

**DUMFRIES TOWN COUNCIL
REGULAR MEETING
TUESDAY, JUNE 5, 2007
7:00 PM**

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

Also Present: David Whitlow, Town Manager; Robert Bendall, Town Attorney; Donna Johnson, Town Clerk; John Shaw, Zoning Administrator; Cathy Lambe, Director of Community Services; Greg Tkac, Director of Public Works, Retta Ladd, Treasurer; 11 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

Non

Mayor's Comments

Mayor Yohey went over the following meetings and events that he had attended:

Dumfries Town Council Regular Meeting
Boy Scout Fundraiser meeting
Dennis Leake, President of Potomac Landfill
Dedication of baseball fields at Dumfries Elementary School
Town Council Public Hearing on Potomac Landfill CUPS
Historic Dumfries, Inc. Board Meeting
Dedication of Quantico CSX Bridge
Dedication of Connaughton Community Plaza
Dumfries Charter Day
Extension Leadership Council Meeting
Dumfries Town Council Work Session
Drug Awareness Walk-A-Thon
Dumfries Triangle Fire Department Annual Banquet

Boys and Girls Club Steak and Steak Fundraiser
Northern Virginia Regional Commission Meeting
Ride To The Wall Event
First Meeting of Northern Virginia Mayors and Town Managers, Herndon, VA

Mayor Yohey also announced that there would be no Mayor's Business or Citizens Advisory Council Meetings for the months of June, July, and August.

He said the next big event would be the Dumfries Charrette on September 13-15. He said more details would be provided in the future.

Mayor Yohey also announced that there would be a meeting of the Boys and Girls Club on June 18th at 7:30 pm at the Hilton Boys and Girls Club to discuss the Heiser Boys and Girls Club.

Town Manager's Report

Mr. Whitlow said he had submitted his report but wanted to highlight a few items. He said he had attended a meeting of various officials, designers, and developers to discuss the Rt. 234 interchange project. The conclusion of the meeting resulted in an acknowledgement by the developer that several different approvals would be required of the Town and Town Council if this project was to proceed.

Mr. Whitlow reported that a subsequent meeting with a smaller group representing Kettler was held to discuss specific concerns of the town and opportunities for improvements that might make the project more acceptable. Mr. Whitlow stated that a more detailed discussion would be provided to the Town Council in the near future as the developer responded to the staff's requests.

Mr. Whitlow also discussed cross sections for Rt. 1. He said he wanted something a little different so someone would know they were going through a town.

The speed limit was also addressed. Mrs. Bradley said she thought the speed limit was going to be somewhere in the area of 40-45 miles per hour. Mr. Whitlow said he felt the town would want it no higher than 40 MPH.

Mayor Yohey said he was confused about the 6 year project.

Mr. Whitlow said we want the project and the only thing that has changed is a developer's project.

Mrs. Bradley said the plan never said there would be a fast moving highway through the town.

Mr. Whitlow said again that the maximum speed should be around 40-45 miles per hour. He said the developer is being told that we want it the way we originally asked.

Mr. Whitlow said he had met with representatives from the VDOT Local Assistance Division to discuss the Urban Construction Initiative, which we would discuss later during the meeting.

He also said he had met with Town Mayors and Managers within the Northern Virginia region to discuss opportunities for greater cooperation among the Towns on topics of interest.

Mayor Yohey said back on the 13th of December discussions were being held about these meetings and he thought elected officials could attend these meetings, but Mr. Whitlow said the meetings were all at staff level.

Mr. Whitlow said there were many issues to be worked through before they were brought before the governing bodies. He stated that right now there was not much new information. He said all the discussions were about process and they were not committing to anything.

Mr. Yohey wanted to know when elected officials were brought in.

Treasurer's Report

Mrs. Ladd gave her report as follows:

Schedule of Receipts and Expenditures for the Month of May, 2007

Old Receipts	\$ 333,694.70
Plus Receipts	364,754.96
Minus Elec Transfer	
- FICA	28,290.96
- FWT	20,952.88
Minus Expenditures	263,157.64
New Balance	\$ 386,048.18

Police Chief's Report

Chief Johnson was not present at the meeting

Mrs. Bradley said she wanted to compliment the Police Department on the Smooth Operator Program.

Mayor Yohey said he had questions on the police report concerning traffic violations. He said the figures just did not add up. He said he would get with Chief Johnson to discuss the calls for service.

Public Works Director's Report

Mr. Tkac commended Mrs. Frye, the building official, for her success in overseeing the demolition of the Abundant Life Baptist Church. He said Linda had worked tirelessly with the attorney, property owners, insurance companies, and with contractors over the last four months and continuously over the last two years. Mr. Tkac again commended Linda for a job well done!

He said numerous projects were completed during the month, which he listed on his report to Council, but he did want to mention that they completed the snack bar at Merchant Park, he had received notification of approval for the Multimodal Grant, and he had received bids for the residential solid waste removal RFP. He said with the Multimodal Grant the town would be able to accomplish tasks on the Comprehensive Plan.

Mrs. Via told Mr. Tkac that a nice job had been done on the shoulders on Mine Road. She also wanted to know if signs could be put up about large trucks as they are tearing up the road. She said the large trucks were going to projects on Van Buren.

Mrs. Bradley had a question about the FY 08-09 concrete and asphalt he had listed in his monthly report. Mr. Tkac said this was going to be used to repair Rose Hill Circle and Leonard Street.

Mrs. Bradley said something needed to be done about Heth Court as the salt the town used during the winter had eroded the street. She said VDOT also needed to be asked to put a 3-way stop sign at Van Buren.

Mr. Yohey said when you come out of Tripoli there is a strobe light at the car lot across the street that blinds you. Mr. Tkac told Mayor Yohey that he and Mr. Shaw were working on this problem. The Mayor also said he had received numerous complaints regarding tall grass.

Mr. Tkac said they were working on the grass problem. He said they have been sending out letters and they then give the homeowner time to come into compliance. He said they had a new employee who will monitor the grass situation.

Mr. Whitlow said he was going to raise the cost for the crew to cut citizens grass. He said a two man crew will come at a price and it will be high. He said it is going to cost between \$200.00 - \$250.00 if the town has to cut the grass. He said if you get people to cut their grass once a month that is about as good as it is going to get. He said when the town cuts the grass and if someone does not pay the fee a lien will be attached to their property. We can also do debt set off and deduct it from their income tax refunds.

Mr. Yohey also asked about the shutters at the Weems- Botts Museum and Mr. Tkac told him that he had received prices but was asking for small samples to do a comparison between the different shutters. He said he should have the shutters by the end of the following week.

Mr. Tkac also said he had attended several meetings, had attended a Work Zone Safety training session, and he had many short term projects in the works as well as some long term projects in progress.

Zoning Administrator's Report

Mr. Shaw said his report had been submitted to the Council but he did have a few items he wished to highlight.

He said he had presented information to the Planning Commission regarding an Entrance Corridor Overlay District. This would include Rt. 234, Jefferson Davis Highway, and Fraley Boulevard. He said he gave the Planning Commission an overview of what some other jurisdictions had adopted.

He also stated that he had received and provided information to the Board of Zoning Appeals for a variance request from Equestres, Inc. The variance request hearing is scheduled for June 25th.

Mr. Bendall said he would not be available that date and he told Mr. Shaw that they needed to discuss this further.

Mr. Shaw said he had received site plans for the new ACTS office building located on Dr. David Cline Road. He said he had provided comments to the engineer regarding the site plan's conformance with the Town's regulations.

He said he had attended the Town Council Work Session regarding the Conditional Use Permit (CUP) applications submitted by Potomac Landfill. He had also responded to comments submitted by Joyce Engineering regarding the proposed conditions for the CUP'S.

He also received a Certificate of Appropriateness application from Prince William County regarding placement of an accessory structure on the Williams Ordinary Property.

Mr. Shaw said he, Mrs. Frye, and Mr. O'Flynn, the new Code Compliance Officer has been out that day and brought back about 20 violations. He also told Mayor Yohey that the strobe light at the used car lot is not permissible.

He said Mr. Patrick O'Flynn the new Code Enforcement Officer had reported to work on June 4th.

Director of Community Services Report

Mrs. Lambe said she had submitted her report but would briefly go over a couple of items. She discussed the following:

- Planned and Organized the Town's Charter Day Celebration with Historic Dumfries, Virginia.
- Planning and Organizing the Godspeed visit to Quantico in September collaboratively with the Town of Quantico, Quantico Marine Base, and the Prince William Jamestown 2007 Commemoration committee
- Hosted the monthly Seniors/Retirees meeting on Friday, May 18th

Mrs. Lambe also wanted to thank the volunteers and Town Staff for their help on Charter Day with a special thanks to the crew for a stellar job.

She also thanked everyone for the cards, prayers and kind words regarding the passing of her father. She said she and her family truly appreciated everyone's thoughtfulness during this difficult time for them.

Town Attorney's Report

Mr. Bendall said he would like to ask staff and the Council's cooperation when it came to setting up night meetings as they were very difficult to shift around.

Adoption of Consent Agenda

Mrs. Bradley made a motion to adopt the consent agenda and Mrs. Cornell seconded the motion. Ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey. Motion carried.

Information Items

None

Action Items

Adoption of Resolution Commending the Retirement of John S. Greenhalgh, MD

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

Mayor Yohey said he would coordinate with Dr. Greenhalgh's staff to get him to come to the July 3rd meeting for the presentation of the resolution. Mayor Yohey said he was also inviting Dr. Greenhalgh's replacement, who is setting up an Urgent Care facility.

Release of E&S Bond -17658 Rose Hill Circle

Mr. Washington made a motion to release the bond and Mrs. Cornell seconded his motion. Ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey. Motion carried.

Award of Solid Waste Contract to American Disposal Services

Mr. Tkac gave a summary of the RFP and recommendation of award for the Collection and Disposal of Residential Solid Waste for contract period July 1, 2007 through June 30, 2008 with 4 renewable options. He said the RFP was advertised in the Free Lance Star and the Potomac News on Friday May 4, 2007. A bid opening was conducted publicly on May 25, 2007 at 5:00 pm.

Mr. Tkac went over the submissions of the bids and gave a breakdown of the bids. He said the recommendation was to award the Town of Dumfries Collection and Disposal of Residential Solid Waste contract No. DPW 07-01 to the lowest priced responsive – responsible bidder, American Disposal Services of P.O. Box 1326, Centreville, VA 20122.

Mr. Washington made a motion to award the contract to American Disposal Services with a second by Mr. Brewer.

Mrs. Bradley said she had several issues with this. She said the trash service needed to provide bigger containers and provide affordable totes. She said if someone lost their can or toter or even if they never had one when they called the company they were told they would have to pay \$75.00 for one. She said she did not think this was right.

Mr. Tkac told her that it was the responsibility of the resident to replace the trash can if it was lost or stolen.

Mr. Whitlow said if the resident never received a can it was the responsibility of American Disposal Services to provide them a can.

A very length conversation ensued regarding the cans and totes.

Mayor Yohey felt this item should be tabled as no one had even seen the contract. He said it could be looked over by Council and voted on at the June work session.

Mr. Bendall said it was a standard contract. He said all that was involved was inserting the figures, a new date, a new price and new terms.

Mr Whitlow said as far as the toters were concerned, if a new person did not have one we could deliver one to them from the shop.

Mayor Yohey also asked why the contract was not awarded to the lowest bidder. Mr. Tkac told him that the lowest bidder failed to meet the minimum insurance requirement as requested, they failed to provide a financial statement as requested, and they failed to show other information. He said there were also additional concerns with their list of equipment.

Mr. Yohey called for the question. Ayes: Washington, Via, Cornell, Lopez, Brewer. Nays: Bradley, Yohey. Motion carried 5-2.

Approval of Resolution #07-004 – To Adopt LEOS Program

Mr. Brewer made a motion to approve the resolution adopting the LEOS Program and the motion was seconded by Mrs. Cornell.

Mrs. Bradley said she was going to vote no because this program did not include all employees. At this time, Mayor Yohey asked if he was not supposed to be on the resolution, including his title. He said he felt certain he had read this in the charter or somewhere that he should be included on the resolution.

Mr. Bendall said he was not sure, but he could certainly check. Mayor Yohey requested that a short recess be taken while the Town Attorney researched this.

Upon returning from the recess Mr. Brewer made a friendly amendment to add the Mayor's name and title and Mrs. Cornell seconded the motion. Ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey. Motion carried.

At this time Mayor Yohey asked Mr. Webb, Vice-Chair of the Planning Commission what the Planning Commission's recommendation was for the amendment to Section 70-14 relating to signs. Mr. Webb said that the Planning Commission recommended approval of the amendment to Section 70-14 relating to signs.

Selection of Community Grant Application

Mrs. Bradley made a motion to award the Community Grant Application in the amount of \$5,000.00 to Historic Dumfries. The motion was seconded by Mr. Lopez. Ayes: Bradley, Lopez, Yohey. Nays: Brewer, Cornell, Via, Washington. Motion failed 4-3. No grant would be awarded at this time.

Acceptance of Deed of Gift for Property located at 3880 Dominion Drive

Mr. Whitlow said that Curtis Properties had presented the Town Council with a deed of gift of a vacant parcel located at 3880 Dominion Drive in Prince William Estates. In order for the Town to accept the donation, the Town Council needed to approve its acceptance. Mr. Whitlow said he recommended that the Town Council accept this gift.

He also said that the residents of Prince William Estates could offer suggestions as to what they would like to see on the property, such as a park, or flowers and landscaping.

Mr. Bendall said this acceptance of the gift would be without benefit of a title report. He said it was not necessary to have the title searched if it was used as a park or something of this nature because all park equipment or items of this nature would be removable and not a permanent structure.

Mrs. Bradley made a motion to accept the deed of gift for property located at 3880 Dominion Drive with a second by Mrs. Via. Ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey. Motion carried.

Adoption of Resolution of Intent to Join the Urban Construction Initiative

Mr. Whitlow said that VDOT is offering jurisdictions that have road responsibilities to enhance their responsibilities through participation in the urban construction initiative. Mr. Whitlow further stated that while he is not convinced that there is an advantage to a community the size of Dumfries, he does believe that it is worth consideration.

He suggested adopting a resolution to see if there is an advantage to the joining the program. The adoption would give a year to consider the program and make a determination. It would offer information that we do not currently get and give us more direct access to the VDOT officials.

He stated that if after a year, a determination is made that the Town does not want to participate, there is no obligation to go forward. Mr. Whitlow recommended adopting the resolution.

A motion to adopt the resolution was made by Mr. Washington, with a second by Mrs. Cornell. Ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey. Motion carried.

Mr. Brewer wanted to know how this would work with the Northern Virginia Transportation Program. Mr. Whitlow said it would not affect it at all.

Adoption of Amendment to Section 70-14 relating to signs

Mrs. Bradley made a motion to adopt the amendment to Section 70-14, relating to signs. Her motion was seconded by Mr. Washington. Ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey. Motion carried.

Adoption of Amendment to Section 54-7(1) relating to subdivision improvements

Mr. Webb, Vice-Chairman of the Planning Commission asked Council to allow them more time to review this amendment before they voted. He said they would be discussing this at their next meeting on Monday of next week.

Mrs. Bradley made a motion to table this to allow the Planning Commission time to discuss and review the amendment. Her motion was seconded by Mrs. Cornell. Ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey. Motion carried.

Adoption of Employee Health Insurance Program

Mr. Whitlow said as promised during the budget work sessions he had been investigating options for employee health care coverage that would both help reduce the town's cost for the benefit and make family coverage more affordable for the employees. Mr. Whitlow went over all of the present options and then he went into detail about proposed options.

He said United Health Care had offered two options that would reduce the cost. He went over both options.

He also said The Local Choice offers two options. The Commonwealth of Virginia administers a health program for local government and other political subdivisions and had done so for the last 20 years. He explained that this is a self-insurance pool program similar to our Worker's Compensation and Property and Casualty program that is provided through VML Insurance. Re-Insurance is acquired by the administrator to cover catastrophic losses, and the smaller groups, like the Town of Dumfries, are grouped together on a statewide basis to further buffer individual communities from major claims. The program is administered by Anthem. Mr. Whitlow said five program options are offered and he went over the two options that he felt the Town should offer.

Mr. Whitlow said the cost to the town of utilizing The Local Choice is significantly lower than continuing with United Health Care. He said The Local Choice is more affordable and provides an opportunity for the Town's employees to acquire health coverage for families at a more affordable cost.

Mr. Whitlow said he recommends that the Town Council adopt The Local Choice program for employee health insurance with the Town paying 80% of the employee cost and 20% of the

dependent cost. He said the adoption would take effect on July 1, 2007. He further stated that the Town Council will, in its approval, authorize adoption of the health insurance agreement, conformance with the cost sharing regulations, and execution of the HIPAA Memorandum of Understanding.

Mrs. Bradley made a motion to adopt The Local Choice Key Advantage. Mr. Washington seconded the motion. Ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey. Motion carried.

Consideration of letter of withdrawal – Potomac Landfill Conditional Use Permits

Mr. Whitlow said the Town is in receipt of a letter from Potomac Landfill, Inc. requesting that the Town Council table any action on the requests for conditional use permits or, in the event that the Council does not want to table the requests, Potomac Landfill, Inc. will withdraw the requests for permits.

Mr. Whitlow said that he does not believe that an applicant can require the governing body to table any action nor does he believe that it is in the Council's best interests to delay taking any action if it feels that it has sufficient information to proceed and unless the applicant provides sufficient reason, such as the availability of substantial new and applicable information that might change the final decision of the Council, to delay an action.

Mr. Whitlow further stated that he felt the Council had no alternative but to consider the applications withdrawn and to proceed to notify the Virginia Department of Environmental Quality and various elected officials by means of a letter. He said that withdrawal of the permit application requests may constitute a violation of the voluntary consent order and he believes that the Town should proceed along this course and pursue the immediate cessation of land filling of materials in accordance with the voluntary consent order and subsequent amendments.

Mr. Whitlow recommended that letters be sent to the director of DEQ and modified versions of the same to be sent to the Governor, the Secretary of Natural Resources, Senator Colgan, Delegate Frederick and any other official that the Council identified.

In addition Mr. Whitlow said he believed that Council should also authorize that a letter to the applicant be prepared indicating that the Town accepts the letter of May 24, 2007 as a withdrawal of the permit requests and will notify the appropriate state agencies of this action.

Mr. Whitlow said he had spoken at length with Mr. Leake today and the gist of the conversation was that the Landfill wants to be sure they can definitely make a profit.

Mr. Whitlow said he had never had a request like this before and he asked Mr. Bendall to opine. Mr. Bendall said he has not had an opportunity to go over this, but the Town has amended their ordinances, they have gone over the Public Hearings and money has been spent. He said the closure of the landfill is triggered by the conditional use permits.

Mr. Whitlow said he would be willing to go forward with the work session on the 19th if the Landfill was going to be present and were open about what they really want to do within the guidelines of protecting the community.

Mrs. Bradley said they approached the Town with the “win-win” agreement and we have done all that we can. She did not feel that they were acting in good faith. She said enough is enough!

Mr. Bendall said he felt that the landfill should be given one more chance. He said notify them by a certified letter and give them time to look at the original consent. Mr. Bendall said he would agree to table until the 19th. He said he would be present at the meeting on the 19th.

Mrs. Bradley made a motion to agree to table any action on the conditional use permits until the 19th. Her motion was seconded by Mrs. Cornell. Ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey. Motion carried.

Council Members Time

Mr. Lopez said he would be leaving to go out of the country until July 9th.

Mrs. Bradley expressed her sympathy to Cathy Lambe on the loss of her father.

Mrs. Via expressed her sympathy to Cathy Lambe and Dana Shield for the loss of their fathers.

Closed Session

Mrs. Bradley made a motion to enter closed session citing Virginia Code 2.2-3707 under Virginia Code 2.2-3711 A (1) Personnel. The motion was seconded by Mrs. Cornell. Ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey. Motion carried.

Council entered closed session at 9:50 PM.

Submitted by:

Approved by:

Donna A. Johnson, CMC
Town Clerk

Fred E. Yohey, Jr.
Mayor

