



DUMFRIES, VIRGINIA

Virginia's Oldest Continuously Chartered Town

CHARTERED 1749 INCORPORATED 1961

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TOWN COUNCIL MEETING MINUTES July 5, 2011, Tuesday, 7:00 PM

Present: Mayor Fred Yohey, Vice-Mayor Nancy West, Council Members Dorothea Barr, Gerald Foreman, Kristin Forrester, and Michelle Jurgensen

Absent: Willie Toney

Others Present: Kimberly Alexander, Town Manager; Cathy Holtzlander, Assistant Town Manager; Greg Tkac, Director of Public Works; Dan Taber, Chief of Police; Jatinder Singh Khokhar, Community Development Director; David Moss, Zoning Administrator; Catherine Koslicki, Town Clerk; Teresa Johnson, Information Technology Manager, and approximately 12 citizens

Mayor Yohey called the meeting to order at 7:00 p.m.

Pastor J. Anthony Perkins, Freedom of Praise Worship Center, gave an invocation and then all in attendance recited the Pledge of Allegiance to the Flag of the United States.

INFORMATION ITEMS

a. Boys and Girls Club

Austin Haynes, President of the Boys and Girls Club for the Prince William County Region, provided the following information about the club and the programs it offers.

- ✓ There are three clubs in the Prince William County Region: Manassas, Hylton, and Heiser, which serves Dumfries youth.
- ✓ The Club serves approximately 1,500 youth on average monthly.
- ✓ The Heiser location has been reopened after being closed for the past two years.
- ✓ There are 25 families signed up for Summer Camp.
- ✓ Open gym nights will be starting in September two nights a week for youth between the ages for 14 and 18 for \$1.00.
- ✓ He is an alumnus of the Boys and Girls Club, came from an abusive home, and grew up in foster care.
- ✓ He is the Director of the Prince William Soil and Conservation District and owns a commercial real estate company.
- ✓ It has been his personal mission to reopen the Heiser Club. If he has to fund the open gym night out of his own pocket, he will.
- ✓ He explained that the Heiser Club will never be one of the Boys and Girls biggest clubs because it is not located in a neighborhood that is easily walkable; however, for the families that can get there it will help.

- ✓ It is a wonderful program and he hopes to make the Heiser Club a success.

Mr. Yohey mentioned the land that was bought on Graham Park Road, with a Community Development Block Grant (CDBG), is being planned with the idea of putting in a playground, basketball courts, and possibly a police substation, which will allow for more foot patrol in the townhouse community.

Ms. West noted that the Manassas Club is not easily walkable and buses are used. She has seen buses at the Heiser Club and wondered if they could be used for transportation.

Mr. Haynes explained that the transportation problem is dropping off youth and not the picking up. It has to be a direct one on one drop-off and some legal ramifications came up a couple of years ago that caused part of the downfall of the Club. The Manassas Club has Wellington and Georgetown South subdivisions within three quarters of a mile, so they are walkable and there are bike trails.

CITIZEN COMMENT

There were no citizen comments.

MAYOR'S COMMENTS

Mr. Yohey advised Council that while he was in Reedville, Virginia over the weekend he had a float in the Fourth of July parade. He mentioned that Dumfries was, at one time, the second largest seaport on the East Coast when he found out that Reedville is second only to Dutch Harbor, Alaska for the annual quantity of fish brought to port in the United States.

There was a brief discussion about scheduling a joint meeting with the Council, Planning Commission, and staff to go over some issues with the Planning Commission. It was determined that a meeting was already scheduled for July 18.

STAFF REPORTS (Attached to the minutes for the official record)

a. Town Manager (no written report) – Ms. Alexander made the following comments.

- She was still waiting for an answer from the Rescue Squad on the availability of their building in or order to move forward with scheduling meetings for citizen input regarding the Graham Park Road Project, Ginn Memorial Park.
- She met with the Secretary of Transportation, Sean T. Connaughton, to discuss four issues.
 - Widening of Route 1 in Dumfries – The next phase after Triangle will be Occoquan. Although there is no formal plan for phasing the project the recommendation was made to speak with Prince William County's Board of Supervisors in seeking formal support and possible funding. It was indicated that the further the Town is in the planning process the more likely that the State would move forward.
 - She thanked Secretary Connaughton for his support with the revenue sharing applications of two million dollars.
 - It was discussed about the hesitation the Town has over the possibility of taking on street maintenance because of the associated bridge replacements costs needed on Main Street. The Virginia Department of Transportation

(VDOT) has put out a study on the devolution of street maintenance in the Commonwealth. VDOT will likely recommend to the General Assembly, in the next session, to hand over street maintenance to the respective localities. She was sure that the Virginia Municipal League would have a very strong position on this matter because of bridge replacement costs, etc. that not only the Town will be facing, but other localities would be facing too. If approved by the General Assembly it could be effective as soon as July 1, 2012.

- She was reassured that the sound wall in The Knolls would be taken care of.

Mr. Yohey asked if Prince William Estates and The Knolls were included in the Plan.

Ms. Alexander explained that every section of the Town along Route 95 is planned for sound walls with the exception of The Knolls.

Mr. Yohey hoped that if the Town were to take over the road maintenance that there would be funding provided.

Ms. Alexander hoped that the road maintenance funding would be turned over to the Town from VDOT; however, that would not address the issues with the bridges on Main Street.

Ms. Barr thanked Ms. Alexander for including the sound wall for The Knolls in the discussion. She mentioned it has been two years and was glad to hear citizens were also complaining.

b. Assistant Town Manager – Ms. Holtzlander highlighted the following items from her report.

- Planning continues on the Multicultural Festival with Mr. Toney and is scheduled for August 6, from 10 a.m. to 5 p.m. in Merchant Park. There will be several entertainment venues at the event.
- She thanked Council for allowing her to attend the Virginia Local Government Management Association (VLGMA) Summer Conference. She will be out of the office from July 17 through 29 attending the Senior Executive Institute.
- Prince William County (PWC) has not forgotten the concerns the Town has about the Quantico Watershed Study. Another study was performed, which will be available on the PWC's website under the Public Works Department in the next couple of weeks. Some recommendations have been made for improvements. This will have to be a collaborative effort and start from the top of the watershed on down. There were 10 projects identified that will cost approximately \$15.7 million.
- The next issue of the Town Charter will be delivered to the residents in the next week.
- The internship program started today.

Ms. Jurgensen asked if staff has asked Occoquan for their vendor list.

Ms. Holtzlander asked in the past and Occoquan does not release that information.

c. Chief of Police – Chief Taber highlighted the following items from his report.

- There are four vacancies in both sessions of the Kid's Academy. The first session is July 18 and 19 and the second session is August 15 and 16. The announcement will

be on the Town's website. This program is for any 5th grader that is going into the 6th grade next year.

- The National Night Out will occur on August 3 with a motorcade. They will try to get to all the areas of the Town. All of the Council Members who are available will be participating along with three of the four homeowners associations who will have events in their neighborhoods. There will also be a special event at the Community Center for the Senior Citizens Group that night. He encouraged the citizens to turn on their lights between 7 p.m. and 10 p.m. to show support for the Police Department and the stance that citizens can make a difference in the fight against crime.

Ms. Jurgensen asked if the Officers were trained in identifying counterfeit cigarettes.

Chief Taber noted the Officers do not receive any specific training. He was aware that there have been some recent activities going on in Virginia dealing with alteration of tax stamps and would look into possible training.

Ms. Jurgensen offered assistance with contacts that may be needed since she sits on the Northern Virginia Tax Board.

Mr. Yohey asked what the hours were for the Kid's Academy.

Chief Taber noted that Monday the hours were 8 a.m. to 5 p.m. and Tuesday from 8 a.m. to 6 p.m.

d. Director of Public Works – Mr. Tkac highlighted the following items from his report.

- Graham Park Road Project continues to move forward with the demolition, clean up of debris, and various utility disconnections.
- Paving has been completed Dominion Drive, a portion of Graham Park Road, and the driveway for the Locket House.
- Replacement or reconstruction of damaged concrete work has been done throughout different locations in the Town.
- Masonry work has been done on the front face of the Community Center due to a leak.
- Fairfax Street has been repaved, but not signed for one-way yet due to needing to communicate with the School Board to ensure it will not adversely affect any bus routes.
- Children at Play and No Outlet signs have been ordered for multiple neighborhoods.
- Request for Proposal has been issued that includes federal language for on-call engineering services.
- A public information meeting has been scheduled for July 21, from 4 p.m. to 7 p.m., at the Community Center for Tripoli Boulevard.
- Two Hazard Elimination Safety Projects were applied for and approved. The funding should be available in November.

Mr. Yohey asked what the projects were and the amount of money that was awarded.

Mr. Tkac advised \$459,000 was awarded for the complete reconstruction of the right turn lane south of Mine Road Bridge to Curtis Drive. That will be completely managed by VDOT, widened to meet VDOT's standards, and will not require any additional funding from the Town.

Mr. Yohey asked if the widening would affect the sidewalks.

Mr. Tkac noted that it would not. The plan is to eliminate some of the on street parking northbound on Main Street between Dunkin Donuts and the Harley dealership to allow for additional traffic volume. He wanted to concurrently do the Graham Park, Curtis Drive, and Main Street Project to get more out of the funding. The other project is intersection improvements at the Main Street and Mine Road Route 1 intersection to include additional signing, striping, and other modifications to the super elevation around the curve. The award was just under \$50,000. He mentioned that PWC applied for a Hazard Elimination and Safety Project for the Van Buren and Mine Road intersection in reference to the mirrors, which he has not heard anything about to date.

Ms. Barr asked for more details about the installation of lighting at the Mine Road Route 1 intersection.

Mr. Tkac explained the project entails reflective markers and additional street lighting to illuminate the intersection better.

Ms. Barr noted that on Mine Road heading out of Town the pillars have been spray painted with large letters and was not sure who would be responsible for cleaning them up.

Mr. Tkac asked if the markings looked like graffiti.

Ms. Barr had originally thought they might have been VDOT markings; however, VDOT's markings look more official, which is why she thinks it may be graffiti.

Mr. Tkac noted that they like to report graffiti immediately.

Ms. Barr mentioned it so that it could be looked at to determine whether it is graffiti or not.

Mr. Tkac mentioned that there might have been a recent bridge inspection. He has never known VDOT to place markings on pillars and noted that he would look into the matter.

Ms. West reminded Council that a request was made back in September by a group of citizens on Fairfax Street about changing the markings to allow pull in parking rather than horizontal parking.

Mr. Tkac got in contact with the group and explained that action would be taken in the new fiscal year in order to include funding in the budget. He mentioned earlier that he needed to get in touch with the School Board to ensure the changes would not adversely affect any bus routes. He noted that would be moved to the top of his list of projects.

Ms. Jurgensen asked if the graffiti on Route 234, at the commuter lot, on the retaining wall, was looked into.

Mr. Tkac indicated that it was reported to the PWC Police Department.

Ms. Jurgensen asked if the PWC Police Department would be in charge of cleaning up the graffiti.

Mr. Tkac indicated that VDOT would be responsible for taking care of the graffiti.

Mr. Foreman mentioned that in February he requested that a list be provided in the monthly report of the grants that were being applied for, the amount, and when they were due.

Mr. Tkac provided that information to the Council and no additional grants have been applied for since the first report was provided. Additional funding will be applied for under the Regional Surface Transportation Program (RSTP) later this week for the Route 1 improvement project.

Mr. Foreman anticipated there would be a list of grants that were being worked on; those grants that have been applied for and grants that are coming up. The example was given that staff may be working on an application that is due in September with the next one being due in December. He liked the report that was provided. He suggested just listing the grant name, the grant number if assigned, the amount, what project it is for, and when an answer can be anticipated. He noted that as the grant passed it would fall off the list.

Mr. Tkac noted he would include that in his monthly reports.

- e. **Director of Community Development** – Mr. Khokhar highlighted the following items from his report.
 - He attended the June 13, Planning Commission meeting, during which the rezoning application for the Hashimi application was discussed.
 - The Museum Administrator and the Community and Economic Development Director had a meeting with the Planning Commission Chair and Vice Chair regarding information needed to get the final approval on the rezoning application, which he did not attend.

Ms. Forrester asked about the temporary use permits that were issued for yard sales with a fee of \$280.60.

Mr. Khokhar explained that there is a bond amount of \$250.00 that is refunded after the activity is complete, which is a Town Code requirement. This is to guarantee that if damage occurs during the event that the Town has funding to make any necessary repairs.

Ms. Barr noted that as you make a right onto Route 1 from Mine Road there is a used washing machine or dryer that is being used to advertise a new business. She asked what kind of permit would be gotten to allow a washing machine to be placed on the curb with markings to advertise a used appliance store.

Mr. Khokhar had not observed that. He knew there was a new business coming in at that location.

Ms. Barr advised they are there because they have a washing machine on the street.

Mr. Khokhar noted that they must be in the process of moving it, because he was not seeing it.

Ms. Barr noted she would take a picture of it the next time she saw it, because it may just be a weekend thing.

Mr. Khokhar indicated that things do happen on the weekends and after 5:00 p.m. when there is no code enforcement.

Ms. Barr asked if there was any program, or a fine, that would deal with these type of situations that occur after 5:00 p.m. or on weekends that would prohibit these things from happening.

Mr. Khokhar noted that it goes back to proper behavior of the people. He thought there were things that could be done through the community newsletter.

Ms. Alexander explained that if a picture was provided, a violation notice could be written. She believed that the violation notices provide a ten-day period for the violation to be corrected or the Town would take corrective steps. A discussion would need to be had with the Town Attorney to determine what could be done if the violation is corrected and then repeated again.

Mr. Khokhar noted that in Washington D.C. they have seven or eight inspectors who are paid from Friday evening until Sunday evening who bring in quite a bit of revenue from violations.

Mr. Yohey asked if the Police Department could report violations that they see to staff.

Chief Taber did not see a difference between that or a tree that has fallen on a sidewalk. He indicated the Police Department will keep the lines of communication open and at least the time would start on the violation.

Ms. West mentioned seeing an increased amount of signs stuck in the ground at the Coach House Plaza. She asked if the signs were a violation.

Ms. Alexander explained that if they were not in the public right-of-way, a violation notice could be written, if they were in the public right-of-way, anyone can take them out of the ground and throw them away.

Ms. West guessed that they were located on the owner's property since they are not right on the road.

Mr. Yohey asked if the Town would remove signs that are posted to telephone poles for a lost child or pet.

Ms. Barr had placed signs all over the Knolls of Dumfries when she lost her cat and the Town kept taking them down.

Ms. Alexander noted she would talk with the Town Attorney to determine if there was any lead way that could be provided under certain circumstances.

Mr. Yohey mentioned that in Tripoli Heights a light was broken during the last storm that was put in incorrectly 20 years ago. He felt that when the light gets fixed that should be corrected.

Mr. Tkac met with Alan Hedgepeth, the PWC Streetlighting Program Coordinator, about the light being backwards, as well as lighting the intersection of Possum Point Road and Summer Duck Drive in Hampton Landing. He will contact him about the light being down now.

CLOSED SESSION

Ms. West moved, seconded by Ms. Forrester, to go into Closed Session to discuss prospective business regarding economic development which is expressly permitted by Section 2.2-3711(A)(5) of the Code of Virginia, 1950, as amended.

Mr. Yohey made a friendly amendment to the motion to discuss personnel regarding an appointment for the Planning Commission which is expressly permitted by Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, which was seconded by Ms. Forrester. The motion carried by the following roll call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, absent; Ms. West, yes; Mr. Yohey, yes.

The Town Council has completed its discussion in Closed Meeting, and now desires to continue its meeting in Open Session and every member of this said Council who votes affirmatively 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 Meeting were the matters identified by which it was convened.

Ms. West moved, seconded by Ms. Forrester, to hereby reconvene in Open Session and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, 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, absent; yes; Ms. West, yes; Mr. Yohey, yes.

STAFF REPORTS CONTINUED (Attached to the minutes for the official record)

- f. **Director of Economic Development & Marketing** – Ms. Alexander noted that Debi Sandlin was on vacation.

APPROVAL OF THE CONSENT AGENDA

Ms. Jurgensen moved, seconded by Ms. Barr, to adopt the consent agenda as presented. The motion carried and the following items were approved by the following roll call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, absent; Ms. West, yes; Mr. Yohey, yes.

Minutes of the Special Session, May 17, 2011; Work Session, May 17, 2011; Regular Meeting, June 7, 2011; Joint Meeting with Architectural Review Board, June 14, 2011; and Work Session, June 21, 2011 (not attached - see Meeting Minutes 2011 for official record) and the Receipts and Expenditures for May 2011 (provided June 21, 2011) (Attached to the minutes for the official record).

ACTION ITEMS

- a. Consider Proclamation Supporting National Payroll Week

Ms. West moved, seconded by Ms. Jurgensen, to adopt the resolution supporting National Payroll Week. The motion carried and the following resolution was approved by the following roll call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, absent; Ms. West, yes; Mr. Yohey, yes.

PROCLAMATION IN SUPPORT OF NATIONAL PAYROLL WEEK

Whereas, the American Payroll Association and its 23,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 156 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and

Whereas, payroll professionals in Dumfries, Virginia play a key role in maintaining the economic health of the Town of Dumfries, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting and depositing; and

Whereas, payroll departments collectively spend more than \$15 billion annually complying with myriad federal and state wage and tax laws; and Whereas payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify noncustodial parents and making sure they comply with their child support mandates; and

Whereas, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and

Whereas, payroll professionals meet regularly with federal and state tax officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses; and

Whereas, the week in which Labor Day falls has been proclaimed National Payroll Week, I hereby give additional support to the efforts of the Ms. Retta Ladd, Treasurer of the Town of Dumfries and of the payroll profession by proclaiming the first full week of September Payroll Week.

b. Consider Proclamation Supporting Childhood Cancer Awareness Week

Ms. West moved, seconded by Ms. Barr, to adopt the resolution supporting Childhood Cancer Awareness Week. The motion carried and the following resolution was approved by the following roll call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, absent; Ms. West, yes; Mr. Yohey, yes.

PROCLAMATION IN SUPPORT OF CHILDHOOD CANCER AWARENESS WEEK

WHEREAS, the American Cancer Fund for Children Inc. and Kids Cancer Connection Inc. report that cancer is the leading cause of death by disease among children in the United States. This tragic disease is detected in more than 20,000 of our nation's young people each and every year; and

WHEREAS, founded more than fifteen years ago by Steven A.F. Firestein, a descendent of cosmetic magnate Max Factor, the American Cancer Fund for Children, Inc. and sister organization, Kids Cancer Connection Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services and hospital activities to children undergoing cancer treatment at the Children's Hospital and Research Center Oakland, Department of Pediatric Hematology/Oncology; UCSF Children's Hospital at UCSF Medical Center, Department of Pediatric Hematology/Oncology, as well as participating hospitals throughout the county, thereby enhancing the quality of life for these children and their families; and

WHEREAS, through its uniquely sensitive and comforting Magical Caps for Kids program, the American Cancer Fund for Children and Kids Cancer Connection distributes thousands of beautifully handmade caps and decorated baseball caps to children who want to protect their heads following the trauma of chemotherapy, surgery and/or radiation treatments; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor nationwide Courageous Kid recognition award ceremonies and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Dumfries, Virginia does hereby proclaim the week of July 31st through August 6th two thousand and eleven to be Childhood Cancer Awareness Week in an effort to educate the community on the impact cancer has had on the lives of children and offer ways to support affected families as they fight together for their children's health.

- c. Consider 1st Reading of Proposed Ordinance Amendments to
 - i. Section 70-246 and 70-247 Relating Generally to General Business District B-1, Intent and Use Regulations

Ms. Barr moved, seconded by Ms. Forrester, to consider the first reading of the proposed ordinance amendment to Section 70-246 and 70-247 relating generally to General Business District B-1, Intent and Use Regulations.

Mr. Foreman asked if Section 70-246 is being stricken completely.

Ms. Alexander indicated that was the intent.

Mr. Foreman asked if that would cause any problem later when the ordinance is read since the intent is being removed and will not be clear.

Ms. Alexander noted the Town Attorney has approved the ordinance.

Mr. Foreman pointed out that the other proposed ordinance amendments appear to be consistent with what was in the original ordinance.

Ms. Alexander guessed that the language was removed since the proposed ordinance was being made more specific.

The motion carried by the following roll call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, absent; Ms. West, yes; Mr. Yohey, yes.

- ii. Section 70-282 Relating Generally to Neighborhood Business District B-2, Use Regulations

Ms. Forrester moved, seconded by Ms. Barr, to consider the first reading of the proposed ordinance amendment to Section 70-282 relating generally to Neighborhood Business District B-2, Use Regulations. The motion carried by the following roll call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, absent; Ms. West, yes; Mr. Yohey, yes.

- iii. Section 70-482 through 70-484 Relating Generally to Flex/Business/Office District FB/O-1, Use Regulations

Ms. Barr moved, seconded by Ms. Jurgensen, to consider the first reading of the proposed ordinance amendment to Section 70-482 and 70-484 relating generally to Flex Business District/Office District FB/O1, Use Regulations. The motion carried by the following roll call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, absent; Ms. West, yes; Mr. Yohey, yes.

- d. Consider 1st Reading of Proposed Ordinance Amendment to Section 2-30 Relating Generally to Rules Governing Meetings of the Town Council and Formal Adoption of Robert's Rules of Order in Governance of Town Council Meetings

Ms. Koslicki clarified that this was not the same ordinance that had its first reading when the Town Attorney was Kristi Caturano. She noted the difference would be that in the absence of the Town Attorney the Town Clerk would serve as parliamentarian rather than Council choosing an individual.

Mr. Yohey mentioned that the actual amendment refers to the version of Robert's of Rules. He noted it was the short version.

Ms. West clarified that the proposed ordinance specifies, "Robert's Rules of Order, Newly Revised in Brief, Revised Edition."

Ms. Jurgensen moved, seconded by Ms. Barr, to consider the first reading of the proposed ordinance amendment to Section 2-30 relating generally to rules of governing meetings of the Town Council and formal adoption of Robert's Rules of Order in the governance of Town Council meetings. The motion carried by the following roll call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, absent; Ms. West, yes; Mr. Yohey, yes.

- e. Consider Adoption of the Commonwealth of Virginia Voluntary Group Long Term Care Insurance Program

Ms. Alexander explained that the program was voluntary for any employee who chooses to participate. The Town does not provide any funding to the program for any employee who chooses to participate.

Mr. Yohey asked if the employee pays 100 percent of the cost.

Ms. Alexander indicated that was correct. She noted that if Council chooses to move forward, the only decision that needed to be made is whether to allow payroll deductions from the employee. She recommended allowing payroll deduction of the premiums for the employee.

Ms. Jurgensen moved, seconded by Ms. Barr, to enter into the Commonwealth of Virginia Voluntary Group Long Term Care Insurance Program and electing to offer employees payroll deduction. The motion carried and the following agreement was entered into by the following roll call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, absent; Ms. West, yes; Mr. Yohey, yes.

**COMMONWEALTH OF VIRGINIA VOLUNTARY
GROUP LONG TERM CARE INSURANCE
PROGRAM**

EMPLOYER ADOPTION AGREEMENT

THIS AGREEMENT executed this ____ day of _____, 20____, between _____ hereinafter referred to as the "Employer", and the Virginia Retirement System ("VRS").

Recitals

- A. The Commonwealth of Virginia has established, and VRS has assumed responsibility for, the Commonwealth of Virginia Voluntary Group Long Term Care Insurance Program (the "Plan") in which employees of local governments, local officers and teachers, as defined in Section 51.1-513.3 of the Code of Virginia (1950), as amended (the "Code"), may participate, and
- B. Pursuant to the same section of the Code, the Employer desires to enter into an Agreement with VRS to permit participation in the Plan by its employees, and
- C. The official entering into this Agreement is duly authorized on behalf of the Employers Governing Body.

Agreement

NOW, THEREFORE, in consideration of the benefits arising from cooperation between the Employer and VRS to provide long term care insurance coverage to the employees of the Employer, the parties do agree as follows:

- 1. VRS represents and warrants to the Employer that it will comply with all applicable laws affecting the Plan.
- 2. VRS represents to the Employer that it shall provide sufficient services to administer the Plan and to appropriately respond to inquires by employees and participants.
- 3. The Employer acknowledges and agrees to the terms and conditions established in the Plan.
- 4. The Employer agrees to provide the VRS selected long term care insurance carrier with a mail file of all active employees, in the format provided by the insurance carrier.

- 5. When requested by VRS or the insurance carrier, the Employer shall permit the VRS selected long term care insurance carrier to conduct group and individual meetings for the purpose of explaining the Plan or enrolling employees on the Employer's premises during normal working hours subject to such reasonable restrictions that the Employer communicates in writing to VRS and which are accepted by VRS.
- 6. The Employer elects does not elect to offer their employees payroll deduction. If the employer elects to offer payroll deduction, the employer shall be responsible for remitting premiums under the Plan to the VRS-selected long term care insurance carrier in accordance with the established processes and procedures promulgated by VRS or the insurance carrier.
- 7. This Agreement may be amended from time to time by written agreement between VRS and the Employer.
- 8. The term of this Agreement shall be for three years beginning on the date of its execution, and thereafter may be terminated by either party upon 60 days written notice to the other party.

IN WITNESS WHEREOF, the parties have caused the Agreement to be duly executed intending to be bound thereby.

Employer	Virginia Retirement System
By: _____	By: _____
Title: _____	Title: _____

RETURN TO: Virginia Retirement System
P. O. Box 2500
Richmond Virginia 23218
Attention: Long Term Care

COV-ELEC-LTC

f. Consider 1st Reading of Proposed Ordinance Amendment to Section 58-55 Relating Generally to the Due Date for Real Property Taxes

Ms. Koslicki explained that the current code provides for two equal payments of real estate taxes. The billing for real estate taxes falls into two separate fiscal years within the same calendar year, which causes the payments to be unequal when there is a tax rate change. The proposed ordinance amendment resolves this matter by removing the word equal until staff can do more research into how to address the issue of having the tax rate be set for a calendar year. Options may include changing the due date for the first payment so that both payments are due in the same fiscal year, as well as the same calendar year. Another option might be to have the tax rate, once set, become effective as of January 1 of the calendar year. It was further noted that the year in the ordinance needed to be changed from being effective in 2003 to 2011.

Mr. Yohey thought that the date was a typo and it was intended to read 2013 since the Town is five days into the 2012 fiscal year.

Clarification was made that the ordinance refers to a calendar year and not a fiscal year. Since the next real estate tax billing is due by December 5, it would be in the calendar year of 2011 even though the Town is currently operating under the 2012 fiscal year budget.

Mr. Yohey suggested using the same dates as PWC since their taxes are due in the same fiscal year, which is July 15 and December 5.

Ms. Barr moved, seconded by Ms. Jurgensen, to consider the first reading of the proposed ordinance amendment to Section 58-55, relating generally to the due date for real property taxes with the date being changed from 2003 to 2011. The motion carried by the following roll call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, absent; Ms. West, yes; Mr. Yohey, yes.

- g. Consider Two Proposed Ordinance Amendments to Section 26-157 Relating Generally to Adjustment or Reduction of Stormwater Management Fees
 - i. Original Proposed Ordinance Amendment – 1st Reading 6-7-2011 – Action Required: Vote to Adopt
 - ii. Newly Revised Proposed Ordinance Amendment, Action Required: Vote for First Reading.

Ms. Alexander recommended that Council vote for the first reading on the newly revised proposed ordinance amendment and table the action on the original proposed ordinance amendment. This would address the concerns about offering the same incentives to all property owners.

Mr. Yohey recalled that the original proposed ordinance amendment would only apply to homeowners associations, which would primarily benefit only Hampstead Landing.

Ms. Barr noted that stormwater management is nothing new. She felt that whatever legislation is written should include residents in the Town who want to participate. She did not think the proposed wording addressed her issue since the word “and” was used instead of “or” in the following proposed change; “developed residential properties that are a part of an active home owners association (HOA) in good standing, and developed residential properties in good standing with the Town.” She questioned whether the Town Attorney reviewed the change before being presented to Council.

Mr. Tkac advised that the Town Attorney did review the proposed change.

Ms. Alexander indicated the first reading could be made with the change.

Ms. Forrester moved, seconded by Ms. Barr, to consider the first reading of the two proposed ordinance amendments to Section 26-157, relating generally to adjustment or reduction of stormwater management fees to include the recommended verbiage change. The motion carried by the following roll call vote: Ms. Barr yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, absent; Ms. West, yes; Mr. Yohey, yes.

- h. Consideration of Springsted Proposal to Provide Executive Search Services for a Town Manager (proposal and contract provided to Council at the meeting)

Ms. Alexander reminded Council that after the last closed session she was asked to provide this information. She went over the following items in the proposal.

- Professional Fee of \$13,750 plus direct out of pocket expenses
 - Out of pocket expenses include, but are not limited to
 - Travel and sustenance
 - Overnight or messenger deliveries

- Conference calling beyond their internal abilities
- Photocopying and mailing
- Advertising costs
- Video and/or interview costs, reference, and background check costs

Mr. Yohey thought it was the same proposal that the Council received for the last executive search.

Ms. Alexander noted that the last proposal was a couple \$1,000 more. She indicated that John Anzivino, Senior Vice President was giving the Council a discount on this search proposal.

Ms. Forrester would not vote in favor to support the proposal. She was expecting the expense to be around \$2,000 or \$3,000. She was appalled that the Council even decided to go in this direction.

Ms. Barr moved, seconded by Ms. Jurgensen, to accept the contract.

Ms. Forrester asked why the proposed salary of the new Town Manager is so much higher than what the current Town Manager receives.

Ms. Alexander explained that was probably being based on other localities in Virginia. She indicated that the Council would direct Springsted on what to advertise the position at.

Ms. Forrester noted that by approving the contract the Council is approving their recommendation for the Town Manager's salary.

Ms. Alexander explained that was a sample from the Town of Christiansburg.

Ms. Forrester asked what the directive was going to be to Springsted.

Ms. Alexander explained that Springsted would be meeting with the Council to determine that amount before advertising.

Mr. Yohey advised that whatever is decided would be tailored to what Council decides is needed for the Town by consensus.

Ms. Jurgensen read the following from the proposal. "When the Mayor and Town Council have identified the most desirable candidate, Springsted will assist in the negotiation of final employment parameters, benefits, and salary, if requested."

Ms. Forrester questioned the position analysis taking 20 hours since the Council just went through the process not too long ago. She asked if the position really needed a full 20 hours to be analyzed again.

Ms. Alexander explained the big part of that was meeting with each Council member. She noted that since there is a new Council there could be a new opinion to what the Town Manager's duties and responsibilities are.

Ms. Forrester did not understand why the Council was not doing the process themselves.

Ms. West noted that you get what you pay for. She felt the process was used before and was very successful. She mentioned that Ms. Alexander has been the best Town Manager that she has seen and hates to see her go. She indicated that you cannot just advertise in the paper and get a qualified Town Manager. She explained that Mr. Anzivino met with each Council member for at least an hour, found out what the Council was looking for in a Town Manager, and it was very beneficial.

Ms. Forrester thought that Mr. Anzivino already knew what the Town Council was looking for since he was the one that Council met with and interviewed for their retreat. She did not understand why, if the Council has a beautifully qualified candidate that has been carefully pruned and trained by the Town's beloved Town Manager, Council is going to pay over \$20,000 and not even allow an internal candidate to participate in the process.

Mr. Foreman was not opposed to the contract; however, he was opposed to the timing. Having it dumped on the Council at 5:00 o'clock to read. He read the following statement from the proposal. "We would note that this may result in a process that places unrealistic expectations on the Council as you make an important decision on behalf of the Town and that successful processes typically extend 90 to 120 days." He noted that Springsted wants the Town to proceed by July 15, 2011. He read the following from the proposal. "The Schedule can be adjusted if an earlier start date is approved. It is our understanding that the Council wishes to have the selection process complete by early September." He noted that the bar chart provided shows five stages with it being completed sometime in September. Even Springsted shows this as being rather ambitious. He was not opposed to the proposal or the contract; however, he was opposed to the process. He felt there was no reason why the matter could not wait two weeks.

Mr. Yohey noted that Mr. Foreman was the one who wanted this to be done by September 1. The Town Manager is leaving August 5. The Council, by unanimous vote, decided to seek professional services. He noted that Ms. Forrester was not in attendance.

Mr. Foreman pointed out that it was agreed that Council would discuss the matter in a closed session when the Town Attorney was in attendance. He noted that it was a unanimous decision; however, new information has been presented. The contract is good and he has no problem spending the money. The Council needs to hire a professional to bring in somebody, do it impartially, and make sure the Town gets the right candidate for the job. There is no doubt in his mind that Ms. Alexander is the best Town Manager the Town has ever had. All he was trying to say is that new information has been provided. What is two weeks in the process when it normally takes at least 90 days? He felt that the Council should look internally before moving forward. He noted the rest could be saved for a closed session.

Ms. Barr has lived in the Town for 20 years and some of the staff has been around a long time too. The only time that things really started happening was when the Town brought in the new Town Manager. It was not the staff that was here, or any other Town Manager. She noted the process has proven it works. She felt that any individual on staff that has the qualifications to apply should be encouraged to apply. The process needs to start now.

Ms. Forrester asked the Town Manager if Ms. Koslicki saw something that needed to be straightened in the Town whether she had the ability to do so in her current position.

Ms. Alexander advised the matter would be brought to her.

Ms. Forrester reiterated her question.

Ms. Alexander indicated that it depended on the matter.

After a brief discussion of who has the authority to fire or straighten out a matter in the Town it was pointed out that the Community Service Director would not have had the ability to fire a department head.

Ms. Forrester went on to explain that the discussion is not about Ms. Alexander and her ability to do a budget. She did find it interesting that suddenly there is \$17,000 available to hire a professional.

Ms. Alexander indicated that she did not make a recommendation as to where the funding would come from nor did she know where it would be coming from.

The motion carried by the following roll call vote: Ms. Barr yes; Mr. Foreman, no; Ms. Forrester, no; Ms. Jurgensen, yes; Mr. Toney, absent; Ms. West, yes; Mr. Yohey, yes.

COUNCIL COMMENTS

Mr. Foreman thanked the Members of the Armed Forces. He attended a retirement ceremony down at the Marine Corps Station, New River. He also recently attended a wedding of a Marine and recognizes the trials and tribulations that they will go through with service life. He thanked the Police Department, Fire Fighters, and the Crash Rescue. This is quite a country we have and the reason for celebrating the Fourth of July. This all started as an experiment and Dumfries was a part of it. Dumfries is still experimenting while others have gotten it right. When you look up on the big hill in D.C., they are still experimenting, bickering, and pointing fingers too. This is all part of the process and this is what makes America so good and he just wanted to say, thank you. He appreciates the country we live in and the rights we have.

Ms. West wished Lee Lansing a belated happy birthday.

CLOSED SESSION (none scheduled)

ADJOURNMENT

Ms. Jurgensen 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, absent; Ms. West, yes; Yohey, yes.

Minutes transcribed by

Approved by

Dawn Hobgood
Town Clerk

Fred E. Yohey, Jr.
Mayor