.

Ms. Forrester asked about non-compliance. She gave the example of receiving the letter, thinking that is the stupidest thing, and she decides to not tell the Town she has a rental unit, what happens then.

Mr. West noted that scenario is not stated and that has not been addressed. What is being looked at is the ordinance as it stands and there may be some areas that need to be revised or beefed up.

Ms. Forrester felt that was problematic. If there is no way to force compliance on people who are non-compliant, that is not fair to the homeowners who are. She thought that was a major issue. She did not vote for this and she did not want to be the Council Member who makes things difficult when it is an already over with issue. She did not recall that there was any discussion about there being a possible cost to the Town. In fact, it was quite the opposite. She suggested to Council consider asking staff to put together some sort of analysis of how much it is going to cost to inspect up to 900 pieces of property and this is how many violations that were actually found. In order words, x amount of dollars are being spent to get what amount of benefit on behalf of the citizens, which is why this passed. She also thought it should be a line item in the budget this way if Council decides it is not a worthwhile expenditure of taxpayer funds the Council can choose not to fund it and not have to undo anything.

D. COMCAST CABLE FRANCHISE RENEWAL – CHRISTINE SANDERS

Ms. Sanders mentioned providing the current franchise agreements for Verizon and Comcast to Council earlier in the week. She introduced Marie Schuler from Comcast who was available to assist in answering any specific questions Council may have. She mentioned a memo previously provided outlining the State enabling legislation process for the Town. She noted the revenue received is set by State enabling legislation and there is no authority at the local level over this. The Town receives, through the telecommunications tax, approximately \$191,000, which includes telephone lines, cell phone lines, cable, and satellite. Presently the Information Technology Department is gathering information on mobile camera equipment and a needs assessment has been placed on the website so current Comcast subscribers can let the Town know what they think about the service. The Town has not received any feedback on that to date. Negotiations are still on going so this will come back before Council since an ordinance will need to be passed to adopt the new cable franchise.

Ms. Reynolds read somewhere in the materials that were provided previously that the Town may or may not get upgraded equipment.

Ms. Sanders asked Ms. Reynolds if she was talking about the PEG grant, Public Educational Governmental Access grant.

Ms. Reynolds stated that was not it. It was during the conversation when she wanted to compare what Comcast offers for its features versus other companies and one of the documents she had looked at spoke about not having upgraded equipment.

Ms. Schuler was not sure what Ms. Reynolds was speaking on. She noted the service provided to the Town is the same service that is provided to the surrounding area. Prince William County (PWC) has the same channel lineup. Comcast has all the latest and greatest features. The video on demand service,

upgraded converter boxes, is getting ready to launch a new service called X1, and there will be DVR service, which is in the cloud.

Mr. Toney mentioned that some municipalities are afforded a feature or talk show. He has seen Supervisor Jenkins show. He asked how that works and whether Comcast provides that or is that a feature that can be made available to the Town.

Ms. Schuler noted those programs run on PEG channels. She explained that Supervisor Jenkins program is on the PWC governmental channel and is produced by PWC staff. The educational channel is the school channel where you would see information about PWC's schools, which again is produced by PWC staff. The public access channel gives the residents the ability to provide programming. She noted there is nothing specific to Dumfries that is public access. PWC has, what is called, local origination, which is a combination of programs that Comcast produces as well as people from the public that come in and produce. Residents of the Town are eligible to come in, produce or do a show, and have it aired on that channel.

Mr. Toney asked if there was a cost involved.

Ms. Schuler noted the cost involved is to produce the video.

Mr. Toney asked if the Council produced a video whether that would be aired.

Ms. Schuler explained it could be aired on the public access channel; however, programs the municipality produces are typically aired on the government channel. She was not sure what the Council currently airs on the governmental channel, but additional programming can be added to that channel.

Mr. Toney asked if that was at no additional cost.

Ms. Schuler explained the Town would be producing the program and Comcast would just be airing it, or in the case of placing it on the government channel, the Town would be airing it.

Mr. Wood asked for clarification since he was hearing two different conversations. One conversation on the franchise agreement is for all of the citizens who are a customer to Comcast and not the Town body.

Ms. Schuler explained the franchise agreement being negotiated is to provide cable television service to the residents of the Town.

Mr. Wood also heard about the public and government access channels. He asked if the government channel was separate from the franchise agreement or included.

Ms. Schuler explained it was part of the franchise agreement. In the current agreement there is no provision for a government access channel; however, the capacity to air the Council meetings has been provided for years and is being formalized in the new agreement that is being negotiated.

Mr. Wood indicated the Town, according to the previous conversation with Mr. Toney, could have a live or prerecorded show on the government access channel.

Ms. Schuler explained a copy of the recorded show would be provided to Ms. Johnson, Information Technology Manager, who would air it on the government channel.

Mr. Wood asked for clarification on what the difference is if a citizen were to produce a show.

Ms. Schuler explained the residents have the ability to produce shows and have those aired on Channel 3, the public access channel.

Mr. Brewer mentioned PWC has multiple channels.

Ms. Schuler noted PWC has a government and school access channel. The third channel, the local origination/community channel, is not an obligation in the franchise agreement with PWC, but is something that Comcast provides to the residents.

Mr. Brewer pointed out that PWC essentially has three channels.

Ms. Schuler clarified that PWC has two channels.

Mr. Brewer pointed out the Town has one. He asked Mr. Wood if what was being considered was airing some promotional videos about the Town.

Mr. Wood agreed.

Mr. Brewer asked if that would all have to be done on the one channel.

Ms. Schuler agreed.

Ms. Sanders mentioned the meetings are replayed and then the rest of the time it is a slideshow. She suggested there was plenty of availability. The issue is producing the actual show and Council making a decision or policy on whether or not to do it and what the parameters around that are, which are all beyond the scope of the franchise agreement.

Mr. Brewer clarified that PWC produces all of their television shows. He noted the Town really does not have the capability. He mentioned that PWC has a pretty advanced system.

Ms. Schuler explained the system has evolved over the years. She noted PWC has had it in place for many years and has quite a library.

Mr. Brewer asked if PWC has a division that just handles producing shows.

Ms. Schuler indicated that PWC did.

Ms. Forrester felt the recordings could be produced very simplistically. When she does professional development films, she uses her flip camera that is HD.

Ms. Sanders indicated it would be about how the Council would want to produce the show, what resources Council wants to commit, etc.

Mr. Toney just wanted to make it clear, the Council has the ability to do a little bit more. He asked if in the upcoming agreement whether the Town would have the capacity to do a little bit more. He explained, in order for Dumfries to move forward that source of media needs to be taken advantage of. He wanted to make sure it was negotiated in.

Ms. Schuler reiterated the channel capacity is there. The resources and the funding to produce more programming is up to the Town.

Ms. Sanders wanted to make it clear that Council has the ability to get PEG grant funding for some equipment; however, most of the equipment in Council Chambers is new. What she was researching was doing some mobile filming: the Farmers' Market, opening of Ginn Park, etc. The Town does not have that kind of equipment. There is a possibility to get some of that equipment, but the cost is ultimately being passed on to the subscribers.

Ms. Washington mentioned having the Christmas Parade on the channel before. She was not sure how that was done and it seems like that is a good place to start. She mentioned that Council pays taxes to PWC, so if PWC has a production studio, as far as she is concerned, Dumfries has a production studio. She thought it was just a matter of getting with the right people and scheduling the use of the facility.

Mayor Foreman asked Mr. Taber to check with Supervisor Caddigan.

IN RE: CLOSED SESSION

Mr. Wood made the motion, seconded by Mr. Foreman, to convene into closed session. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

WHEREAS, the Dumfries Town Council desires to discuss a particular subject in Closed Session during the course of its meeting of March 19, 2013; and,

WHEREAS, the nature of the subject is the discussion of personnel matters and consultation with counsel pertaining to probable litigation or legal matters requiring the provision of legal advice. The discussion of same in Closed Meeting is expressly permitted by Section 2.2-3711(A)(1) and (7) of the Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Dumfries does hereby convene in Closed Session for the purpose(s) herein expressed pursuant to the legal authorities herein recited.

Mr. Wood made the motion, seconded by Mr. Toney, to reconvene into open session. The motion carried and the following resolution was adopted by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes.

WHEREAS, the Town Council of Dumfries has completed its discussion in Closed Session, and now desires to continue its meeting in Open Session; and,

WHEREAS, each and every member of this said Council who votes affirmatively for the adoption of this Resolution does thereby certify that, to the best of his/her knowledge, only public business matters lawfully exempted from Open Session were heard, discussed, or considered during the Closed Session, and that the only subjects heard, discussed, or considered in said Closed Session were the matters identified in the Resolution by which it was convened.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Dumfries does hereby reconvene in Open Session at its meeting of March 19, 2013 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

IN RE: ADJOURNMENT

Mr. Foreman moved, seconded by Ms. Reynolds, to adjourn the meeting. The motion carried by the following voice vote: Mr. Brewer, no; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes; Mr. Wood, yes.

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Gerald M. Foreman
Mayor