DUMFRIES, VIRGINIA
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DUMFRIES TOWN COUNCIL
REGULAR SESSION MINUTES
JANUARY 4, 2011, 7:00 PM

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

Others Present: Kim Alexander, *Town Manager*; Cathy Holtzlander, *Asst. Town Manager*; Chief Taber, *Chief of Police*; Rob Forker, *Administrative Manager (DPD)*; Greg Tkac, *Dir. of Public Works*; Jatinder Khokhar, *Dir. of Community Development*; Debi Sandlin, *Dir. of Economic Development & Marketing*; Teresa Johnson, *IT Manager;* Catherine Koslicki, *Town Clerk* and 22 citizens.

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

The following changes were made to the agenda:
The Public Hearing and Action Item regarding the Application for Rezoning of lot located at 3901 Fairfax Street from residential R2 to Commercial B1 have both been removed from the Agenda until the applicant is available. The Closed Session discussion, Real Estate regarding Tripoli Heights, was removed from the agenda and will be discussed in Closed Session at the next meeting (January Work Session).

A presentation from the Dumfries-Triangle Rescue Squad was added to the agenda and will follow the Pledge of Allegiance.

The Invocation was given by Pastor Leslie Gales, Sr. from God's Living Word Church followed by the Pledge of Allegiance led by Mayor Yohey.

Presentation by the Dumfries-Triangle Rescue Squad: Chief Ester with the Dumfries-Triangle Rescue Squad (DTRS) thanked Council for the opportunity to address them, the staff and the citizens. He reassured the Town that even with the changes in personnel, the mission of the DTRS has never wavered. Their commitment to the community continues. He introduced Corrina Ross-Witkowski, the leader of the Junior Squad. She explained the Junior Squad does the same thing as the DTRS, however; school is their first priority.

PUBLIC HEARINGS

a. **Application for Rezoning of lot located at 3901 Fairfax Street from residential R2 to Commercial B1:** (REMOVED FROM THE AGENDA)

b. **Proposed Ordinance Amendment to section 70-676 relating to the purpose and responsibility of the Architectural Review Board:**

Mayor Yohey opened the Public Hearing for the Proposed Ordinance Amendment to Section 70-676 relating to the purpose and responsibility of the Architectural Review Board at 7:11 PM. There were no comments and the Public Hearing was closed at 7:12 PM.

CITIZEN COMMENTS

Thelma McGlothlin-Main Street- thanked Council and Ms. Holtzlander for the opportunity of participating in the parade. She also thanked Councilman Toney for donating the turkeys again this year.

MAYOR & COUNCIL COMMENTS

Mayor Yohey reminded Council the mid-year budget review will be February 15th and the budget is reviewed line by line. He also reminded Council that they receive the Treasurer's report monthly for review.

Council Lady Jurgensen wished everyone a Happy New Year and looks forward to serving the community in 2011.

Council Lady Barr wished everyone a Happy New Year. She thanked the citizens for coming and encouraged them to continue to attend the meetings and the Public Hearings.

Councilman Foreman read a statement regarding the FY11 budget (see Attachment for full narrative). He surrendered his salary for the FY12 budget.

Councilman Toney thanked everyone for their donations to the 2nd Annual Christmas Bird Giveaway, including Mr. & Mrs. Mike Madison, Dr. Kristin Forrester and Carlos Castro. Thirty birds were donated throughout the community. He stated he is looking forward to working with the Council members. He encourages all of the members to try to work together to give a better quality of life to the citizens. He also thanked the new staff members for a job well done. He agrees with Councilman Foreman's comments regarding the budget and he supports his position. He also takes the budget very seriously.

Vice-Mayor West had no comments.

Council Lady Forrester thanked Latrelle Hawkins for carrying her banner in the parade. She stated she is also concerned about the budget and staffs ability to exceed lines items of a budget that has already been approved. She hopes to work with the Town Attorney to draft language requiring Council approval for any line item overage of 10% or more.

STAFF REPORTS

a. **Town Manager:** Ms. Alexander submitted her report and highlighted the following items: VML/VACO Legislative day is February 3rd, the funds are now available for the Streetscape/Tripoli Bonds, the approval process has begun for the Graham Park Road Park Project and changes to the Personnel Policy manual will be coming before Council at the January Work Session.

   She pointed out to Council Section 6.06, Subsection (d) Transfer of Appropriations, of the Town Charter states transfers within a department are the discretion of the Town Manager and any changes would require an act of the General Assembly, not just an Ordinance.

Councilman Foreman asked about the ENS email (sent to Council previously by Ms. Alexander). Ms. Alexander advised the Town did not make any of the changes requested by ENS, the documents signed were the documents prepared by the Town. He asked is ENS would receive a line of credit and then submit request for reimbursement from the Town. Ms. Alexander replied yes.

Councilman Foreman referred to the policies passed by Council in 2008, which stated the mid-year budget review would take place in January and asked if any action needs to be taken by Council considering the mid-year budget review will not be until February. Ms. Alexander advised no action is necessary. The policies approved were more of a general guideline for Council. She reminded Council that they receive the Treasurer's report monthly and encouraged them to ask questions anytime they have them, they do not have to wait until the mid-year review. Councilman Foreman stated he understands the policies are just a guideline, but Council asks staff to follow policies. Council should be more disciplined and set the example. The Town Council felt the policies important enough to discuss and vote on, they should be followed.

Mayor Yohey and Council Lady Barr both stated the reason the mid-year review is delayed is because the receipts, etc for the first half (which ends Dec. 31st) will not be reported until the January Work Session. Staff needs time to review and prepare any adjustments. At the earliest, the mid-year review could be at the end of January beginning of February. This year, extra time was granted to allow the new staff members additional time for review.

b. **Assistant Town Manager:** Ms. Holtzlander submitted her report and highlighted the following items: the 36th Annual Holiday Parade, the Annual Staff/Senior Luncheon, the Town Charter Newsletter and the Annual Black History Celebration.

Mayor Yohey asked for an updated on the retreat and Ms. Holtzlander advised she is waiting on a draft proposal and hopes to present it to Council soon. Council Lady Barr asked why there would be two different sessions. Ms. Holtzlander stated one session is Parliamentary procedure and the other relates to government.

Vice-Mayor West had one issue with the parade, the crowding of spectators at the corner. She suggested increasing police presences next year as a possible solution. Councilman Toney also had an issue with the parade participants tossing candy. He asked if in the future an effort could be made to get candy to the curb so kids would not have to go into the street. Ms. Holtzlander advised that is a concern and all entries (except the Council) have walkers handing out candy. Mayor Yohey suggested using tape or something similar to keep the crowd out of the path of the parade participants. Chief Taber advised that can be incorporated in the planning for next year.

c. **Chief of Police:** Chief Taber submitted his report as provided. He advised Council he is completed the mission statement for the department and has included it in his report for Council to review. He announced the release of Officer Moody from training and advised the Town has day coverage, Monday –Friday, with at least one officer. He thanked everyone for donating and volunteering to make this year's Christmas in Dumfries a success. They received $1400 after the conclusion of the program and those funds will be credited toward next year. With the assistance of Mr. Toney's Annual Christmas Bird Giveaway, DPD was able to provide turkeys for 17 families in the community. The DPD will begin an Explorer

program and will host an information session later this month. He also advised Council that he has created a Sergeant program for Officer Development and he has negotiated a lower price for the lease of the current building housing the DPD.

Councilman Foreman asked for an updated on the General Orders. Chief Taber advised the review is still in progress, but language in the Town Code will need to be addressed before moving forward. Councilman Foreman asked if the General Orders would be completed this year. Chief replied they would be complete and would not appear on the FY12 budget.

d. **Director of Public Works:** Mr. Tkac submitted his report as provided. He advised Council the majority of his time was spent attending meetings relating to various projects, project scope and planning (Mine Road, Main Street, Fraley Boulevard) and preparing grants and revenue sharing applications. He announced to Council, Mr. Basur has sold excess equipment and raised over $19,000.

Council Lady Barr asked if DPW has considered burying the power lines while the ground is open in Tripoli. Mr. Tkac stated, it was not part of the current scope, but he could look into the cost and provide information to Council at the next meeting.

Vice-Mayor West asked Mr. Tkac to explain the Public Information Meeting for the Tripoli Boulevard Drainage Improvement Project. Mr. Tkac advised the meeting would not be a part of a Council meeting. The purpose of the meeting would be to provide information and share plans with the community. Information boards would be set up and staff would be available to answer citizen questions. She asked if the meeting was still planned for January. Mr. Tkac stated the meeting may take place in February; he would need to consult the Town Attorney prior to scheduling. She also asked for an explanation of the "Urban Planning Day" listed in his report. Mr. Tkac advised it should be "Urban Project Day" and it is an opportunity for localities to run their future project ideas by VDOT prior to finalizing the scope of a project.

Councilman Foreman asked about the SWM fees. He stated that currently businesses get a discount for a portion of SWM fees based on their efforts regarding SWM. He explained that newer HOAs are required to collect from residents to offset the cost of SWM, but these residents are also required to pay SWM fees directly to the Town. He asked if a similar discount could be grated to these residents and if it could be a consideration for the FY12 budget. Mr. Tkac stated he would recommend and support this.

Mayor Yohey asked if the rain gardens project had been completed at Town Center. Mr. Tkac advised that two had been constructed (as per the agreement), but the bond had not been released because they are not operating properly. The property owner is diligently working to correct the situation. Mayor Yohey asked what the purpose of the rain gardens is. Mr. Tkac advised they hold water from the parking lot and filter contaminants.

Councilman Toney asked for an update on the SWM fee refunds. Mr. Tkac advised all refunds have been processed and the payout was less than anticipated. Councilman Toney asked if Mr. Tkac could provide a detailed report of the refunds. Mr. Tkac agreed and stated he would provide that information at the next meeting.

e. **Director of Community Development:** Mr. Khokhar submitted his report and highlighted the Comp Plan Steering Committee progress. He advised Council he will be providing information regarding the Rental Inspection program and the Community Enhancement program at the next meeting.

Council Lady Barr asked for an update on the Canal Road issue. Mr. Khokhar advised he has spoken to all of the businesses and he did not see anything to enforce at that time. He needs to consult the Town Attorney and will provide additional information at the next meeting. Councilman Foreman stated he can see the progress and that Mr. Khokhar's efforts have worked, but the fire codes should be enforced. Inoperable vehicles parked in front of garage doors create a hazard. Mr. Khokhar asked for more time. He believes a proactive approach is the best solution before using a code enforcement approach. He asked Councilman Foreman if he could identify the specific complaint regarding Canal Road. Councilman Foreman stated the properties along Canal Road are not being maintained and are not held to the same standards as other businesses in the area. Councilman Toney asked if any of the businesses in question are subject to a CUP. Mr. Khokhar advised he will review this issue and enforce if necessary.

Council Lady Jurgensen asked if the signs and debris in the trailer park on Main Street (close to Town Hall) presented any violations. Mr. Khokhar advised he will look in to the complaint and provide Council with an update at a future meeting.

f. **Director of Economic Development & Marketing:** Ms. Sandlin submitted her report as provided. Mayor Yohey asked Ms. Sandlin to comment on her efforts thus far. She highlighted her work on the Website Redesign, the Incentive Program and Business Outreach.

Councilman Toney asked for an explanation on the Facebook chart. Ms. Sandlin gave a brief description of Facebook and explained each column on her report.

Council Lady Jurgensen reminded Council of the Incentive Workshop on January 25th at 7:30 PM.

ADOPTION OF CONSENT AGENDA

Council Lady Forrester asked if paragraph 4 (beginning with "Council Lady Forrester asked…) to be revised to reflect the concern she expressed over Council's participation in the planning (of the Incentive Program).

Vice-Mayor West made a motion to adopt the consent agenda (with the revision). The motion was seconded by Councilman Toney. On roll call the vote was unanimous, motion carried.

ACTION ITEMS

a. **Consider an Application for Rezoning of lot located at 3901 Fairfax Street from residential R2 to Commercial B1:** (REMOVED FROM THE AGENDA)

b. **Consider a proposed Ordinance Amendment to section 70-676 relating to the purpose and responsibility of the Architectural Review Board:**

Council made no comments. Vice-Mayor West made a motion to approve the proposed ordinance with a second by Council Lady Barr. On roll call the vote was unanimous, motion carried.

c. **Consider a Resolution to Request the Virginia Department of Transportation Establish a Main Street Safety Improvement Project for the Intersection at Mine Road:** Mr. Tkac explained the resolution is required by VDOT to move forward with this project. Vice-Mayor West asked for a brief description of the scope. Mr. Tkac advised it would include a signal at Mine Road and Main Street and a concrete media to reduce accidents.

   Council Lady Barr asked if multiple stops were warranted on Mine Road. Mr. Tkac replied yes and prior to the stop signs on Mine Road, the average speed was 47 MPH.

   Mayor Yohey asked if money could be used for barriers (to protect the buildings). Mr. Tkac advised the Town cannot protect private property with public funds.

   Council Lady Forrester made a motion to adopt the resolution with a second from Councilman Toney. On roll call the vote was unanimous, motion carried.

d. **Consider a Resolution to Request the Virginia Department of Transportation Establish a Main Street Safety Improvement Project from Tripoli Boulevard to Tebbs Lane** Mr. Tkac explained the resolution is required by VDOT to move forward with this project. Councilman Foreman asked about the cost to the Town if they do not complete the project. Mr. Tkac advised the language is so VDOT can protect themselves from localities abusing VDOT resources. If the Town backed out of a project, he believes the cost assessed would be reasonable. Councilman Foreman asked if there was a cost estimate for this project. Mr. Tkac advised not at this time. He will be able to provide a full scope and cost after meeting with VDOT. This resolution allows for DPW to enter into discussions with VDOT.

   Council Lady Forrester made a motion to adopt the resolution with a second from Council Lady Jurgensen. On roll call the vote was unanimous, motion carried.

e. **Consider an extension of the on-call Civil Engineering contract:** Mr. Tkac advised he inadvertently allowed the current contract to expire. This would extend the contract until he could issue a RFP.

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

DISCUSSION ITEMS

a. **Possible Council Committees:** Ms. Alexander reviewed with Council, staff's concerns and questions. Mayor Yohey stated if Council decides there is a need for committees, then they will consider staff's comments.

   Vice-Mayor West reviewed previous meetings where this item had been discussed, with no action resulting. She would not support Council Committees.

Council Lady Barr stated Council (at that time) did believe in the need for committees, but staff is not the same and she doesn't feel the need for additional committees. Both members of Council and staff are currently on several committees.

Councilman Toney stated he was surprised to see this on the agenda and he still believes committees would benefit the Town. Council's job is oversight and having committees would be a great way to utilize the expertise of the members.

Council Lady Forrester stated she could see the benefit in some committees, for example a hiring committee to ensure the Town is abiding by the guidelines of the EEOC.

Mayor Yohey stated he does not support committees, but staff's opinion is irrelevant when it comes to Council oversight.

Council Lady Jurgensen pointed out that there are already some committees in existence that include Council members and perhaps that is a step forward for all.

CLOSED SESSION

Vice-Mayor West made a motion to enter into closed session under Virginia Code § 2.2-3711A (4) Prospective Business. Council Lady Forrester seconded the motion. On roll call the vote was unanimous, motion carried. Council entered closed session at 10:21 PM.

Vice-Mayor West read the certification to end the closed session and to return to open session. The motion was seconded by Council Lady Jurgensen. On roll call the vote was unanimous, motion carried.

There were no items to report from Closed Session and Council returned to open session at 11:12 PM.

ADJOURN

Council Lady Forrester made a motion to adjourn with a second by Council Lady Jurgensen. All Ayes. The meeting adjourned at 11:14 PM.

Minutes submitted by

CHKoslicki

Catherine H. Koslicki
Town Clerk

Approved by

Fred Yohey

Fred E. Yohey, Jr.
Mayor