

MINUTES OF REGULAR COUNCIL MEETING

FEBRUARY 6, 2007

Present: Mayor Yohey, C. Brewer, B. Via, N. Cornell, C. Washington, R. Lopez,
S. Bradley

Others Present: Mr. Bendall, Mr. Whitlow, Ms. Lambe, Mr. Shaw, Mrs. Frye, Mr
Tkac, Capt. Mackey, Lee Lansing, Dennis Porter & Vicky Zhai-
Johnson CPA, Pastor Rod Spratley

Mayor Yohey called the meeting to order at 7:00 PM, the Pledge of Allegiance followed, with the invocation given by C. Washington.

Citizen's Comments

There were none.

Johnson CPA, PLLC & Consulting – Presentation of FY06 Audit

Mr. Dennis Porter reviewed the audit with Council and stated he would take any questions Council had.

Mayor Yohey asked about the management letter. Mr. Porter stated it was the last page of the audit.

Mayor Yohey stated on the last page there is a comment about reconciliation of bank statements. Mr. Porter stated yes, some statements weren't reconciled monthly, but after speaking with Mrs. Ladd, she has agreed to reconcile on a monthly basis.

Mayor Yohey asked about the submission of the final report. Mr. Porter stated the final audit report has to be submitted to APA by December 31st, and it was.

Mr. Whitlow stated Johnson CPA is in compliance with the submittal.

Mayor Yohey stated in the past the Council would receive the rough draft to review before approving the final audit report.

Johnson CPA, PLLC & Consulting – Presentation of FY06 Audit (cont)

Mr. Whitlow stated the rough draft was received and reviewed by him and the Treasurer, there was discussion with Mr. Porter and Ms. Zhai, and information was provided regarding benefit percentages, etc., and he saw no need for further review by Council.

Mrs. Bradley moved to accept the FY06 audit as presented, seconded by Mrs. Cornell, ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey, motion carried.

Mayor's Comments

Mayor Yohey reviewed his report with Council.

Mrs. Bradley asked the Mayor how the Boys & Girls Club is handling the contribution process.

Mayor Yohey stated fine, they think it's a good application and will be submitted by the April deadline.

Mrs. Cornell asked the Mayor about the Boys & Girls Club bingo fundraiser, and what percentage come to the Dumfries branch.

Mayor Yohey stated he is not sure what percentage goes to each branch, but it's a good question and he will find out.

Town Manager/Staff/Town Attorney Reports

Town Manager's Report

Mr. Whitlow stated before reviewing his report he would like to introduce Mr. Gregory Tkac, the new Director of Public Works. Mr. Whitlow reviewed his report with Council.

Mrs. Bradley asked Mr. Whitlow if he would schedule a meeting with Resource International and Council regarding the Potomac Landfill recycling application for a CUP.

Town Manager's Report (cont)

Mr. Whitlow stated he would do that.

Mrs. Bradley asked Mr. Whitlow if he would notify her of the next meeting regarding the Route 234/Route 1 interchange, because she would like to attend.

Mr. Whitlow advised Mrs. Bradley that he would notify her of the next meeting.

Mrs. Bradley asked if the maintenance facility heating could be changed. The building is currently heated by propane, which Mrs. Bradley feels is dangerous, not to mention expensive.

Mr. Whitlow stated he is going to hand this issue over to Mr. Tkac to see what other heating options may be available.

Mayor Yohey stated he would like to welcome Mr. Tkac on board.

Mr. Tkac stated he is happy to be here.

Mrs. Bradley asked about the payment to **Colossal Contractors**.

Mrs. Ladd advised Mrs. Bradley that the payment to Colossal Contractors was for the work at the Weems-Botts Museum.

Mrs. Bradley asked what the balance of the VRA funds are.

Mr. Whitlow stated approximately \$150,000.00.

Mrs. Bradley stated there are curbs and gutters in need of repair and she believes the VRA monies can be used for that.

Mr. Whitlow asked Mrs. Bradley for the location of the curbs and gutters in need of repair and stated he would look into it.

Treasurer's Report

Council had questions regarding Check #'s 16241, 16276, 16297, and 16259. All questions were answered.

Treasurer's Report (cont)

Mrs. Bradley asked about the payment to Resource International, she thought Potomac Landfill was to pay for that. Mr. Whitlow stated the town pays the invoice and is reimbursed by Potomac Landfill.

Mayor Yohey asked the Treasurer to read the Treasurer's Report for the record.

Old Balance	361,938.86
Plus Receipts	172,784.19
Minus Elect Transfer	
FICA	19,366.30
FWT	13,661.81
Minus Expenditures	284,378.33
New Balance	217,316.61

Police Chief's Report

Captain Mackey reviewed the report with Council. Captain Mackey advised Council that the Chief was attending a mid-year State Chief's conference.

Mr. Brewer asked about the status of the Gang Task Force. Mr. Whitlow stated he has asked Chief Johnson to provide him with some information, which he needs before he will be able to determine if he can support the program.

Public Works Director's Report

Mr. Whitlow stated Council has the report provided by Mr. Scroggins. Mr. Whitlow stated Mr. Scroggins is not here tonight because he sent him and the crew home early in case they have to come back due to inclement weather.

Mr. Tkac stated he has toured the town the last two days, and has meet and listened to staff. Mr. Tkac stated he would have a more thorough and detailed report next month.

There were a couple of questions asked by Council about Mr. Scroggins report that could not be answered. Mr. Tkac stated he would get clarification and report back to Council.

Public Works Director's Report (cont)

Mrs. Bradley stated the **Heth Court** street sign is gone and the **Stop** sign is in the ditch at Graham Park Road.

Zoning Administrator's Report

Mr. Shaw reviewed his report, stating the Town Manager has already reported on most of the issues.

Mr. Brewer asked how far along is the ARB on the guidelines. Mr. Shaw stated they should be complete by next month.

Mr. Lopez asked if Mr. Singh had submitted his building plans. Mr. Shaw stated no, Mr. Singh had not submitted building plans. Mr. Shaw stated the ARB would have to review the plans for certificate of appropriateness.

Mr. Bendall stated staff is still working on the cross parking agreement. Mr. Whitlow stated yes, before approval of anything that agreement will have to be in place.

Mr. Bendall stated he will have to re-write what Mr. Singh's attorney submitted, because the town is on the giving end and receiving nothing back.

Community Services Director's Report

Ms. Lambe reviewed her report with Council.

Mayor Yohey asked about the location of Pastor Spratley youth program. Ms. Lambe stated a portion of the old antique station building is leased, and used by the youth.

Ms. Via asked when the **Godspeed** was coming. Ms. Lambe stated they are scheduled to arrive on September 23, 2007 and will be leaving on September 25, 2007.

Mr. Lopez asked what time frame is the Cherry Jubilee. Ms. Lambe stated 10:00 am to 3:00 pm.

Town Attorney's Report

Mr. Bendall stated he stands prepared to answer any questions Council may have.

Town Attorney's Report (cont)

There was discussion concerning the time frame regarding the Potomac Landfill CUP application. Mrs. Bradley was concerned about what happens if the town doesn't meet the one year time frame.

Mr. Whitlow stated they will not let the time expire, if they can't iron out the issues, the town will deny the application.

Mr. Whitlow stated the Planning Commission has ninety days to respond. Mr. Whitlow stated the Planning Commission has meet with Resource International and he will set up the same briefing for Council, and from there they will need to set a public hearing.

Mr. Washington stated after the town staff, town attorney and the Planning Commission has reviewed the CUP application, it should not take much time for Council to accept their recommendation.

Mayor Yohey stated after all other reviews the Council will still have until a December date to make a decision.

Mrs. Bradley stated it is a serious issue.

Mr. Bendall stated it is a serious issue and Council will need to do their "homework" to be comfortable with staff recommendation.

Adoption of Consent Agenda

Mrs. Bradley moved for adoption of consent agenda, seconded by Mr. Washington, ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey, motion carried.

Information Items

Report from Road Viewers for vacation of Union Street - Mr. Whitlow stated the road viewers have given their recommendation that Council vacate Union Street, as shown on the drawing provided to the Committee on 18 January 2007 and that reimbursement for the area of land for Union Street that will go to the applicant to be determined by the town.

Information Items (cont)

Report from Road Viewers for vacation of Union Street - Mrs. Bradley asked if the town has a figure of what the land would be worth.

Mr. Whitlow stated they don't, he would like some guidance from Council as to how they would like him to proceed.

Mrs. Cornell asked how did they distinguish where Union Street is?

Mr. Whitlow stated it has not been surveyed and one of the first things they would do is request that it be surveyed at Mr. Hashimi cost. Mr. Whitlow stated they know approximately where it is by the tax maps that are available.

Mrs. Cornell stated she would like for it to be surveyed, it has to be part of somebody's property, who pays the taxes.

Mr. Whitlow stated it is the town's property right now, therefore no taxes are being collected, like Market Street, Caston Street and many others.

Mayor Yohey stated it's a paper street, no pavement, no use.

Mrs. Cornell stated she hears paper street, but she can remember when the street was used.

Mrs. Bradley stated they have been talking about putting together a plan to do some beautification throughout the town, this would be right up his alley, to put in some plants and flowers throughout the town.

Mr. Whitlow stated like Caston Street, the town basically asked Mr. Faught to make infrastructure improvements, off-site infrastructure improvements, up to what the town felt was a reasonable compensation for the value of the property, so what he thinks Mrs. Bradley is suggesting is that they now have another person who might be able to make some other improvements to the town.

Mayor Yohey stated the thing he keeps thinking about is if Mr. Hashimi puts a restaurant in there the town will receive meals tax monies, if he doesn't get the road he's going to have a hard time putting anything in there. Mayor Yohey stated maybe it's agreeing on a combination of things, price, maybe doing some nursery work throughout the town.

Mayor Yohey stated he would entertain a motion to direct the Town Manager to...

Information Items (cont)

Report from Road Viewers for vacation of Union Street - Mr. Brewer stated the value of the property needs to be determined and they need to let the Town Manager see what needs to be done, that's more important, before they go off planting flowers.

Mrs. Cornell stated she would like to see exactly where they are saying the street is, they don't know where Fairfax Street is, but some of Fairfax Street is being used.

Mayor Yohey stated all of them have a general idea of where they think Union Street is, but until it is surveyed no one will know exactly.

Mrs. Bradley stated she is going to make a motion to have Mr. Hashimi survey Union Street and also to have the town finally survey Fairfax Street, and get it settled.

Mrs. Cornell stated from one end to the other, it starts at Mine Road and goes all the way to Graham Street.

Mrs. Bradley stated they need to put it to rest, because since she has been on Council, she has been told there are trailers in the middle of it, somebody built a house in the middle of it.

Mr. Brewer stated the motion included the surveying of Fairfax Street, are they going to have Mr. Hashimi pay for the survey.

Mrs. Bradley stated no, the town.

Mrs. Cornell stated the town should pay for the survey.

Mr. Brewer stated is this going to come out of the surveying fund, or what line item is this going to be pulled out of.

Mrs. Cornell asked if there's a survey fund. Mr. Brewer stated no.

Mrs. Cornell suggested having each one as a separate motion.

Mrs. Bradley withdrew her motion.

Information Items (cont)

Report from Road Viewers for vacation of Union Street - Mrs. Bradley moved to have Mr. Hashimi survey Union Street and have the Town Manager come back to Council with an approximate appraisal.

Seconded by Mr. Washington.

Mrs. Cornell stated you can't do an approximate appraisal.

Mr. Bendall stated the request is to vacate a road, and the motion is to ask the party asking for the vacation to identify the road that he wishes to vacate, so that's a cost he ought to pay for.

Mr. Bendall stated once the town receives that, then the town is **not** going to do an approximate appraisal, they get an appraisal of what the property is worth before they decide to give it away.

Mrs. Bradley stated and that (the appraisal) is something the town pays for.

Mr. Bendall stated yes.

Mr. Brewer stated so the motion is to have Mr. Hashimi pay for the survey of Union Street and then the town to pay for the appraisal.

Mrs. Bradley stated yes.

Mayor Yohey called for the vote: ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey, motion carried.

Mrs. Bradley moved to have a survey done of Fairfax Street, to establish what is the towns, what isn't the towns, and who may or may not be violating the towns right of way.

Mrs. Cornell seconded it, but stated she didn't want everybody to feel like she's doing it just for her. Mrs. Cornell stated she thinks they should know where all town streets are.

Mrs. Bradley stated with that said, isn't Mr. Singh's plans for his property going to use Whiskey Street? Mr. Shaw stated Market Street.

Information Items (cont)

Report from Road Viewers for vacation of Union Street - Mrs. Bradley stated where is Whiskey Street? Mrs. Cornell stated that is just an old word they call it because....

Mr. Bendall stated no, Whiskey Street is the entrance way.

Mrs. Bradley stated where is Market Street? Mr. Whitlow stated Market Street parallels Route 1.

Mr. Lopez asked if the motion is to have the entire Fairfax Street surveyed or just the portion that intersects Union Street.

Mrs. Cornell stated the whole thing, from Mine Road to Graham Street.

Mr. Washington stated part of Fairfax Street is already existing, why not just the hidden part?

Mrs. Bradley asked Mrs. Cornell why would she want the paved part done?

Mrs. Cornell stated ok, say from Washington Street to Graham Street.

Mayor Yohey stated they have a motion and a second to survey Fairfax Street from Washington Street to Graham Street.

Mr. Brewer stated what is the cost of this? Mr. Whitlow stated he would guess around \$25,000.00.

Vote: ayes: Lopez, Cornell, Bradley, Via, Yohey; nays: Brewer, Washington, motion carried.

Action Items

Hazard Mitigation Plan

Mr. Whitlow provided Council with a resolution to adopt the Northern Virginia Regional Hazard Mitigation Plan.

Mrs. Bradley moved to adopt the resolution, seconded by Mr. Washington, ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey, motion carried.

Action Items (cont)

Selection of Consultant for Preparation of Boundary Adjustment Feasibility Study

Mr. Whitlow stated he is asking Council to contract with Springsted for preparation of a boundary adjustment feasibility study. Mr. Whitlow stated Mr. Bendall has asked that Springsted work through his office.

Mr. Washington so moved, seconded by Mrs. Bradley.

Mr. Lopez asked about the proposal submitted.

Mr. Whitlow stated a price was negotiated with Springsted of \$31,350.00, plus out of pocket expenses not to exceed \$2,500.00.

Vote: ayes: Brewer, Cornell, Bradley, Via, Washington, Yohey; nays: Lopez, motion carried.

Creation of Codes Compliance Position

Mr. Whitlow stated he would like Council to allow him to create this new position, advertise for the position and fill the position.

Mrs. Bradley moved to allow Mr. Whitlow to create, advertise and fill this position, seconded by Mr. Washington, ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey, motion carried.

OPC (Official Payments Company) Credit Card Processing Agreement

Mr. Whitlow stated Council was provided with Schedule "A", "B", and "C" tonight regarding the fees associated with OPC, which are convenience fees to the user, not the Town. Mr. Whitlow stated he is recommending that the town enter a processing agreement with Official Payments Company (OPC).

Mrs. Bradley moved to enter an agreement with Official Payments Company, seconded by Mrs. Cornell.

Mayor Yohey asked about the cost. Mr. Whitlow stated there is no cost to the town, the convenience fee is passed on to the user.

Action Items (cont)

OPC (Official Payments Company) Credit Card Processing Agreement

Mr. Bendall stated OPC is a well recognized company, and is one of two largest payment processing companies. Mr. Bendall stated Discover has something also but fees are involved. Mayor Yohey asked if PWC uses OPC? Mr. Whitlow stated yes.

Mr. Lopez asked if the town could use Discover? Mr. Bendall stated yes, however there are fees associated with Discover, for equipment, hook up, etc. Mr. Lopez stated he misunderstood, he is fine with OPC.

Vote: ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey, motion carried.

Discussion Items

Ms. Via stated she thinks the work session on February 27, 2007 at 7:00 PM, needs to be announced to the public regarding the Sports House II Grill dance permit application.

Mayor Yohey made an announcement regarding the work session which includes the dance permit application for Sports House II Grill, on February 27, 2007 at 7:00 PM.

Mrs. Cornell asked about the signs on Old Stagecoach Road that were discussed at the regular meeting.

Mr. Whitlow stated the Council, at their regular meeting create a committee to look at parking issues throughout the town, with that committee to report back to Council within 120 days.

Council Members Time

Mr. Washington stated he had no comments, except to advise Council that he will be having knee surgery on March 13th.

Ms. Via stated she would like to wish a happy 50th birthday to Retta and wish a speedy recovery to Donna.

Council Members Time (cont)

Mrs. Bradley stated she too would like to wish Donna a speedy recovery and her prayers go out to the tornado victims in Florida.

Mrs. Bradley stated the WHOA and the Police Department have a meeting scheduled for February 22, 2007, with hopes of establishing a new neighborhood watch.

Mrs. Cornell welcomed Mr. Tkac on board and wished Clyde the best of luck with his surgery.

Mr. Lopez stated he had no comments.

Mr. Brewer stated he had no comments.

Adjourn

Mrs. Bradley moved to adjourn, seconded by Mr. Lopez, ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey, motion carried.

Minutes submitted by

Approved by

Retta Ladd, MMC
Deputy Clerk/Treasurer

Fred Yohey, Jr.
Mayor