DUMFRIES TOWN COUNCIL
WORK SESSION MINUTES
APRIL 19, 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*; Kristi Caturano, *Town Attorney*; Retta Ladd, *Treasurer;* Chief Taber, *Chief of Police*; Jatinder Khokhar, *Dir. of Community Development*; Debi Sandlin, *Dir. of Economic Development & Marketing*; Teresa Johnson, *IT Manager;* Catherine Koslicki, *Town Clerk* and 4 citizens.

Mayor Yohey called the meeting to order at 7:05 PM.

The following changes were made to the agenda:

A special announcement/presentation has been requested by Council Lady Jurgensen. The presentation will follow the Mayor's comments.

CITIZEN COMMENTS

There were no citizen comments.

MAYOR COMMENTS

Mayor Yohey stated last night the PWCBOS voted unanimously to change the name of the Dumfries District to the Potomac District. The change will officially become effective in July 2011.

Council Lady Jurgensen introduced Ms. June Forte to Council, staff and the citizens and presented her with a certificate appointing her as a "Special Ambassador" to represent the Town of Dumfries during her visit to Dumfries, Scotland, our Sister City. Ms. Forte graciously accepted and thanked the Council. She advised she will come before Council upon her return with a full report of her visit.

BOARDS & COMMISSIONS

a. **Planning Commission:** Report presented by Chris Padberg, Chairman of the PC.

Mr. Padberg advised the last PC meeting was held on April 11th. The only new item discussed was the rezoning application for the Hashimi property located on Fairfax Street. The applicant has applied for the property to be rezoned from residential to business.

He stated he was concerned with the change Council made at the last meeting regarding the definition of "dwelling unit" with respect to Duplexes in the R-2 District. The language originally proposed was concurrent with surrounding localities including PWC and Fairfax and defining a "dwelling unit" as having only 1 kitchen helps to control over-crowding. He advised Council the original purpose of the proposed amendment was to clarify some definitions, but the main reason was to remove the CUP requirement.

Council Lady Forrester stated the change came about because of her personal example. Her home has two "kitchens" and if this ordinance was passed as originally amended, she would be in violation. Council Lady Barr asked if houses that currently have more than one "kitchen" would be "grandfathered". Mr. Padberg advised that would be a possibility. Another possibility is to require the property owner to apply for a "special exception" in which they would have to sign an affidavit stating they would not use for a rental and then a waiver could be given.

Ms. Caturano advised to be defined as a "kitchen" it would have to have a stove. If there is no stove (only sink, fridge, etc.) then it would not be classified as a "kitchen."

Councilman Foreman asked if the original definition proposed aligned with PWC. Mr. Padberg advised as it relates to a 2nd kitchen, the original definition did align with PWC.

Vice-Mayor West stated she was in favor of the change voted on at the last meeting, but after reading the comments from Mr. Padberg, she would not support the change now. Mr. Padberg advised there are ways to address the concerns of Council Lady Forrester while still keeping the originally proposed definition. He cited the example of the affidavit and waiver he mentioned earlier. Council Lady Forrester asked if that would be the case for an "in-law suite." She stated these are becoming popular as parents age. He affirmed. Ms. Caturano stated if Council wished, they could add an expiration date to the waivers. Council Lady Forrester stated if a special exception is given it should apply to the property and not the owner. She stated she would not want her individual concerns to hold up the process. The PC has been trying to get the amendment before Council for a long time. She stated she would support the original language and her concerns could be revisited.

Council Lady Forrester made a motion to revert the original proposed ordinance amendment with a second by Council Lady Jurgensen. Mayor Yohey asked Council Lady Forrester if she would consider making her motion during the Action Item portion of the agenda. Council Lady Forrester withdrew her motion and Council Lady Jurgensen withdrew her second.

b. Architectural Review Board: Report presented by Don Little, Chairman of the ARB.
Mr. Little advised Council the ARB's last meeting was held on April 12th and they discussed no new business. Under old business they discussed the status update on the proposed Ordinance Amendment relating to the composition of the ARB. They also discussed recruiting an intern studying Historic Preservation at the University of Mary Washington to assist the ARB with the historical surveys they have planned for the summer. He advised due to health reasons Mr. Lansing is unable to participate in a work session with the ARB, but he would be willing to speak to someone at his home.

Mayor Yohey suggested the ARB consider using the video equipment at the Weems-Botts Museum when interviewing Mr. Lansing. Councilman Foreman suggested the ARB provide Mr. Lansing with a list in advance of topics they would like to discuss and Mr. Lansing will have all the relevant information ready prior to the meeting. Councilman Toney stated he was glad to hear the ARB using Mr. Lansing as a resource; he has vast knowledge of land-use issues.

c. **Historic Dumfries, Virginia:** Report presented by Gary West.
Mr. West stated the Weems-Botts recently hosted a "Spirit Investigation 101" class at the Dumfries Community Center on March 18. They will be hosting a "Spirited Ghost Walk and Spirit Investigation on April 30th and Charter Day on May 7th (flier provided.)

Council Lady Jurgensen asked if HDV has provided staff or Council with a budget. Mr. West advised HDV is supposed to give a financial report every quarter and the report should be presented by the HDV President. Ms. Holtzlander advised the lease changed the requirement to an annual report. The Mayor stated he is a member of HDV and he doesn't remember seeing an annual report. Mr. West advised he will forward the request on to the President. Council Lady Forrester stated she would not support funding without a financial report. Councilman Foreman asked what HDV funding is included in the budget. Ms. Alexander advised funds for the museum and for the Locket House. He asked where the numbers come from if the HDV has not provided a financial report. Ms. Holtzlander advised HDV submits a "wish list" of projects to the Public Works department. He suggested the HDV be required to submit their financial report with their budget request for it to be considered. Council Lady Barr asked who on staff will follow up with HDV. Ms. Holtzlander advised she would.

Vice-Mayor West asked where the "Prince William Resolve" will be held. Mr. West advised at the Dumfries United Methodist Church, across from Merchant Park.

Councilman Toney asked if all Boards & Commissions were required to provide an annual report. Ms. Alexander stated she is not aware of a requirement, but she will research and get back to Council.

Ms. Holtzlander asked if there was a fee associated with the Ghost Walk. Mr. West was not sure and advised if anyone is interested in attending they call the museum.

STAFF REPORTS/COMMENTS

a. **Treasurer:** Ms. Ladd submitted her report as provided. She advised she has provided Council with the Schedule of Receipts and Expenditures for the month of March 2011 that was not included in their packet. There were no questions or comments on the Treasurer's report.

b. **Town Attorney:** Ms. Caturano submitted her report as provided. She advised Council her last week will be the first week of May.

Council Lady Forrester asked if the person who continually submits FOIA requests is an attorney. Ms. Caturano affirmed and advised the requests are for PD arrest reports. The requests are usually submitted ever two weeks. Council Lady Jurgensen asked if we are charging for the responses. Ms. Caturano advised only if there is a significant amount of staff time involved, but normally the response is via email.

c. **Town Manager:** Ms. Alexander had no comments.

ACTION ITEMS

a. **Consider Proposed Ordinance Amendment to Sec. 70-9 relating generally to Certificates of Occupancy (1st Reading: 4/5/2011)**
Ms. Alexander stated the purpose of the proposed amendment is to require payment of taxes and/or fees owed to the Town prior to a Certificate of Occupancy being issued and to require a nonprofit to provide proof of their 501(3)(c) status prior to a Certificate of Occupancy being issued.

Council Lady Jurgensen made a motion to adopt the proposed Ordinance Amendment to Sec. 70-9 relating generally to Certificates of Occupancy with a second by Council Lady Forrester. Upon the roll call, the vote was unanimous. Motion passed.

b. **Consider Proposed Ordinance Amendment to Sec. 70-677 relating generally to the Composition and Organization of the Architectural Review Board (1st Reading: 4/5/2011)**
Ms. Alexander stated the purposed of the proposed amendment is to change the composition of the ARB from four residents to three residents, one business located within the Town and one at-large member who is a professional.

Mayor Yohey asked if the ARB would still have 5 members. Ms. Alexander affirmed. He asked how the ARB would recruit a business member. She advised Ms. Sandlin would make a recommendation to Council to consider for a vote.

Vice-Mayor West made a motion made a motion to adopt the proposed Ordinance Amendment to Sec. 70-677 relating generally to the Composition and Organization of the ARB with a second by Council Lady Forrester. Upon the roll call, the vote was unanimous. Motion passed.

c. **Consider Proclamation in Support of Municipal Clerks Week**
Mayor Yohey made a motion to adopt the Proclamation in Support of Municipal Clerks Week with a second by Vice-Mayor West. Upon the roll call, the vote was unanimous. Motion passed.

d. **Consider Appointment of Chief Taber to Bull Run ASAP Policy Board**
Chief Taber explained the Town has been represented on this board since it was created. He stated the former police Chief served on the board and he has been asked to serve as the replacement. He stated the organization wants input from the police in the area and the meetings would be approximately 4 times per year.

Mayor Yohey asked if the program is funded by the state and by the offenders. Chief Taber affirmed and stated the offenders are required to pay for their own rehabilitation.

Vice-Mayor West made a motion to approve the appointment of Chief Taber to Bull Run ASAP Policy Board with a second by Council Lady Barr. Upon the roll call, the vote was unanimous. Motion passed.

Council Lady Forrester stated she would like to revisit the Duplex discussion. There were no objections.

Council Lady Forrester made a motion to revert to the original proposed Ordinance amendment submitted regarding Duplexes in the R-2 District and have the first reading on May 3rd. Councilman Toney seconded the motion. Upon the roll call, the vote was unanimous. Motion passed.

DISCUSSION ITEMS

a. Possible Sale of Delinquent Real Estate

Ms. Caturano advised the memo submitted to Council specified properties that are 2 years or more delinquent, but the list attached includes properties that are 3 years or more delinquent. The memo gave an example of one property that is 5 years delinquent and has multiple violations for Council to consider. She advised the state code gives the Town the authority to pursue a tax sale; however, previous Councils have not wanted to utilize this particular collection method.

Councilman Foreman asked what line item the proceeds would go to. Ms. Alexander advised only to delinquent real estate. Ms. Caturano advised the Town would recoup any taxes, fees, costs owed, but any profit would be given to the property owner. He asked if the Town would be able to purchase a property. She stated she is not sure. He asked if Council could be provided with the balance for each of the qualifying properties. She agreed to provide the balances as well as the steps required for a tax sale.

Ms. Barr stated PWC is aggressive in their collections. She asked what would happen to the Town taxes if PWC sold the property first. Ms. Caturano advised the Town would get paid. Ms. Barr stated she would support the use of tax sales.

Council Lady Forrester asked if there was a cost associated with the auction process. Ms. Caturano advised there would be costs (ads, title search, etc.) and they can be expensive. Council Lady Forrester stated she would like to see the cost associated with this before she can support it. She would not want the process to end up costing the Town money. She stated the total seems like a small amount to use staff time. Ms. Alexander advised the amount is approximately 1 cent of the tax rate. Council Lady Barr stated if the Town continues to be soft on this issue, they will continue to be taken advantage of.

Councilman Toney asked if the properties were occupied. Ms. Caturano advised some are, but the Treasurer is more than willing to work with any individual to set up payment plans. He stated the current economic conditions should be considered in this decision. Council Lady Jurgensen advised that she is aware that at least one of the properties is a rental and the renters should be made aware.

Councilman Foreman asked if there was an age requirement to stop paying taxes. Ms. Ladd advised residents are granted tax relief if they receive it from PWC and it is based on age and income.

Vice-Mayor West made a motion to allow staff to move forward with the tax sale process on properties that are two years or more delinquent with a second by Council Lady Barr. Ayes: Barr, Foreman, Jurgensen, West, Yohey; Nays: Forrester, Toney. Motion passed, 5-2.

Council Lady Forrester asked if Council could be provided with the amounts for the properties that are 2 years or more delinquent as well as the relevant state code section. She stated she voted against the motion only because she would like to see additional information. Ms. Caturano agreed to provide the information.

b. Policy/Ordinance Recommendations re: Mayor's Proposal

Ms. Caturano stated she was asked by the Mayor at a previous Council meeting to review these items and make suggestions on what items should be policy and what items should be ordinances.

Mayor Yohey asked Ms. Caturano to review #12 relating to Robert's Rules of Order (RRO). Ms. Caturano stated the item and her response for the record:

Item: Adopt a policy that requires Town Council to <u>follow Robert's Rules of Order in all future town government meetings, effective immediately.</u>

Response: This was deferred to the September meeting, but not addressed again that could be located in the minutes. However, the Town has to my knowledge always operated under these rules. This could be in ordinance format if the Council so desires. The Town Council could amend the Code to require the Town Council to operate under Robert's Rules of Order, newly revised.

The Mayor pointed out the Town Attorney was unable to find any reference to Council adopting RRO in the minutes she researched, so therefore Council is not bound by them. Ms. Alexander stated there would be issues with previous votes that followed RRO if Council chooses not to follow RRO.

Councilman Foreman suggested RRO be adopted as a policy, procedure or ordinance, which ever is more appropriate and he feels the Vice-Mayor is already in a position to be the Parliamentarian. Council Lady Forrester agreed with him on adopting RRO, but stated the Parliamentarian should be an impartial party like the Town Clerk or the Town Attorney, not member of Council.

Councilman Foreman made a motion to direct the Town Attorney to draft a proposed ordinance amendment adopting Robert's Rules of Order, the "short" version and outlining the responsibilities and selection of a Parliamentarian. The motion was seconded by Council Lady Forrester. Upon the roll call, the vote was unanimous. Motion passed.

(Two previous motions were made, seconded and withdrawn prior to this motion. Council Lady Barr made a motion with a second by Council Lady Forrester and Councilman Foreman made a previous motion with a second also by Council Lady Forrester. Both motions asked for the Council to adopt RRO in the form of an ordinance amendment, but neither addressed the issue of the Parliamentarian.)

Councilman Toney asked if the Council could be provided with copies of the suggested RRO. Ms. Caturano advised she will provide.

c. Proposed FY12 Budgets

Mayor Yohey suggested the budget discussion be moved to a budget work session on a separate date. He stated there is still a Closed Session item on the agenda to discuss tonight. Council Lady Barr agreed. Councilman Foreman stated he would agree to that, but he would hope the next meeting would include the Town Manager explaining why some line items have increased. Council Lady Forrester stated she came prepared to discuss her recommendations tonight because she was not able to discuss them at the last budget meeting. She would like the opportunity to address her issues. (Discussion took place back and forth between several members.) Mayor Yohey asked if Council Lady Forrester could briefly go over her recommendations.

Council Lady Forrester thanked the Mayor for the opportunity and stated her recommendations would equal a 4 cent reduction in the tax rate and would also include approximately $15,000 being transferred to the LGIP. She stated her cuts are in different areas from the cuts suggested by staff. She stated she has provided Council and staff with a copy of her recommendations. She explained the numbers on the left would be the reduction and the numbers on the right would be the new line item amount. She cited Promotional Expenses (10-411-0900) as an example. The Mayor again suggested "tabling" the budget discussion until a budget work session.

Councilman Foreman stated he also came prepared to discuss the budget tonight. Council Lady Forrester stated she would like to hear his comments. He stated his comments are questions for the Town Manager to justify requested funding. He compared spending from FY11 to FY12. He cited Capital Outlay (10-412-5800) as an example:

FY11 budget = $17, 135
FY11 spending as of 3/31 = approx. $13, 000
Left to spend for FY11 (3 mos) = approx. $4000
FY12 budget = $10,000
Total for 2 years = approx. $27, 000
His question is on what.

He stated all of his examples are similar in nature to this one.
Ms. Alexander stated she would provide answers to all questions from the Mayor, Councilman Foreman and Council Lady Forrester by Monday, April 25th.

Councilman Toney made a motion to hold a Budget Work Session on Wednesday, April 27th at 7 PM with a second by Council Lady Barr. Upon the roll call, the vote was unanimous. Motion passed.

COUNCIL COMMENTS

Councilman Toney commended the Assistant Town Manager for her outstanding job on the Super Egg Hunt, despite the adverse weather. He was surprised at the number of eggs (9000) and delighted to see that every child received a prize. Ms. Holtzlander thanked the Dumfries/Triangle Rescue Squad for this help with the event.

Councilman Foreman thanked the Police Department for the positive impression they have made in Hampstead Landing. He also thanked the staff for their work on the budget.

Council Lady Jurgensen thanked the Chief and the Quantico PD for teaching the self-defense class. She also thanked Ms. Holtzlander and staff for their efforts.

Council Lady Forrester, Vice-Mayor West and Council Lady Barr had no comments.

CLOSED SESSION

Vice-Mayor West made a motion to enter into closed session under Virginia Code § 2.2-3711A (3) Real Estate. Council Lady Forrester seconded the motion. On roll call the vote was unanimous, motion passed. Council entered closed session at 9:55 PM.

Vice-Mayor West read the certification to end the closed session and to return to open session. The motion was seconded by Councilman Toney. On roll call the vote was unanimous, motion passed. The Council returned to open session at 10:52 PM.

Vice-Mayor West made a motion to approve the Real Estate offer as discussed in Closed Session with a second by Council Lady Barr. Ayes: Barr, Jurgensen, Toney, West; Nays: Foreman, Forrester, Yohey. Motion passed, 4-3.

ADJOURN

Council Lady Jurgensen made a motion to adjourn with a second by Council Lady Barr. All Ayes. The meeting adjourned at 10:55 PM.

Minutes submitted by

Catherine H. Koslicki
Town Clerk

Approved by

Fred E. Yohey, Jr.
Mayor