

**DUMFRIES TOWN COUNCIL  
REGULAR MEETING  
TUESDAY, APRIL 3, 2007  
7:00 PM**

Present: Mayor Yohey, Vice-Mayor Washington, Council Lady Via, Council Lady Bradley, Council Lady Cornell, Councilman Brewer

Absent: Councilman Lopez

Also Present: David Whitlow, Town Manager; Robert Bendall, Town Attorney; Chief Calvin Johnson; Cathy Lambe, Director of Community Services; John Shaw, Zoning Administrator; Greg Tkac, Director of Public Works; Retta Ladd, Treasurer; Linda Frye, Building Official; Donna Johnson, Town Clerk; 5 citizens

Mayor Yohey called the meeting to order at 7:00 PM. The Pledge of Allegiance was recited followed by the invocation given by Vice-Mayor Washington.

**Citizen's Comments**

Mr. Ron Shingler, 1<sup>st</sup> Vice-President of the Boys and Girls Club said he had come to address the "come and go policy" at the Club. He said children are free to come and go as they please as long as the parent(s) have consented. If the parents have consented, the Boys and Girls Club are not responsible for the child.

He said in the case of the child that Council had been concerned about, both parents had signed the consent form and he said the mother said she never expected the club to do any more than what was done.

Mr. Shingler said that last year the club had enrolled 1397 youth and 188 of these children were from the Town of Dumfries. Mr. Shingler discussed all of the programs that were offered by the club and he said they had never turned away a child. He asked why anyone in Dumfries would not be supportive of their program. He said they served our youth well. In closing he thanked Council for their past support.

Gary West – 3867 Cameron Street, said it appeared to him that there was a lot of activity taking place at Potomac Landfill. He said a lot of trucks were going in and out and he thought the activity was supposed to have stopped in January.

Mr. Whitlow explained to Mr. West that the January 1<sup>st</sup> Consent Order had been extended. He said DEQ was allowing the landfill to take materials out of test pits to determine materials and quantities.

### **Mayor's Comments**

Mayor Yohey said this had been his busiest month to date. He said he had attended seventeen meetings or events. He said all of these meetings and/or events were listed in his report that was submitted to Council. He said he stood ready to answer any questions.

Mrs. Bradley wanted to know what the meeting in White Haven was all about.

Mr. Yohey explained that the residents of White Haven were concerned with loud music from the car wash. He said the police had been there numerous times during the month of December. He said the Police met with the citizens and they all had copies of the noise ordinance.

Mrs. Cornell asked the Mayor why he had not notified the Council regarding the Civilian-Military meeting. The Mayor said he had mentioned the meeting at a previous Council Meeting but he was not aware that he was supposed to get back to Council with anything. Mrs. Cornell wanted to know why he had information regarding the meeting but no one else did.

Mrs. Lambe said there had been a problem with the server rejecting emails from Quantico. She said the mail was being filtered as spam and that was the reason no one had received notification from the base regarding the meeting. Mrs. Lambe said for some reason, the Mayor's computer did not reject the email.

Mayor Yohey also announced that the next Citizen Advisory Meeting was to be held on April 19<sup>th</sup> at 7 p.m. The topic would be the need for improved traffic flow through downtown Dumfries and potential remedies. He said the Town's Public Works Director and a VDOT official would be present at the meeting to address the citizens.

He said there was no Business Advisory Council Meeting scheduled for April.

The Mayor also wanted to give a special thanks to all Dumfries Businesses that contributed over \$20,000.00 to help cover expenses of the planned Charrette, tentatively scheduled for June 14-16, 2007.

**Town Manager's Report**

Mr. Whitlow reported that March was a transitional month in his activities. He said that he had worked on several major projects and went over several of the items he had worked on, to include:

Completion of the proposed FY 08 budget and presentation to the Town Council on March 6. The Council held one special work session to discuss the proposal and is on schedule to hold the public hearing and adopt a budget on May 1.

Participated in a meeting with citizens and the owner of the self-service car wash to discuss ongoing issues of noise and general nuisance factors.

Participated in a meeting with United Bank to discuss the current banking arrangement.

Conferred with Mark Gibb to discuss the upcoming Charrette, to be held on June 14-16, 2007.

Met with an audio-visual technician to review the Town's need for enhanced broadcast of meetings and amplification within the Council Chambers.

Participated in a meeting with Sprint to discuss issues regarding the Town's cellular telephones, the addition of air cards to allow for wireless access to the Town's server and to examine the plan that provides services to determine if any savings could be achieved.

Participated in reading to students at the Dumfries Elementary School to celebrate the birthday of Dr. Seuss.

Participated in Quantico Creek Cleanup.

Mr. Whitlow was asked what station the new system would be aired on. He said we are currently using channel 2 and Comcast is our present service provider but he was not sure yet what we were going to do at this time.

Mayor Yohey said he wanted to remind the citizens that Verizon had donated \$10,000.00 toward the new equipment that would be used to air the meetings on.

**Treasurer's Report**

Mrs. Ladd reported the following:

**SCHEDULE OF RECEIPTS AND EXPENDITURES**  
**FOR THE MONTH OF MARCH, 2007**

Old Balance	\$ 394,460.27
Plus Receipts	394,623.48
Minus Elect Transfer	
- FICA	18,674.54
- FWT	13,849.12
Minus Expenditures	331,547.84
New Balance	\$ 425,012.25

**Police Chief's Report**

Chief Johnson reported that Officer John Chapman had been working with the ICAC (Internet Crimes Against Children) program for months and he had been very successful in the arrests of several individuals for exchanging sexually explicit correspondence with under age boys. The "boys" were actually Officer Chapman and Detective Darryl Wells of the Stafford Sheriff's Office. Chief Johnson said the department commends him on a job well done!

The Chief also reported that the department is in the process of re-establishing the auxiliary program. He said new General Orders have been written and are now in place and he said two meetings had been conducted with the potential candidates for the program. He said he was hopeful that the program would be back on its feet again by May.

Mrs. Cornell said she did not understand why in the case of the good work that Officer Chapman was doing that this would not be recognized by the Potomac News. She said they never recognize positive issues and this is one time that Dumfries deserved to be recognized.

Mrs. Bradley told Chief Johnson that she would like to have a copy of the Auxiliary Police General Orders.

Mrs. Via said she would like to express her sympathy to the family of Officer Morgan.

Chief Johnson also said that he was still trying to get information from Susan Larsen regarding Prince William County dispatch, but he had not heard anything as yet.

**Public Works Director's Report**

Mr. Whitlow said that Mr. Tkac was at a conference and would be back tomorrow.

Mr. Yohey asked about the schedule for street sweeping. He also said if he was doing this for the streets perhaps this would help with the leaves. He also wanted to know if this would help Mr. Ferguson's problem.

**Zoning Administrator's Report**

Mr. Shaw said he had submitted his report but would like to highlight a couple of items. He said that he had reviewed the site plans and provided comments to the design engineer for the Town Center Complex at 17739 Main Street. (Mr. Pete Singh, developer)

He said he had attended DCR Erosion and Sediment Control classes for plans reviewer.

He also said he had taken the tests for Certified Zoning Administrator and had passed.

Assisted Building Official with inspection of properties in the Rental Inspection District.

Mrs. Cornell wanted to know if the County had the right to bring in a shed and put it on the proper at Williams Ordinary. Mr. Shaw said they would need a certificate of appropriateness. He further stated if this has not been done then they should obtain one.

Mr. Shaw said in addition to the items mentioned and various other items, he had been working on the landfill and this had taken a lot of his time.

**Community Services Director's Report**

Mrs. Lambe said she had submitted her report in Council's packet, but she wanted to go over a couple of items:

The next meeting of the Seniors/Retirees will b held on Friday, April 20<sup>th</sup> at 1 pm.

Hosted the Spring Festival on Saturday March 24<sup>th</sup> in Merchant Park. Despite the weather, there was a good turnout. A special thanks to the DPW Crew and to Greg Tkac for being the Easter Bunny

Conducted the Annual Potomac Watershed/Quantico Creek Cleanup on Saturday, March 31, 2007. Over 45 volunteers turned out for the event which was very successful. A special thanks to everyone

Planning and organizing the Town's Charter Day celebration to be held on Saturday, May 12<sup>th</sup> in Garrison Park. This even will be co-hosted with Historic Dumfries, Virginia. Vendors and crafters are being sought to join in the celebration. The fee for a 10x10 space is \$25.00 and all proceeds will benefit the Aid for Wounded Soldiers Program.

Special thanks to Mr. Shaw, Mr. Whitlow, Mr. Tkac and the crew of Public Works.

### **Town Attorney's Report**

Mr. Bendall provided information on the Virginia Sales and Use Tax for telecommunications. He said the town would not get pole attachment fees but would get public user right of way fees from Verizon and Comcast. He said we would also get public user fees.

Mr. Whitlow said we got our first payment about two weeks ago.

Mr. Brewer asked Mr. Bendall about the noise at the car wash. He wanted to know if there was any way that the owner could be forced to operate his business during certain hours.

Mr. Whitlow said that when Council approved the use back in the 1970's the carwash was a 24 hour business.

Mayor Yohey said the carwash had been in business since 1972.

Mr. Bendall said he would like to see if this is a valid use.

Mr. Bendall said the police could enforce the noise ordinance against the people making the noise but not against the owner of the property.

Mr. Brewer also asked about the property at Stage Coach Plaza and the road behind it that cut through to Rt. 1. He wanted to know what the town could do about the maintenance.

Mr. Bendall said he had not rendered an opinion yet. He said the owner is unwilling to fix the potholes. It is a private property issue, not generally an issue that the government could have much say in. Mr. Bendall said he needed to research this again, as it is a private property issue.

Mayor Yohey had another question about the car wash. He asked if there was a Conditional Use Permit did this protect the owner and the hours of operation. Mr. Bendall said he would have to see this CUP. He said if it was a non-conforming use that would be a different situation. He said he would like zoning to send him a copy of the CUP.

**Adoption of Consent Agenda**

Mrs. Bradley made a motion to adopt the consent agenda with a second by Mrs. Via. Ayes: Washington, Via, Bradley, Cornell, Brewer, Yohey. Absent: Lopez. Motion carried.

**Information Item****Multimodal Planning Grant Letter**

Mr. Whitlow said Mr. Tkac had submitted a letter for the Councils review.

Mrs. Bradley made a motion to approve the letter for the Mayor's signature. The motion was seconded by Mr. Washington. Ayes: Brewer, Cornell, Bradley, Via, Washington, Cornell, Yohey. Absent: Lopez. Motion carried.

**Action Items****Approval of 90 Day Dance Permit for Sport House Grill, II**

Mr. Washington made a motion to approve the dance permit with a second by Mrs. Via. Mayor Yohey wanted to know if persons under 21 would have to be out by ten pm and he was told by Mr. Bendall that persons under 21 would have to comply with the curfew. Ayes: Washington, Via, Cornell, Brewer, Yohey. Nay: Bradley. Absent: Lopez. Motion carried

**MOU for Homeland Security Grant – 2005**

Mrs. Bradley made a motion to adopt the MOU with a second by Mrs. Via. Ayes: Brewer, Cornell, Bradley, Via, Washington, Yohey. Absent: Lopez. Motion carried.

**Discussion Items****Discussion of Proposed Access Agreement between Town of Dumfries and First Town Development, LLC.**

Mr. Whitlow said this is a proposed agreement between the Town of Dumfries and First Town Development, LLC for construction and maintenance of parking facilities.

This would outline how we would share the parking lot between the town and Mr. Singh's building.

Mr. Whitlow wanted to point out in the agreement that Mr. Singh would have to agree that the Town would have access to our building at all times during the construction period. In paragraph four of the agreement there are two options and Mr. Whitlow said he recommends going with the 2<sup>nd</sup> option which says that the Town shall bill the Developer for its share of any maintenance, storm water feature or outdoor lighting and landscape item that requires repair, replacement or installation. All invoices for repair, replacement or installation are due upon receipt and will be assessed a late fee of five percent (5%) per month if not paid within fifteen (15) days of receipt by the Developer. All expenses related to the Dominant Parcel shall be the sole responsibility of the Developer.

Mr. Whitlow also stated that the monthly maintenance fee shall increase by three percent (3%) each year on the anniversary of the Commencement Date.

As far as the replacement of existing facilities, Mr. Whitlow said that no alternative locations had been discussed for the basketball courts and picnic pavilions. He also stated that the developer shall relocate and reinstall the playground equipment that will be displaced from the current parcel to a location to be designated by the town.

Mr. Whitlow also briefly discussed the performance bond that would be required by the developer.

Mr. Whitlow wanted to know if the Council felt comfortable with these issues.

Mrs. Bradley wanted to know what the town got out of it, and Mr. Whitlow said we would have:

- Municipal Parking Lot
- Ground Lease payment
- Money to replace any features with a better quality

There was continued discussion on the parking lot and the agreement and Mr. Whitlow said this could be revisited at a later date for action if this was what Council wanted. Mr. Shaw did comment that Mr. Singh had not submitted his final site plan as yet.

Mr. Whitlow said he would come back at a later date with all the changes and amendments.

**FY 08 Operating Budget**

Mr. Whitlow wanted permission to advertise for a public hearing on the FY 08 budget. Mrs. Bradley made a motion to grant him the permission with a second by Mrs. Cornell. Ayes: Brewer, Cornell, Bradley, Via, Washington, Yohey. Absent: Lopez. Motion carried.

**Council Members Time**

Councilman Brewer said he was happy to see the contingent from the Boys and Girls Club, but he said he still had a lot of questions.

Mrs. Cornell said she too still had questions with the Boys and Girls Club. She also expressed condolences to the Lansing family on the death of Mr. Lansing's daughter-in-law. She also congratulated Officer Chapman on the fine job he is doing with the ICAC. She also congratulated Mr. Shaw on his zoning certification.

Mrs. Bradley said she was glad to see Mr. Washington back. She extended condolences to the family of Officer Billy Morgan, and the family of Lee Lansing.

Mrs. Bradley also said that she felt that the Boys and Girls Club had let some of the citizens of the community down. She said they used to make you sign something when you left the building or they called the parent(s) when the child left the building.

Mrs. Via also expressed condolences to the Lansing family. She also expressed condolences to Pat and Howard Mahle and the family of Herb Saunders.

Mrs. Via also welcomed Mr. Washington back and wished everyone a Happy Easter.

Mr. Washington thanked everyone for all the phone calls, cards, and prayers during his surgery. He also expressed condolences to the Lansing family.

**Adjourn**

Mrs. Bradley made a motion to adjourn with a second by Mr. Washington. Ayes: Washington, Via, Bradley, Cornell, Brewer, Yohey. Absent: Lopez

Meeting adjourned at 9:30 pm.

Submitted by:

Approved by:

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Donna A. Johnson, CMC  
Town Clerk

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Fred E. Yohey, Jr.  
Mayor