DUMFRIES, VIRGINIA
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DUMFRIES TOWN COUNCIL
WORK SESSION MINUTES
JUNE 21, 2011, 7:00 PM

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

Not Present: Forrester

Others Present: Kim Alexander, *Town Manager*; Cathy Holtzlander, *Asst. Town Manager*; Christine Sanders, *Town Attorney*; Retta Ladd, *Treasurer;* Chief Taber, *Chief of Police*; Greg Tkac, *Dir. of Public Works*; Debi Sandlin, *Dir. of Economic Development & Marketing*; Teresa Johnson, *IT Manager;* Catherine Koslicki, *Town Clerk*; Sgt Evans, Officers Fields, Robinson, Richardson and 15 citizens.

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

The following changes were made to the agenda:
Add:

- Discussion Item 9B: BPOL fee for Massage Parlors
- Closed Session Item 11D: Personnel regarding the Town Manager

INFORMATION ITEMS

a. **Presentation by Chief Taber:** Chief Taber announced to Council and the citizens as of June 3rd. Officer Brian Fields was promoted to the rank of Staff Sergeant with the Virginia National Guard. Ofc. Fields has served the National Guard for 16 years. During that time he was deployed with the 2nd Battalion of the 183rd Cavalry for Operation Iraqi Freedom. Chief Taber thanked him for his service and congratulated him on his recent promotion. Ofc. Fields thanked the Council, the department and the citizens for their support of his military career.

   Chief Taber welcomed Officer David Richardson. He advised Council that Ofc. Richardson started with the DPD on June 13th as a certified Police Officer and comes highly recommended. Prior to joining the Dumfries Police Department, Ofc. Fields served as a deputy with Northumberland County, Orange County and most recently with the Town of Colonial Beach. Officer Richardson took the Oath of Honor.

Mayor Yohey asked how many vacancies the department currently has. Chief Taber advised 2. He stated he hopes to have a full staff in approximately 2 months. The Mayor stated the department handles 75% of the calls for service. The Chief affirmed. The Mayor stated the Town Hall voicemail message does not give callers information on how to contact the DPD or the PWC Police Department. He suggested that information be added.

b. **Presentation by Judy Moore, Boys & Girls Club**: Ms. Moore was not in attendance. The Mayor asked for the presentation to be rescheduled for the July 5th meeting.

CITIZEN COMMENTS

Bob Price-South Cove HOA-thanked the Chief and the DPD for their responsiveness to the citizens needs. He stated the neighborhood has noticed and appreciates the foot patrols and the community policing efforts of the department.

MAYOR COMMENTS

Mayor Yohey had no comments.

BOARDS & COMMISSIONS

a. **Planning Commission:** Report presented by Chris Padberg, Chairman of the PC. Mr. Padberg stated the Planning Commission met on June 13th where they discussed the Hashimi rezoning application. The applicant has amended the application to reflect the majority of the changes requested by the PC and Town staff. A few additional changes were discussed with the applicant at the meeting and those are currently being addressed. The PC also held their annual officer elections. The following were elected as officers: Christopher Padberg, Chair; William O'Kelly Russell, Vice-Chair and Louis Praino, Recording Secretary.

b. **Architectural Review Board:** Report presented by James Ksanznak, member of the ARB. Mr. Ksanznak stated the ARB met on June 14th. There were no applications for Certificates of Appropriateness to review. The ARB discussed the issue surround the Historic District boundaries. Based on the information provided by Ms. Sandlin, the ARB concluded that because there was never an amendment to the ordinance the ARB would be required to enforce the current code, which outlines the Historic District boundaries based on the 1790 Town map. Two options were discussed and were presented to Council at the joint meeting that same evening:
   1. Follow and enforce the original Historic District boundaries as defined in the current Town code
   2. Change the current Town code to reflect the 2005 Council vote

c. **Historic Dumfries, Virginia:** Report presented by Gary West. Mr. West announced the Weems-Botts museum has new hours of operations. They will be open Wednesday through Saturday from 10:00AM to 4:00PM and Sunday from noon to 4:00PM. He also announced the museum has been designated a "Blue Star Museum" which provides free admission to active-duty military and their immediate family (military ID holder and five immediate family members) from Memorial Day to Labor Day. He advised Council and the citizens of two upcoming events:

1. July 9, 2011, 7PM, Merchants Park: *"History of Dumfries"*
   The lecture series will be given by historical interpreter, Nicholas Jesionka. The lecture will begin with the early history of Dumfries including the Native American history and the beginning of the colonization of Dumfries. Picnics welcomed.
2. September 17, 2011: *"They Behaved Like Soldiers-the 3rd Virginia Regiment of 1776"*
   A presentation will be given my Michael Cecere, a local author, educator, re-enactor and HDV board president, to commemorate the 235th anniversary of the Battle of Harlem Heights. Reservations recommended.

He stated the museum is always accepting for volunteers to serve as a docent or help with research.

Mayor Yohey asked if HDV could provide a report to Council on the upcoming fundraisers. Mr. West advised they are in the process of planning the Silent Auction/Dinner fundraiser.

STAFF REPORTS/COMMENTS

a. Treasurer: Ms. Ladd submitted her report as provided.

Mayor Yohey asked if the Town would have a surplus or a deficit for FY11. Ms. Ladd stated as of today, the Town is operating with a surplus of $326, 038.35.

b. Town Attorney: Ms. Sanders submitted her report as provided and highlighted a few items. She advised Council she made two court appearances regarding criminal prosecutions, she responded to several FOIA requests, performed an extensive review of the Fairfax Street litigation issue and drafted multiple ordinances for Council, the PC and staff.

c. Town Manager: Ms. Alexander stated she wanted to follow-up on an email sent to Council. The Town has been awarded $2 million dollars in VDOT Revenue Sharing funds to be matched with the bond funds for the Tripoli Heights and Main Street projects. She advised the community meetings for the Graham Park Road park (GPRP) will be scheduled soon. She announced the position of the Zoning Administrator/Planner has been filled. She introduced David Moss (present in the audience) to the Council. She stated he joins the Town from the PWC Planning Department and he will be starting on July 11th.

Council Lady Barr asked if there would be a Press Release for the new hires. Ms. Alexander affirmed.

Councilman Toney asked if there will be a format for the GPRP meetings. She stated the options available will be on display and feedback will be solicited from the citizens. Vice-Mayor West stated she would like to reiterate the park will be for the entire town. Ms. Holtzlander advised once scheduled, the meetings will be broadcast through the blackboard system.

ACTION ITEMS

a. Consider adopting the Real Estate Tax Rate for the Calendar Year

Ms. Ladd advised Council she submitted a memorandum in the packet addressing Council's questions regarding this agenda item. She advised the Town code currently dictates that real estate taxes are to be paid in "two equal installments."

Mayor Yohey stated PWC current has two equal payments, but their due dates are July and December. Both of the dates are in the same calendar and fiscal year. He suggested looking at the county's language to address this issue. Ms. Ladd stated that is correct and advised Council the county's tax rate is also effective January 1st. The Mayor suggested (since the budget had already been adopted for FY12) that any change made to the effective date should take place for FY13. Ms. Ladd advised that is what she is asking. The Mayor stated the memorandum does not specify what fiscal year. Ms. Alexander suggested deferring this item until a resolution or an ordinance amendment could be brought before Council. She stated the benefit would be to clearly state what the Council is doing so there is no question. Vice-Mayor West asked if the language would include an effective date of January 1, 2013. Ms. Alexander affirmed. Ms. Sanders advised the Council could adopt a resolution; they would not have to change the code. The Vice-Mayor asked if a resolution would be included in the Town code. Ms. Koslicki advised no, but resolutions are kept on file permanently at Town Hall. Councilman Toney asked if the language would include changing the due dates. Ms. Alexander advised no.

Council Lady Jurgensen made a motion move the item forward with a resolution presented at the next meeting. The motion was seconded by Council Lady Barr. On roll call the vote was unanimous, motion passed. (Absent: Forrester)

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(Council entered Closed Session to discuss items 11A and 11B.)

CLOSED SESSION

Vice-Mayor West made a motion to enter into closed session under Virginia Code § 2.2-3711A (1) Personnel and (29) Bargaining Position regarding the "Dumfries Cares" DCJS Grant options and (5) Prospective Business regarding Economic Development. Council Lady Jurgensen seconded the motion. On roll call the vote was unanimous, motion passed. (Absent: Forrester) Council entered closed session at 8:05PM.

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. (Absent: Forrester) The Council returned to open session at 9:56PM.

(Council resumed the agenda with Action Item 8B.)

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b. Consider naming new Town Park on Graham Park Road "Ginn Memorial Park"

Ms. Alexander advised Council that the Walker family has formally agreed to this name.

Vice-Mayor West made a motion to approve the name of the new Town park on Graham Park Road the "Ginn Memorial Park." The motion was seconded by Council Lady Barr. On roll call the vote was unanimous, motion passed. (Absent: Forrester)

c. Consider Parking Restrictions in Tripoli Heights

Chief Taber advised Council that there has been a new development since the submission of this memorandum to Council regarding the parking issue in Tripoli Heights. He stated the issue seems to have been resolved. He stated he was informed that PWC tagged the vehicles recently advising the owners that vehicles cannot be abandoned for more than 10 days. He reported there have been no cars parked there without a Dumfries decal since Wednesday morning. He suggested Council keep the information provided, but that they take no action at this time. He advised, moving forward would have a fiscal impact and should only be considered if the issue returns. He yielded the floor to Council Lady Jurgensen for comments. Council Lady Jurgensen thanked the Chief and PWC for their efforts and agreed that no action is needed at this time. She advised she will revisit the issue if the problem returns.

The Council was in agreement, no action was taken on this item.

d. Historic District Boundaries

Ms. Sandlin reviewed the memorandum provided to Council. She stated the ARB is requesting Council take a formal vote on this item. She stated the ARB's recommendation is to affirm the current boundaries as defined in the Town code.

Vice-Mayor West asked if the current boundaries (as defined by the code) include the Henderson House, Weems-Botts, etc. as were added by the 2005 Council vote. Ms. Koslicki affirmed.

Councilman Toney asked if the current boundaries (as defined by the code) include the cemetery. Ms. Sanders advised cemeteries are protected by state statutes.

Councilman Foreman stated the ARB is simply asking for clarification from Council now so they can move forward. He stated the Council can always changed them later after the ARB has completed their survey of the town. Mayor Yohey stated he does not feel this issue is a priority for the ARB to complete the survey. The Town Attorney has already provided her opinion stating the boundaries are as they are listed in the code. Council Lady Barr stated it is more than just the survey. She stated there are possible legal issues at hand and the ARB is asking for Council to make a formal decision.

Council Lady Barr made a motion that the Historic District boundaries remain as defined in the Town Code, Sec. 70-383 and for a letter to be sent by the Council to the affected properties. The motion was seconded by Councilman Foreman. On roll call the vote was unanimous, motion passed. (Absent: Forrester)

DISCUSSION ITEMS

a. Recommended amendments to the B1, B2 and Flex Business Office (FBO) Districts

Ms. Sandlin stated the recommended amendments provided to Council were the result of a request of Council during the May 17, 2011 Closed Session.

Councilman Toney asked of the recommended changes had been sent to the PC. Ms. Sandlin stated her recommendation is to send the changes back to the PC. He asked "send to" or "send back to?" She apologized for using the wrong tense, she corrected herself and stated "send to" the PC for review and comment. He asked if the PC had seen the recommended amendments at all. She stated no. He said the purpose of the PC is land-use issues. Items like these need to either start with the PC or go to the PC for review first. He further stated the PC should be making the recommendation in this item to the Council. Ms. Sandlin agreed.

Council Lady Barr asked if staff is asking for a first reading. Ms. Sandlin stated yes, if Council chooses. Ms. Koslicki advised Council the first reading is required by the Town Charter to be at a regular meeting of Council or a special-called meeting.

Vice-Mayor West pointed out that a sample motion has been provided for Council to consider. Mayor Yohey stated the motion affirms that the PC was not given notice of the possible changes.

Vice-Mayor West made a motion to send the recommended changes in the B1, B2 and Flex Office Districts to the Planning Commission for consideration and comments and report back to Council. The motion was seconded by Mayor Yohey.

Councilman Toney again stated this item should be coming from the PC to Council, not from Council to the PC. Council Lady Barr stated Council did direct staff to work on this item and bring recommendations before the Council.

Vice-Mayor West amended her motion to remove "and report back to Council". There was no objection from the second. The motion was amended to "send the recommended changes in the B1, B2 and Flex Office Districts to the Planning Commission for consideration and comments." Ayes: Jurgensen, West, Yohey; Nays: Barr, Foreman, Toney. Motion failed, 3-3.

Council Lady Barr made a motion to move the item forward to the next agenda as an action item to consider the first reading of the proposed ordinance amendments. The motion was seconded by Mayor Yohey. Ayes: Barr, Jurgensen, West, Yohey; Nays: Foreman, Toney. Motion passed, 4-2.

b. BPOL fee for Massage Parlors

Council Lady Jurgensen stated there is a prospective business that has interest in opening a Massage Therapy business in the Town. Under the current code, there is a $1000 "Special License" fee (similar to the fee that was assessed under the "Circus" section) assessed for all "technicians." She feels this fee makes it difficult for new businesses of this type to open. She would like for Council to consider removing, lowering or waiving the fee.

Vice-Mayor West stated she would like to hear from the business person in regards to this item. Council Lady Jurgensen stated she is sure the person would be amenable to that request.

Ms. Alexander advised Council that staff will look into this code section as well as others that fall under "Special Licenses" to consider possible revisions. Mayor Yohey asked for staff to also provide information on any funds collected under this provision. Councilman Foreman asked if the possible changes could be presented at the next meeting. Ms. Alexander affirmed.

COUNCIL COMMENTS

There were no Council members' comments.

CLOSED SESSION

Vice-Mayor West made a motion to enter into closed session under Virginia Code § 2.2-3711A (1) Personnel regarding the Town Manager and (7) Consultation with legal counsel regarding the Fairfax Street Encroachment. Council Lady Barr seconded the motion. On roll call the vote was unanimous, motion passed. (Absent: Forrester) Council entered closed session at 10:55 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 Barr. On roll call the vote was unanimous, motion passed. (Absent: Forrester) The Council returned to open session at 11:50 PM. There was no business to report from Closed Session.

ADJOURN

Vice-Mayor West made a motion to adjourn with a second by Council Lady Barr. All Ayes. The meeting adjourned at 11:51PM.

Minutes submitted by

Catherine H. Koslicki
Town Clerk

Approved by

Fred E. Yohey, Jr.
Mayor