

MINUTES OF REGULAR COUNCIL MEETING

October 2, 2007

Present: Mayor Yohey, Councilors Washington, Via, Bradley, Cornell, Lopez, Brewer

Others Present: Mr. Whitlow, Ms. Caturano-Smith & Davenport, Mr. Shaw, Mr. Tkac, Ms. Lambe, Chief Johnson, Ms. Ladd, Mr. Tim Ailsworth-VML, and 7 town residents

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

Mayor Yohey asked everyone to stand for the **Pledge of Allegiance**, which was followed by the **Invocation**, given by Vice-Mayor Washington.

CITIZEN'S COMMENTS

Dorothea Barr, of 18055 Tompkins Court, stated she was appointed to a “parking committee” several months ago, but has not heard anything to date.

Ms. Barr stated she has a car parked in front of her house with Florida tags, it doesn't belong there, instead of a ticket, a warning was given, she doesn't understand. Ms. Barr stated she would also like to know the number of people allowed in a rental unit.

Mayor Yohey asked Mr. Tkac to contact Ms. Barr regarding the “parking committee” and Mr. Shaw to contact Ms. Barr on the issue of the rental unit.

Karl Stallknecht, of 17623 Duke Street, President of KWD Services, Inc., stated he would like to work with the town to air town announcements on his AM radio station.

Mayor Yohey asked Mr. Stallknecht to set up a meeting with the Town Manager to discuss his request.

Elsie Garrison, of 3961 Dominion Drive, stated she would like to make the town aware, if they hadn't heard, of the death of Mrs. Bishop today.

VML INSURANCE PRESENTATION

Mr. Whitlow stated he invited Mr. Ailsworth to attend the Council meeting tonight to give a brief run through on what VML is all about.

Mr. Ailsworth, Deputy Managing Director, for Virginia Municipal League (VML), stated VML is a pool owned by its members, a "Workers Comp Pool" with 435 members, and a "Property and Liability Pool" with 335 members.

Mr. Ailsworth briefly discussed the types of coverage VML offers, i.e., workers compensation; property; automobile; public officials; etc.

Mr. Ailsworth shared a (horror) story with Council regarding a locality in North Carolina, wherein a former employee was fired; won an election as the Mayor of that locality and then filed suit against that town.

MAYOR'S COMMENTS

The Mayor discussed the Greater Dumfries Charrette which he felt was very successful. He said the attendance was beyond the best expectations he had, and he was very impressed.

He said it was a long three days but he wanted to express a special thank you to Cathy Lambe, who helped get the Charrette organized and the lunches served. He also thanked Dunkin Donuts who played a significant part by providing delicious coffee and hot chocolate, donuts, muffins, and juices throughout the entire event.

TOWN MANAGER'S REPORT

Mr. Whitlow also discussed the Charrette. He said over the three day period, approximately one hundred people participated in discussing the issues that confront the town. He said the town should receive an electronic copy of the final recommendations in the coming weeks for furthering its planning efforts.

Mr. Whitlow also said he assisted in the Godspeed visit as a volunteer during its two day tenure with the Town. He also thanked Cathy Lambe and her committee for their hard work.

Mr. Whitlow reported that he and John Shaw visited the Potomac Landfill to get a current view of the activities that were occurring on the site. He said of particular interest was the large quantity of cover material that has been placed near the top of the landfill and how that may impact the erosion and sediment control measures being applied.

Mr. Whitlow reported that along with a panel of staff members, he participated in the review of proposals received and interviews of top rated firms for the space needs analysis.

Mr. Whitlow also reported that he and John Shaw met with representatives of Rhodeside & Harwell to discuss the scope of services for the development of a master plan for Garrison Park and the adjacent town-owned property. He stated that information would be forthcoming once refinement of the scope of services and budget had been completed.

TREASURER'S REPORT

Mrs. Ladd gave the following report for the month of September, 2007:

Old Balance	\$ 295,641.03
Plus Receipts	251,577.10
Minus Elect Transfer	
- FICA	18,657.52
- FWT	14,082.58
Minus Expenditures	346,971.79
New Balance	\$ 167,506.24

Mrs. Bradley had a question about Check# 17290 and Check# 17292. Mrs. Ladd answered both of her questions.

POLICE CHIEF'S REPORT

Chief Johnson said he would like to begin by thanking the Department of Motor Vehicles for the \$32,500.00 grant. He said the department had also received the Department of Criminal Justice Services grant in the amount of \$6,727.00 and a Wal-Mart grant in the amount of \$1,500.00 which is to be used for Christmas in Dumfries.

Chief Johnson said his department put in a lot of hours with the Godspeed venue. He also said that Mr. Whitlow had approved for his officer's to receive new phones from Sprint.

Chief Johnson went over the calls for service and a discussion was also held regarding the blocking of the intersection by Dunkin Donuts during rush hour.

DIRECTOR OF PUBLIC WORKS REPORT

Mr. Tkac stated that he had a very busy month. He said in the very near future he would begin working with Portugal Construction to begin the concrete work that has been scheduled. He said hopefully they could get the work done before the weather breaks.

He also said the crew participated in the Godspeed on September 21st, 23rd and 24th.

Mr. Tkac reported that he had attended several meetings to include the Town of Dumfries Charrette, a meeting with Danforth Homes regarding their performance bond, a Directors of Public Works luncheon in Arlington, and a HDV meeting concerning their hot water heater failure.

Mr. Tkac also reported that he was waiting to hear from the RFP's for on call engineering service for the streets. He hoped to have this information by the next work session.

Mayor Yohey asked him to briefly tell them about the paving of streets in Rose Hill. Mr. Tkac said he did not have the information with him, but he said all of Rose Hill was paved, Colonial Street was paved and they milled the intersection of Rt. 1 and Possum Point Road where the asphalt spill took place. The Mayor also asked if this area at Possum Point was going to be striped and Mr. Tkac said absolutely.

Mr. Brewer said he had read where VDOT had received a large sum of money for synchronizing lights and he wanted to know if this would affect Dumfries. Mr. Tkac said that we did have a request in for the intersection of Curtis Drive and Graham Park Road. He said the settings have been changed several times, but they are still trying to get it right.

Mayor Yohey said he was very impressed with Dick Burke from VDOT. He was glad he came to the Charrette.

Mrs. Bradley wanted to know if we were going to be reimbursed for the spill at Possum Point Road. Mr. Tkac said he was still getting the information all together and he said the bill was definitely coming. He said he had talked to their insurance company.

Mrs. Bradley also wanted to know about a sink hole on Kearsarge Street and two drop inlets that were hazardous. Mr. Tkac said the crew has been out and looked and he said they saw evidence of asphalt deterioration around the man hole, but no evidence of a sink hole. Mr. Tkac said he would meet with Mrs. Bradley during the week to look at this situation.

The Mayor asked Mr. Tkac where we stood on the contract for Fairfax Street. Mr. Tkac said he has a RFP out for an on-call engineer for any and all projects that we may have coming up over the next two years.

DIRECTOR OF COMMUNITY DEVELOPMENTS REPORT

Mr. Shaw said he had submitted his report but he would like to touch on a few items that had occurred in his department.

Planning/Zoning

- Met with representatives of Rhodeside & Harwell regarding the scope of work to develop a master plan for recreation facilities for town-owned property.
- Conducted a site visit of Potomac Landfill
- Completed review of site plan for a new office building for Dr. King
- Presented site plan for a new office building for ACTS at 17050 Dr. David Cline Road

Code Compliance

- Rode along with the Codes Compliance Officer and investigated various zoning and Property maintenance violations

Building Department Activities

- Reviewed building plans and issued 16 permits including building, electrical, plumbing, signs and occupancy permits. The total amount of fees collected for the month for permits was \$1,148.00
- Investigated various property maintenance violations
- Performed various building inspections
- Todos Market plans have been reviewed and comments have been sent to the applicant's Architect
- Town Center foundation and footings have been approved. The building plans have been reviewed and are awaiting the architect's responses to the comments

Mrs. Via asked about the CUP for 17944 Main Street. Mr. Shaw explained that this was the same person that had wanted to open a cigar and wine shop previously at another location. He said he would be presenting more information at a later date.

Mr. Washington said if we approved it before would the fact that she changed her address, would it make a difference. Mr. Shaw said this was not the same scenario.

The Mayor asked about the price charged for the three properties in town that the crew had to mow. Mr. Shaw said one fee was for \$236.25 and the other two were for \$140.50 each.

Mrs. Bradley asked about what plans for Todos were being looked at. Mr. Shaw explained the plans to Mrs. Bradley.

Mrs. Bradley also asked about parking spaces and Mr. Shaw said he saw no problem with the amount of parking spaces. Mrs. Bradley shared information about the parking lot with Mr. Shaw and he said he would have to check into this as he was not aware of some of the information that Mrs. Bradley shared with him.

Mrs. Bradley also asked about a house on Ft. Henry that was hit by lightning. She said the bricks from the chimney fell onto the roof and she felt that it was a safety hazard. Mr. Shaw said he would check it out.

DIRECTOR OF COMMUNITY SERVICES REPORT

Before she gave her report Mrs. Lambe said that Mrs. Frye had requested that a demolition bond for Mrs. Gwen Washington and Mrs. Hazel Sykes in the amount of \$8,000.00 be released.

Mrs. Bradley made a motion to add this to the agenda with a second by Mr. Lopez. Ayes: Via, Bradley, Cornell, Lopez, Brewer, Yohey. Abstain: Washington. Motion carried.

Mrs. Lambe reported that the Godspeed visit was very successful. She said she would like to extend a special thanks to the staff and volunteers throughout the community. She thanked Mr. Whitlow, Donna Johnson, Linda Frye, the entire Public Works crew, and the police department for all their work.

She said the Fall Festival would be held on October 27, from 10:00 am to 4:00 pm and vendor spaces were still available.

She also said that she was working on the holiday parade to be held on December the 8th. She said the theme of the parade is "Christmas Magic" and the grand marshall will be Mrs. Sara May.

She said the monthly seniors meeting had resumed on the 3rd Friday of the month. She said the next meeting would be held on October the 19th and Mr. Michael Church, the general manager from Mount Castles Funeral Home would be the speaker.

Mrs. Bradley congratulated Mrs. Lambe on the Godspeed event and said it was a very well run program.

TOWN ATTORNEY'S REPORT

No report.

ADOPTION OF CONSENT AGENDA

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

AGENDA ITEMS

- a. **Approval of final subdivision plat for Piccard Homes, LLC for Potomac Cove** – Mr. Washington moved for approval of final subdivision plat for Piccard Homes, LLC for Potomac Cove, seconded by Mr. Brewer, ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey, motion carried.

- b. **Approval of applicants interested in becoming members of the BZA** – Mrs. Cornell moved for approval of applicants interested in becoming members of the BZA, seconded by Mr. Washington..

Mr. Brewer asked if the applicants would be submitted in order. Mr. Whitlow stated they will be submitted in order as discussed at the September work session.

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

- c. **Approval of Merchants Organization** – Mr. Washington moved for approval of Merchants Organization. Mayor Yohey asked the Town Manager to address this item. Mr. Whitlow stated he felt it appropriate to call together a “Merchants Organization” when the town receives the CD from the Charrette. Mr. Whitlow stated it would be an organization “lead by” and “offered for” businesses.

Mayor Yohey stated this organization would ultimately take the place of the Mayor’s Advisory Council when established.

The motion was seconded by Mrs. Bradley, ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey, motion carried.

- d. **Adoption of Self-Inspection Program** – Mr. Washington moved for adoption of Self-Inspection Program, seconded by Mrs. Bradley.

Mr. Whitlow stated this is one of the remaining items that the town must complete as a Tier II member of VML. Mr. Whitlow stated the policy was included in his memo to Council and that Linda Frye, the towns Building Official, will head the committee.

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

e. **Recommendation of architectural firm to undertake Space Needs Analysis and authorization to negotiate a contract**

Mr. Whitlow explained the process of sending out the RFP's, the receipt of these RFP's and he said he formed a panel consisting of John Shaw, Retta Ladd, Linda Frye, Calvin Johnson, and himself. He said they went over all of the proposals, ranked them, and then determined that there were four of the seven that they were interested in.

He said they conducted interviews on 9/26 and 10/1. Coming out of the interviews they felt two came out representing themselves the best. These two firms were HSMM out of Washington, DC; the other was MMM Design Group from Norfolk, VA.

Mr. Whitlow said they had received a non-binding cost analysis, the first from HSMM for \$42,000.00 and the other from MMM for \$20,000 to \$25,000. He said the panel had gotten together that day and they were pleased to announce they had selected MMM as the best qualified to provide the space needs analysis.

Mr. Whitlow said what he was asking tonight was for Council to approve the recommendation and authorize him to begin negotiating with MMM on the development of the contract.

Mrs. Bradley wanted to know what amount was budgeted. Mayor Yohey was curious why one contract was so much lower than the other, out of the two presented.

Mr. Whitlow briefly described the undertaking of the space needs analysis. He said first they need to review the various functions of the town to apply any space standard to that function. He said they would be asked to consider common spaces for large and small meetings, workrooms, storage areas and a breakroom. He said we would try to maximize space so that the police department and the rest of the staff could share the same break room and meeting rooms, etc. Mr. Whitlow

Also said they would be asked to look at internal movement, so there would be Adequate separation for the public, so they would not be walking through where Money was being handled or where there might be evidence, or files that had to be kept secure. At the same time we needed to come up with a design that is open and friendly, where people can come in they can see where they have to go to do their business. He said they would also be asked to look at space needs that would go through the next 15 - 20 years. Mr. Whitlow also said he would prefer to stay in this space as it is in the center of town and it was going to be a challenge to get all of what was needed into this one space.

Mr. Whitlow also said we definitely need two things; a written space analysis and a concept plan.

The Mayor asked if there were grants available. Mr. Whitlow said no. We may find that there are grants for some particular items. Mayor Yohey also wanted to know if we were going to think outside of the box, like with a green roof and Mr. Whitlow said absolutely. He said this is the leading edge.

Mr. Brewer made a motion to go with MMM Design for the space needs analysis and authorize Mr. Whitlow to negotiate the contract. The motion was seconded by Mrs. Cornell.

Mr. Lopez asked about the contract and Mr. Whitlow said he would extend the contract to the next phase, as it would be inappropriate at this time to put out a RFP.

Ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey. Motion carried.

f. Release of Demolition Bond for 17875 Mine Road

Mr. Lopez moved to release the demolition bond for 17875 Mine Road in the amount of \$8000.00, to Gwen Washington and Hazel Sykes, seconded by Mrs. Bradley, ayes: Brewer, Lopez, Cornell, Bradley, Via, Yohey; abstain: Washington, motion carried.

DISCUSSION ITEMS

Mr. Whitlow stated he will place the proposed noise ordinance on the agenda for the next work session.

Mr. Brewer asked Mr. Whitlow how different the proposed noise ordinance is from the current noise ordinance.

Mr. Whitlow stated the proposed noise ordinance would give the officers more discretion at enforcement, it would include noise from vehicles, businesses, as well as residential, and the ordinance will allow for issuance of permits, for example in the case of an outside concert , etc.

COUNCIL MEMBERS TIME

Mr. Washington gave his condolences to the Bishop family and the Reed family.

Ms. Via gave her condolences to the Bishop family and to Judy Brawner who lost a brother. Ms. Via stated October is “breast cancer” awareness month, something that is very dear to her heart.

Ms. Bradley gave her condolences to the families mentioned.

Mrs. Cornell gave her condolences to the Bishop and Brawner families. Mrs. Cornell thanked Mr. Tkac for the work on Colonial Street, thanked Ms. Lambe for the work on the Godspeed event; thanked Mr. Whitlow for his work on the Charrette. Mrs. Cornell stated she wished Chief Johnson would have been able to attend the Charrette. Mrs. Cornell thanked Dunkin Donuts for their contributions of donuts, pastries, bagels, etc., which were provided every day, and a special “thank you” to Supervisor Barg for coming to the Town’s Charrette.

Mr. Lopez stated he sends his condolences to the Bishop family. Mr. Lopez stated he would also like to encourage the voters to get out and vote in November, to take a good look at the candidates and not at the negative advertisements.

Mr. Lopez stated he will not be seeking re-election and would like to thank everyone for their help in his present position.

Mr. Brewer stated he was sorry to hear about the health of Mr. Whitlow’s father and wished him the best in the situation.

ADJOURN

Mr. Brewer moved to adjourn, seconded by Ms. Via. Ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey. Motion carried.

Minutes taken by:

Submitted by:

Retta Ladd, MMC
Treasurer/Deputy Clerk

Donna A. Johnson, CMC
Town Clerk

Approved by:

Fred E. Yohey, Jr.
Mayor