

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

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

Absent: Council Lady Bradley

Also Present: David Whitlow, Town Manager; Robert Bendall, Town Attorney, John Shaw, Director of Community Development; Greg Tkac, Director of Public Works, Retta Ladd, Town Treasurer; Donna Johnson, Town Clerk; 8 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

Nancy West, 3867 Cameron Street reported that they have been plagued with people ringing their doorbell around 2:30 in the morning. When they go to the door there is no one there but there are fireworks set off in their driveway. She said this had happened on at least three occasions. She said the last time this happened it was around two thirty in the morning. She waited and watched but did not see anyone so at about 7:30 AM she called the police. She specified that she wanted a Dumfries officer to respond to the call. At 8:45 AM an officer from Prince William County responded. She was told by dispatch that there were no Dumfries officers on duty that is why one from the County had to be dispatched. She said as a citizen from Dumfries she wanted to know why there was not an officer on duty.

Chief Johnson said that he would research this and get back to the Town Manager and Mr. and Mrs. West with an answer.

Mayor's Comments

Mayor Yohey went over his report listing the meetings he had attended in July and made the following announcements:

- No Mayor's Business Advisory Council or Citizens Advisory Council meetings scheduled in the month of August.
- The next big event will be the Dumfries Charrette on September 13-15, and will be held at Markham Hall at the Dumfries Methodist Church. Invitations and the meeting agenda will be sent out in the near future. The Mayor said it was hoped that as many as 100 individuals would attend the event. This will also include various federal, state, county, and local politicians as well as Dumfries area citizens and business people.
- The Mayor, Mr. Tkac, and Cathy Lambe attended a meeting with Claudia Smith to discuss maintenance issues that Historic Dumfries had.
- Supervisor Caddigan had informed him that \$7,860.00 had been approved for the County to contribute toward the Jamestown reception for the arrival of the Godspeed. He said the Town would be contributing \$5,000.00.
- The Boys and Girls Club had been looking into issues at the General Heiser Club here in Dumfries. He said he had talked with Chief Johnson as well as VML to see about liability issues if transportation was provided in the evening from the club to the Francis House.
- Mayor Yohey said he had spoken with Mr. Hanafin regarding a tour of the Williams Ordinary and was told Mr. Hanafin would be happy to give the Council a tour at their convenience.

Town Manager's Report

Mr. Whitlow said he had submitted his report and would answer any questions that Council might have. He also said that he had been reading the General Orders and it was extensive reading and he had pulled out the section pertaining to the Auxiliary Police Officers and sent it to Mr. Bendall for his review. He said the officers must be certified and a graduate of the Criminal Justice Academy.

Mayor Yohey asked Mr. Whitlow if the Town was still on a watch list with VML. Mr. Whitlow said he thought if everything went alright we should be off within the next 60-90 days.

Treasurer's Report

**Schedule of Receipts and Expenditures
For the Month of July, 2007**

Old Balance	\$ 495,768.53
Plus Receipts	162,167.14
Minus Elect Transfer	
- FICA	19,318.36
- FWT	14,284.84
Minus Expenditures	220,317.21
New Balance	\$ 404,015.26

Mayor Yohey had several questions for Mr. Whitlow about the Town's banking needs. He said he thought this had been determined at the June work session. Mr. Whitlow said RFP's had been sent out, but at this time we were still with Bank of America. Mayor Yohey also had several questions about items on the expense report furnished by Mrs. Ladd, the Treasurer.

Mayor Yohey also asked Mr. Ladd about Section 18-28 of the Dumfries Town Code of Ordinances that states that by July 1 of each year a list of delinquent business licenses was supposed to be provided to the Council. Mrs. Ladd said she would see that Council received the list.

Mayor Yohey also asked that on the agenda that Mr. Shaw's new title of Director of Community Development be used instead of Zoning Administrator.

Police Chief's Report

Chief Johnson said that he only had 12 officers and was trying to get to a full staff. He also reminded people that the Police Department was still conducting the Smooth Operator Program and were strictly enforcing the speed limit and checking for safety belts. He reminded the citizens to be on the look out for his officers.

Chief Johnson introduced Officer Jessica English who recently graduated from the academy. Officer English said she was happy to be an officer for the Town of Dumfries.

Chief Johnson said that former Police Captain Charlie Reid had recently had major surgery. He said he was now home and doing well.

Chief Johnson said tonight was National Night Out and he asked that all citizens leave their porch lights on all night. He also invited everyone to come out to the Williamstown Swimming Pool and celebrate with them until nine o'clock.

Public Works Director's Report

Mr. Tkac said he had submitted his report, but would like to comment on the following:

He reported that his crew had been very busy removing trees and branches as a result of some of the storms that had blown through the area recently.

Mrs. Via thanked the crew for their diligence during the storms.

Mrs. Cornell also thanked the crew for trimming the trees on Fairfax Street. She said they had been scratching her car and she was glad to see them trimmed. She also said she had been up to the snack bar at Merchant Park and she thought it looked really good in there.

Mr. Tkac said he had been busy working on the creation of a no parking policy. The Mayor asked him what this entailed. He said he was trying to create a committee to formulate a policy. He was scheduled to have a meeting with Chief Johnson the following day then he would get with Mr. Whitlow.

Director of Community Development

Mr. Shaw said the Community Development Department was comprised of Mrs. Frye, the Building Official, Mr. O'Flinn, the Code Compliance Officer, and himself.

He said his report had been submitted and was rather short as he had just returned from two weeks vacation. He said a couple of items he wanted to touch upon were:

- Met with Brendon Hanafin with Prince William County and members of Historic Dumfries, Virginia and the ARB regarding the County's plans to renovate the Williams Ordinary
- He, Mr. Whitlow and Mr. Bendall had met with representatives of Potomac Landfill regarding their Conditional Use Permit applications.
- Received revised site plans from engineer for proposed office building for Dr. King

- Approved multiple permit applications including permanent and temporary signs, home occupations, temporary uses and occupancy permits

Community Services Director's Report

Mr. Whitlow said Mrs. Lambe was in Richmond attending some sessions at VCU that he felt she would benefit from.

Mrs. Via asked if they would be receiving itineraries for the Godspeed's visit. Mr. Whitlow said he was sure Mrs. Lambe would be furnishing information to Council.

Town Attorney's Report

Mr. Bendall said he had been asked if there was a conflict of interest involved in three of the Council Members voting for the award of the grant to Historic Dumfries, as they were all members or served on boards, etc. He said there was absolutely no conflict of interest at all.

Mr. Brewer said he was not the person that asked Mr. Bendall, but when he asked the Mayor if he served on the board, his reason for asking was not anything to do with conflict of interest, he was just questioning if it the situation was ethical.

Mayor Yohey said the there had been problems with noise in the past at the carwash. He said he had received a call from a neighbor that discussed the noise and this person was talking about an article in the Free Lance Star pertaining to Fredericksburg's noise ordinance. The Mayor said he had obtained a copy and he had discussed the ordinance with the Town Manager, but he would like the Town Attorney to opine on the ordinance.

Mr. Bendall said he would be happy to take a look at the ordinance.

Adoption of Consent Agenda

Mr. Brewer made a motion to adopt the consent agenda and his motion was seconded by Mrs. Via. Ayes: Brewer, Lopez, Cornell, Via, Yohey. Absent: Bradley. Mr. Washington was out of the room when the vote was taken.

Information Items

Annual Report on Town Finances

Mr. Whitlow said Section 2-83(b) of the Code of the Town of Dumfries, Virginia states the following: The town manager shall annually submit to the town council, within 45 calendar days after completion of the fiscal year, a complete report on the finances of the town for the preceding fiscal year. The Town Manager's report shall provide the unaudited town budget surplus (or deficit) for the preceding fiscal year, the balances of the town's certificates of deposit and checking accounts and detailed listings of the delinquent real estate taxes and sanitation fees owed by individual households to the town.

Mayor Yohey said he would like to highlight four items for the record and they were: \$217,470.26 as the Town's budget surplus, \$2,218,464.42 as the Town's certificates of deposit and checking accounts, and on the negative side, \$110,518.00 in delinquent real estate taxes, and \$50,141.07 in delinquent sanitation fees.

He said as the Mayor he would like to bring up these delinquent accounts at the next work session.

Mr. Whitlow said a great deal of these were not very old as they were for the last half of 2006 and the first half of 2007. They had not been outstanding long enough to send to the attorney's office for collection.

Action Items

Approval of Audio Visual Equipment for Council Chamber

Mr. Whitlow said he would like Council to approve a sole source resolution and award the contract to Mr. Erik Gran, Jr.

Mr. Washington made a motion to approve the sole source resolution and award the contract to Mr. Erik Gran, Jr. Mrs. Cornell seconded the motion. Ayes: Brewer, Lopez, Cornell, Via, Washington, Yohey. Absent: Bradley. Motion carried.

Approval of Active Duty Salary Supplement Policy

Mr. Washington made a motion to approve the Active Duty Salary Supplement Policy and his motion was seconded by Mr. Brewer. Ayes: Washington, Via, Cornell, Lopez, Brewer, Yohey. Absent: Bradley. Motion carried.

Approval of two applicants interested in becoming members of the Architectural Review Board

Mr. Brewer made a motion to approve the applications of Ms. Jennifer Stringfellow and Mr. Don Little for the Architectural Review Board. The motion was seconded by Mrs. Via. Ayes: Brewer, Lopez, Cornell, Via, Washington, Yohey. Absent: Bradley. Motion carried.

Approval of an Ordinance to Amend Sec. 70-282(54) to provide for a Use Within the B-2, Neighborhood Business District

Mr. Washington made the motion to approve the ordinance with a second by Mr. Brewer. Ayes: Washington, Via, Cornell, Lopez, Brewer, Yohey. Absent: Bradley. Motion carried.

Approval of an Ordinance to Amend Section 70-22 Relating to Temporary Uses

Mr. Brewer made a motion to approve the ordinance with a second by Mr. Washington. Ayes: Brewer, Lopez, Cornell, Via, Washington, Yohey. Absent: Bradley. Motion carried.

Discussion Items

Proposed site plan for relocation of recreation features

Mr. Whitlow presented two primary designs for consideration to relocate the recreation features. The first one was to relocate all facilities to the south of the ball field, which he felt was a very cramped arrangement with no possibility of providing buffers between the uses. He felt that the types of uses and users of these areas could be potentially incompatible, resulting in conflicts between users and an on-going problem for the Town.

The second design for consideration was to relocate the basketball court south of the baseball field and the placement of the playground equipment north of the stream on property owned by the Town. This would place the playground equipment, swing set and one picnic pavilion to the north of the stream in a cleared area of approximately 100' by 100', and would be accessible by a pedestrian bridge that would cross the stream at a point behind the existing backstop.

Mr. Washington made a motion to approve the concept plan as it was presented. Mrs. Cornell seconded the motion.

After considerable discussion Mr. Lopez said he felt that the basketball court should be moved further to the north so it would be visible from the street so people would know it was there.

Mayor Yohey said he did not understand why this was all being cramped into a small area when we have a baseball field that is never used. He said he would move the basketball court over and do away with the baseball field all together.

Mr. Washington made a friendly amendment to his motion amending it to approve the concept plan but to move the basketball court further to the north of what was designated on the plan. Mrs. Cornell amended her second to echo Mr. Washington's motion. Ayes: Washington, Via, Cornell, Lopez. Nays: Brewer, Yohey. Absent: Bradley. Motion carried.

Council Members Time

Mr. Washington said he is very concerned with the incidents that have been taking place at the West residence and he hopes it comes to an end very soon.

Mrs. Via welcomed Ms. Stringfellow and Mr. Little to the Architectural Review Board, welcomed Jessica English to the Police Department, and congratulated Ms. Lambe on her engagement.

Mrs. Cornell said she was also concerned and sorry about the incidents that had been taking place at the West home. She said she hopes that Chief Johnson gets it resolved quickly.

Mrs. Cornell also wished a speedy recovery to former Captain Charlie Reid and she also wanted to let Betty Fraley and her family know that she was glad to see that Dumfries Discount Furniture Store was coming back.

Mr. Lopez welcomed Jessica English to the Police Department. He said he would also like to make a comment regarding HDV and the grant issue that was in the Potomac News, written by Aileen Streng. He said what bothered him was three people voted for the grant, while four were not in favor of awarding the grant to HDV. He said he felt the article was very misleading and he wanted to add his two cents worth.

He said he spoke to most of the council members to find out why they voted the way they did. He said his vote was to award the grant to the best applicant. He just cannot understand how some people were focusing on how HDV operated. He did not feel

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this was a sufficient reason to deny the grant and he hates to see a bad relationship between the Town and HDV. He said it had been that way off and on for a long time.

Councilman Brewer had no comment during Council Members time.

Adjourn

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

The meeting adjourned at 8:45 PM.

Submitted by:

Approved by:

Donna A. Johnson, CMC
Town Clerk

Fred E. Yohey, Jr.
Mayor

Date: _____