DUMFRIES, VIRGINIA
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DUMFRIES TOWN COUNCIL
REGULAR SESSION MINUTES
MAY 3, 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*; Chief Taber, *Chief of Police*; Rob Forker, *Administrative Manager (DPD)*; Jatinder Khokhar, *Dir. of Community* Development; Debi Sandlin, *Dir. of Economic Development & Marketing*; Linda Frye, *Property Maintenance* Official; Teresa Johnson, *IT Manager;* Catherine Koslicki, *Town Clerk* and 5 citizens.

Mayor Yohey called the meeting to order at 7:01 PM, followed by the Invocation and the Pledge of Allegiance.

The following were changes made to the agenda:

Remove (6) Financial Interest from Closed Session discussion
Add (3) Real Estate and (5) Prospective Business to Closed Session discussion

CITIZEN COMMENTS

Gary West-3867 Cameron Street-spoke on behalf of HDV. He stated they hosted an event this past Saturday, a Spirited Ghost Walk and Spirit Investigation, and he would like to thank the Town and the Police Department for their contributions to the event. He also reminded everyone of Charter Day on May 7th (this Saturday) at 11am.

MAYOR COMMENTS

Mayor Yohey announced this was the last week the Town Attorney would be with the town. He stated she has served as the Town Attorney for many years and he thanked her for her service on behalf of the Council.

Ms. Caturano thanked Council for allowing her the opportunity to serve as the Town Attorney.

Mayor Yohey suggested meetings be set up between the Council and HDV and Council and the landfill.

He reminded everyone the Dumfries District would become the Potomac District on Sunday, May 15th.

STAFF REPORTS

a. **Town Manager:** Ms. Alexander congratulated Vice-Mayor West on her award received from the PWC Child Protective Services. She congratulated Eric Jurgensen on his promotion to Lt. Colonel. She stated her month had been full of various meetings including those for Economic Development, budget prep and the website redesign.

b. **Assistant Town Manager:** Ms. Holtzlander submitted her report as provided and highlighted the following items: Quantico Creek Clean-up (she gave a special thanks to the Public Works Crew), the Super Egg Hunt and the Senior Lunch and the summer Intern program.

c. **Chief of Police:** Chief Taber submitted his report as provided and highlighted two items. He stated they selected a candidate for the Records Management position and the individual is in the background investigation stage. The selection process continues for the Officer positions. He announced information regarding the Kids Academy program, to be held July 18th & 19th, has been distributed through the school to all rising 6th graders.

Councilman Foreman thanked the Chief and the department for patrolling the community. He stated the efforts are noticed and appreciated. Council Lady Jurgensen, Vice-Mayor West and Councilman Toney all agreed with Councilman Foreman and thanked the Chief and the department for their efforts.

d. **Director of Public Works:** Ms. Holtzlander submitted the report as provided. She announced Mr. Tkac is scheduled to return on the 16th. She thanked the crew for their efforts. Vice-Mayor West also thanked the crew for their efforts, especially for replacing the street sign she reported.

Council Lady Jurgensen asked for an update on the issue with Cleveland Anderson. Ms. Holtzlander stated there are drainage issues on an easement owned by the town that are being resolved. The project has taken considerable time to complete as Mr. Anderson only allows work on the weekends.

e. **Director of Community Development:** Mr. Khokhar submitted his report as provided and highlighted the following items: the Comp Plan update, inspections, permits and violations.

Council Lady Barr asked for an update on the Liberty Village graffiti. Ms. Frye stated she had tried to contact the owner (Cleveland Anderson) and he was not available on her last attempt. She will continue to attempt contact.

Council Lady Jurgensen asked Ms. Frye about the volunteer organization that assists with property maintenance. Ms. Frye advised the group is called "Operation Mend a House."

Vice-Mayor West stated she was very impressed by the number of violations issued, especially in HOA communities. She stated during a previous meeting, Councilman Foreman mentioned HOAs covenants regulating a lot of the same violations. She asked who is responsible for enforcement. Ms. Caturano advised residents of HOA communities could get written up by both the town and the HOA. She stated the town cannot enforce HOA rules, nor can the HOA enforce town ordinances.

Councilman Toney stated the Hashimi rezoning application was discussed at the last PC meeting. He stated the property falls within the Historic District and asked if they have applied for a Certificate of Appropriateness. Mr. Khokhar advised he was not at the last PC meeting; he received the information from the Assistant Town Manager. He asked the same questions and was told the ARB does not get involved in rezoning issues. Councilman Toney asked if they would have to apply for one in the future. Mr. Khokhar affirmed.

f. **Director of Economic Development & Marketing:** Ms. Sandlin submitted her report as provided and highlighted the following items: website update, economic development strategic plan, Virginia Economic Development Association's Spring Conference, existing business outreach and the ARB intern.

Council Lady Jurgensen asked what date is used to create the Economic Development plan. Ms. Sandlin advised various resources are used and it is an ongoing process. She stated the Facebook information is used as a marketing tool to show traffic. Council Lady Jurgensen asked if she had information on the number of visits to the town website. Ms. Sandlin did not. Council Lady Jurgensen stated she feels website traffic would be more important.

ADOPTION OF CONSENT AGENDA

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

ACTION ITEMS

a. **Consider 1st Reading of Proposed Ordinance Amendment to Sec. 70-1, 70-142 and 70-143, relating generally to Duplexes in the R-2 District**

Council Lady Barr made a motion to have the 1st Reading of the proposed ordinance amendment to Sec. 70-1, 70-142 and 70-143 relating generally to Duplexes in the R-2 District. The motion was seconded by Council Lady Forrester. On roll call the vote was unanimous, motion passed. *(Reading of full text was waived, a copy of the proposed amendment to be available in the office of the Town Clerk.)*

a. **Consider 1st Reading of Proposed Ordinance Amendment to Sec. 14-95 through 14-171 relating generally to Identification and Inspection of Rental Dwelling Units**

Ms. Caturano stated the "Residential rental dwelling unit" definition on page 1 should be stricken prior to the first reading.

Council Lady Barr made a motion to have the 1st reading of the proposed ordinance amendment to Sec. 14-95 through 14-171 relating generally to Identification and Inspection of Rental Dwelling Units with the recommended modification. The motion was seconded by Council Lady Forrester. On roll call the vote was unanimous, motion passed. *(Reading of full text was waived, a copy of the proposed amendment to be available in the office of the Town Clerk.)*

b. Consider a Release of Demolition and Performance Bonds for K.Hovnanian Homes

Ms. Holtzlander stated the release is being requested by Mr. Tkac and Drew Williams. They have performed the inspection and found compliance. Mayor Yohey asked where the property is located. Ms. Holtzlander advised the property is Hampstead Landing. Councilman Foreman asked if it were clearly stated the developer would be responsible for any failures within 1 year. Ms. Holtzlander affirmed and advised the letter from the developer states the responsibility.

Vice-Mayor West made a motion to release the demolition and performance bonds for K.Hovnanian Homes with a second by Councilman Foreman. On roll call the vote was unanimous, motion passed.

c. Consider 1st Reading of Proposed Charter Amendment to Sec. 3.03 of Article III relating generally to Procedures of Town Council and Formal Adoption of Robert's Rules of Order in the Governance of Town Council Meetings

Ms. Caturano stated the proposed amendment was prepared at the request of Council. She advised her original proposal was to amend the Charter; however after reviewing the item with the Town Clerk, she would recommend if Council chooses to move forward with this item, they choose the amendment to Chapter 2, Article 2, Sec. 2-30 of the Code.

Council Lady Barr stated she would support an amendment to Sec. 2-30. She also thanked the Town Clerk for all the research on this item. Vice-Mayor West also thanked the Town Clerk for the information provided and stated it was extremely helpful. She stated she would also support an amendment to Sec. 2-30; however she feels that the Parliamentarian should be appointed prior to moving forward. She cited Williamsburg as an example and stated the City Attorney serves as the Parliamentarian. Mayor Yohey agreed with the Vice-Mayor and suggested the Town Attorney be appointed as Parliamentarian. There were no objections.

(Ms. Caturano revised the amendment and to include the new language regarding appointing the Town Attorney as Parliamentarian. Action was deferred until after item 8E.)

Vice-Mayor West made a motion to have the 1st reading of the proposed ordinance amendment to Sec. 2-30 relating generally to Procedures of Town Council and Formal Adoption of Robert's Rules of Order in the Governance of Town Council Meetings (as revised). The motion was seconded by Council Lady Barr. On roll call the vote was unanimous, motion passed. *(Reading of full text was waived, a copy of the proposed amendment to be available in the office of the Town Clerk.)*

d. Consider two proposed FY12 Budgets

Mayor Yohey stated the Council will discuss Council Lady Forrester's proposed budget cuts, referred to as the "4cent" budget and then Council Lady Barr's proposed budget buts referred to as the "2cent" budget. No vote will be taken until both have been discussed. He advised Council he worked with the Town Manager to identify additional cuts from the 2cent budget to increase the funding for the Graham Park Road Park ("the park"). He stated the amount mentioned in Ms. Alexander's email (dated 5/2/2011) to Council regarding the additional cuts totaled $15,000. He suggested accepting only $12,500 in additional cuts to fund the park at $37,500. Councilman Toney stated his goal is to get the full funding ($50,000) for the park for FY12, but he would be willing to make some concessions if the park received additional funding (than what is in the 2cent budget.)

Councilman Foreman stated he had a general comment pertaining to both budgets. He stated the FY 11 budget was adopted and then amended due to grant funding. He stated Council Lady Barr suggested on 4/5/11 the proposed FY12 budget not exceed the FY11 budget. He pointed out both of the proposed budgets, the 2cent and the 4cent, exceed FY11. He stated the starting point for FY12 should have been the adopted budget, not the amended. He also pointed out that in both budgets there was an increase in all categories except for PD. (He also noted Admin's overall budget decreased, but it was due to creating a separate budget department for Economic Development.) He stated he could not support either budget. Council Lady Forrester stated she agreed with his point regarding the FY12 not exceeding the FY11 and referred Council Lady Barr's comments as stated in the minutes of 4/5/11. Ms. Alexander stated she took that statement to mean the amended FY11 budget not the adopted budget. Council Lady Barr stated she appreciated her comments being considered but she stated her intent was not meant to hamper the budget process. She also stated she believes the Town Manager drafted a budget in the spirit of her comments. Ms. Alexander advised the overall increase in revenues between FY11 amended and FY12 proposed 2cent budget is less than $30,000. Some of the revenue categories decreased and others increased due to grants not funded in FY11. She cited the VDOT Road Construction, CDAR Road Construction and the Federal Road Construction grants as examples. Council Lady Barr thanked Councilman Foreman for bringing the questions to the Council for the benefit of the citizens.

Council Lady Forrester stated the majority of the cuts she proposed in the 4cent budget were from government operations and she maintained full funding for the park. Mayor Yohey asked if she cut LGIP. She stated the amount in the 4cent budget is the same as originally proposed by the Town Manager. He stated the LGIP increased in the 2cent budget. She stated she believes the priority is to control government spending and return money to the citizens and then save. Council Lady Barr stated she also wants to be able to give back to the citizens/businesses but believes saving is important to be able to grow the town. She states she thinks the Council should work to reduce the Real Estate tax rate incrementally.

Mayor Yohey recommended Council move forward with the 2cent budget with the $12,500 in additional cuts as identified by the Town Manager. Ms. Alexander reminded Council the additional cuts (she cited Town Hall as an example) would mean possible appropriations in the future if an issue arose. The Mayor stated the LGIP funds would be available in an emergency. Vice-Mayor West stated she is concerned with the additional cuts and cited leaving $0 in Professional Contracts as an example. She stated the 2cent budget already funds the park at $25,000 to begin demolition. She asked Ms. Alexander if she knew the total cost for the demolition. Ms. Alexander stated she does not have a quote at this time. The Vice-Mayor asked where to leave funds if the additional cuts totaled $12,500 instead of $15,000. Ms. Alexander suggested leaving the extra funds in Professional Contracts or Town Hall.

Councilman Foreman stated he would not vote for either of the proposed budgets. He stated has asked several questions, asked for line items to be justified and he has not received satisfactory answers. He stated there should be an "audit" of the budget process. He also stated funding in the budget should match items identified in the Comp Plan.

Councilman Toney stated the park was already identified as a priority and should have been treated as a priority for the FY12 budget. He stated he is not happy the funding for the park was cut, but he will support the 2cent budget with the increased funding for the park.

Council Lady Forrester stated the Council has made commitments and promises and they should be kept. She will not support any decrease in the park funding and therefore will not support the 2cent budget.

Council Lady Jurgensen stated the original funding amount of $50,000 would not have been enough to complete the park project. She will support any budget that moves the project forward.

Vice-Mayor West asked the Town Manager if additional grant funding would be available in the future for the park project. Ms. Alexander advised grant funding could be available in October or November. The Vice-Mayor stated she would support the 2cent budget.

Council Lady Barr made a motion to move forward with the 2cent budget with the additional cuts to fund the Graham Park Road Park at $37,500. The motion was seconded by Council Lady Jurgensen. The motion and the second were amended to add the remaining proposed cuts totaling $2500 split between Professional Contracts and Town Hall ($1250 to each line item.) Ayes: Barr, Jurgensen, Toney, West, Yohey; Nays: Foreman, Forrester. Motion passed, 5-2.

The Town Clerk stated a Public Hearing on the proposed budget will be held on June 7th.

Council Lady Jurgensen stated, based on comments from Councilmen Toney and Foreman regarding the park and a budget process audit, she would like Council to consider moving forward with establishing a committee for each of the topics. Council Foreman stated the "audit committee" would review the town's programs and set benchmarks to find out what is working. Those programs that are identified as not working should be restructured or considered for elimination. The committee would also evaluate what services the town should provide and be honest about what the town can afford.

Councilman Toney asked who would be on the committee. Councilman Foreman suggested the Treasurer, a Council member and a department head be members of the committee.

Councilman Foreman made a motion to form an Efficiency Committee. The Efficiency Committee will perform audits on the town's programs and set benchmarks to find out what is working. Those programs that are identified as not working should be restructured or considered for elimination. The committee would also evaluate what services the town should provide and be honest about what the town can afford. And lastly the committee will look at how staff is compiling information for the annual budget. The motion was seconded by Council Lady Jurgensen. Ayes: Barr, Foreman, Forrester, Jurgensen, Toney, Yohey; Nays: West. Motion passed, 6-1.

Councilman Toney made a motion to nominate Councilman Foreman as the chair of the Efficiency Committee with a second by Council Lady Forrester. Ayes: Barr, Foreman, Forrester, Jurgensen, Toney, Yohey; Nays: West. Motion passed, 6-1.

Council Lady Barr nominated Council Lady Jurgensen to the Efficiency Committee. Councilman Toney seconded the nomination. There were no comments opposed to the nomination. (No formal vote was taken.)

Council Lady Jurgensen made a motion to nominate Councilman Toney as the Chair of a committee for the Graham Park Road park project. The motion was seconded by Council Lady Barr. Councilman Toney stated if the committee could be deferred until after July 1st he would accept the nomination. The motion and the second were amended to defer the committee until after July 1st. On roll call the vote was unanimous, motion passed.

Council Lady Jurgensen made a motion to nominate Council Lady Barr to the Graham Park Road Park Committee. Council Lady Barr seconded the nomination. Ayes: Barr, Foreman, Jurgensen, Toney, West, Yohey; Nays: Forrester. Motion passed, 6-1.

COUNCIL COMMENTS

Council Lady Jurgensen stated she had a very mixed week (emotionally). She stated the Air Force Office of Special Investigation lost MSgt. Tara Brown, a friend of the Jurgensen family. She thanked her family for her service and stated she will be missed and remembered for her sacrifice. She congratulated her husband for attaining the rank of Lt. Colonel. She also recognized her son, Evan and two other Junior Members of the Dumfries-Triangle Rescue Squad, Will Wunderle and Jordan Skaines, for delivering their first baby.

Council Lady Barr stated she looks forward to seeing everyone on May 7th. She stated she returned the phone call from Rick Elerby, but has not received a call back. She stated her last comment was in regards to the retreat. Ms. Holtzlander has put forth a lot of effort and she would like to see an explanation of cost expenditures and time spent. She stated she believes the retreat is not taking place because Council Lady Forrester stated she was not going to waste 2 days of her life on the retreat. *(Council Lady Forrester objected to the statements made by Council Lady Barr regarding the Council Retreat, stating the topic was an "Agenda Item" and therefore could not be discussed during Council Comments. Neither the Mayor nor the Vice-Mayor acknowledged or responded to her objection.)*

Councilman Toney stated this Council will be facing some issues in the future that will require some thought and will generate differences of opinion. He hopes in the future all members of Council can show respect for the process in order to move forward. He encouraged members to not get personal and remember they are all elected officials and they all have the same responsibility to be respectful.

Vice-Mayor West stated the Town Clerk provided information regarding a Code of Conduct in the packet information. She stated if all members should try to adhere to them. She thanked Ms. Caturano for her service and wished her well.

Council Lady Forrester stated she did say she was not willing to waste 2 days of her time to attend a Council retreat she feels is useless following the last closed session. She also stated she will not be going into closed session in the future. She stated Council could have moved forward with the retreat and her absence should not have prevented any other member from attending. She stated, as found in the business world, those who want the retreat most are usually the ones who need the retreat. She stated there are four current members of Council who attending the last retreat and the shelf life (of the retreat) was short. She stated she does not see a need for the town to invest money or for her to invest her personal time. She stated she had already expressed her opinion on the financial aspect of the retreat during the initial discussions (of the retreat).

Councilman Foreman 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 and (5) Prospective Business regarding Economic Development. Council Lady Barr seconded the motion. Ayes: Barr, Foreman, Jurgensen, Toney, West, Yohey; Nays: Forrester. Motion passed, 6-1. Council entered closed session at 9:40 PM with the exception of Council Lady Forrester.

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 carried. Council returned to open session at 11:06 PM. (Absent: Forrester)

ADJOURN

Councilman Toney made a motion to adjourn with a second by Council Lady Barr. All Ayes. The meeting adjourned at 11:07 PM. (Absent: Forrester)

Minutes submitted by

Catherine H. Koslicki
Town Clerk

Approved by

Fred E. Yohey, Jr.
Mayor