

**DUMFRIES TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 2007
7:00 PM**

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

Also Present: David Whitlow, Town Manager; Kristi Caturano, Town Attorney; Chief Calvin Johnson, Cathy Lambe, Director of Community Services; Greg Tkac, Director of Public Works; Retta Ladd, Treasurer; Donna Johnson, Town Clerk; 7 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.

Comments by Delegate Jeff Frederick

Delegate Frederick said it was always a pleasure to come to Dumfries. He then introduced Mike Hardy and Matt Kandrach from his staff. He said the following day was the pre-filing deadline for draft requests for the legislature and he would like thoughts on anything that Council would like him to sponsor on behalf of the Town.

Mrs. Bradley asked about the rights of local governments in regard to the impact of construction on their jurisdictions. Delegate Frederick said there was a bill in place now and this bill would give local jurisdictions more opportunity to say no to construction. He said the Governor was trying to move this forward and he wanted the Towns included.

There were no further questions for Delegate Frederick. He asked about the Landfill issue and also said if anyone had any questions or comments to please contact him.

Citizens Comments

None

Mayor's Comments

Mayor Yohey went over his report for the month of November. He attended several meetings during the month as well as attending the VDOT Six Year Program Hearing with Public Works Director Greg Tkac.

Mayor Yohey reported that he and Mr. Whitlow met with Dumfries Supervisor Caddigan, County Executive Gerhart, and Assistant County Executive Roltsch on November 15th. Among the issues discussed was the status of the Possum Point Road project by the county, to place new culverts under the road to address the problems caused by silt from the development of the Southbridge area and they also discussed the possible town boundary adjustments as a means to improve the quality of life to Dumfries citizens and increase the town's tax base.

Mayor Yohey also reported that the town hosted the first meeting of town business representatives to discuss the formation of a Dumfries Merchants Association. The Town Manager made an oral presentation using slides from the recent Charrette. Approximately 40 individuals attended the meeting.

Town Manager's Report

Mr. Whitlow reported that November had been a very active month. Several new projects had been started and several others had moved to the next stage. Included in his activities were:

- Meetings with Springsted to provide final comments and amendments to the Boundary Adjustment Feasibility Study.
- Participation in the kick-off meeting on the Multi-Modal Planning Project.
- Coordinated the presentation of enrollment information for the long-term care insurance program that Council authorized.
- Attended the monthly Chief Administrative Officer's meeting at NVRC.
- Held discussions with Potomac Landfill Incorporated to move the conditional Use permits forward to a conclusion.
- Attended a meeting with Supervisor Caddigan and representatives of the County along with Mayor Yohey and Councilman Lopez.

- Coordinated and led the preliminary meeting of the Dumfries Business Association along with the Mayor.

Mayor Yohey wanted to know what the latest was on the installation of the video camera and TV for the Council chambers. Mr. Whitlow told him the work was supposed to be done around the Christmas time frame.

Mrs. Bradley wanted to know about dedicated channels with Verizon and Mr. Whitlow said that Mr. Bendall had not gotten back to him with that information. He also said with the new camera the meetings would go out on both Verizon and Comcast.

Treasurer Report

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

Old Balance	\$ 26,854.26
Plus Receipts	326,145.37
Minus Elect Transfer	
- FICA	18,825.90
- FWT	15,937.56
Minus Expenditures	221,732.15
New Balance	\$ 96,504.02

Police Chief's Report

Chief Johnson said he had submitted his monthly report but there were a couple of items that he would like to discuss.

He said Christmas in Dumfries would be held on December the 15th. He extended an invitation to Council as well as to the staff to participate in the shopping tour. He said letters had been sent out to the businesses for donations and he would be happy to accept help from anyone that chose to make donations. He also said he would like to take the same amount of children that they took last year, which are 125. He said the program starts at 7:00 a.m. at the Dumfries Wal-Mart and lasts until about 2:00 p.m.

Chief Johnson introduced the department's new officer, John Clair. John was a former Military Police officer and the Town is happy to welcome him aboard.

Chief Johnson also said that as part of the accreditation process, a position of detective was re-created and 3 candidates had applied for the position. He said he was happy to introduce the department's new detective, Mark McCoy. Detective McCoy is a 7 year police veteran and Chief Johnson said he looks forward to a much higher percentage of closure on cases with the assistance of Detective McCoy.

Director of Public Work's Report

Mr. Tkac said he had submitted his report and he would be happy to answer any questions that anyone may have.

He reported that the crew had been working to clean the town's parks and roadways from fall debris as well as preparing all equipment for winter storms including the spreaders and plow frames.

Mr. Tkac also reported that an RFP for the manufacturing and installation of replacement shutters for the Weems- Botts Museum was advertised, but no bids were received. He said he did receive a statement of interest from Phillip Murray of Murray Custom Builders. Mr. Murray will be meeting with Historic Dumfries to review any options.

Mr. Tkac said he had attended the Commonwealth Transportation Boards Public Hearing at the Fairfax Government Center. He said he requested the Rt. 1 project through the Town of Dumfries be included in the CTB 6 year plan. A draft plan will be available in the spring, and after a brief comment and evaluation period the board will adopt the six year plan in July. He said if our project is accepted and is included in the six year plan, a portion of the funding will be made available in November of 2008.

Mayor Yohey wanted to know if we were included in the 6 year plan would the money be available for the design of the road.

Mr. Whitlow said that it depends on how much money is available. He said usually you get a token appropriation the 1st year. It would probably take at least two years of funding before you actually move forward with any of the design work. It could even take three years.

Director of Community Development's Report

Mr. Shaw was not available for the meeting

Director of Community Service's Report

Mrs. Lambe said she had submitted her report but wanted to highlight a couple of items. She said the 33rd annual Holiday Parade would be held on December 8th starting at 1pm. The theme of the parade would be Holiday Magic and Mrs. Sarah May would be the Grand Marshall.

She said she had also been working on the Town's Staff/Senior Holiday Social to be held on Friday, December 14th at 12 pm in the Community Center. She encouraged everyone to attend.

She thanked all of the staff that had participated in the Guest Reader Program.

She said she had also been planning and organizing a Town beautification program with Tuck Scroggins. In addition she had also assisted the Town Manager in the development of a workforce housing program for the Town.

Mayor Yohey wanted to know what a workforce housing program was. Mrs. Lambe said that at present only 1 staff member resided in the town. She said the biggest reason was because no one could afford to live in the town or the county. She said they were going to work with Mr. Lake and the CDBG program to gather data. She said this was in the very preliminary stages and when they had more information it would be presented to Council.

Mayor Yohey also wanted to know about the beautification program she was working on. She said this stemmed from Council's comments on entry points into the Town that could be beautified. She said she was going to present her findings and information tomorrow at a staff meeting and she would bring this to Council at a later date.

Town Attorney's Report

Ms. Caturano said she had nothing to report, but she did wish to let everyone know that Mr. Bendall was doing well from his foot surgery and would be back in his office on Thursday.

Adoption of Consent Agenda

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

Information Items**Cost estimates for the White Haven Drainage Concerns**

Mr. Tkac said that there had been multiple complaints about the drainage in White Haven over the past eight or nine months.

He further stated that he had received three price quotes to do the work to correct the drainage problem. He said it was his recommendation to let Anderson and Associates to do the work in the amount of \$20,500.00. He said the scope of the work was outlined in his report.

Mrs. Via said she felt this should be moved ahead as an action item. She said this had been sat on too long and the people in White Haven had been patient long enough. She said the topographic study needed to be done and then the problem corrected.

Mr. Brewer said he agreed with Mrs. Via but he did not know if this was going to remedy the problem. He said at least by doing this we would know if it would remedy the problem or not.

Mr. Tkac said the work would begin within 7 days and it would be complete in 30 days. He said we should have a report in hand by the middle of January.

Mrs. Bradley said she did not know why we are even doing the study. She said we should just go ahead and do the work. She said the town was responsible for checking on the work and was responsible for marking off on the performance bond. She said we just need to get this taken care of and fix the problem.

Mr. Tkac said we would only fix what we were responsible for.

Mayor Yohey wanted to know where the money was coming from to pay for this.

Mr. Whitlow said the storm water management fund or we still had money left in the snap account to pay for this.

Mr. Brewer made a motion to move this subject forward to item 10 D under action items for a vote. His motion was seconded by Ms. Cornell. Ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey. Motion carried.

Fairfax Street Project

Mr. Tkac said back in March of this year it was requested that Public Works enter into a survey contract to survey the boundaries of the unpaved portion of Fairfax Street. He said we entered into an agreement with three groups to do on-call survey contracts and we had prices from each of these groups to do the survey. He said it was his recommendation that we go with Anderson Associates in the amount of \$9,700.00 to do the work.

Mrs. Bradley made a motion move this forward to action item 10 E. Her motion was seconded by Mr. Lopez. Ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey. Motion carried.

Action Items**Release of Performance Bond for ACTS in the amount of \$5,539.00.**

The motion to release the performance bond for ACTS in the amount of \$5,539.00 was made by Mr. Brewer with a second by Mr. Washington. Ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey. Motion carried.

Request for Waiver of 1-year Action Limitation on Applications for Conditional Use Permits for the Potomac Landfill.

A lengthy conversation took place regarding the request for the waiver. Mr. Whitlow said that we were not far apart at all on the conditions and based on that he was willing to grant the Landfill 120 days to work thru the final issues. We would then have a series of work sessions and then on or around April the 3rd everything should be final.

Mr. Whitlow said it was his recommendation that we waive action on Potomac Landfill's application by 120 days. We will notify them that we are waiving the one year requirement and we expect them to continue to operate in good faith.

Mrs. Bradley made a motion to waive action on the one year requirement for an additional 120 days to be completed by April the 3rd, 2008 and no further. Mrs. Cornell seconded the motion.

Mr. Brewer wanted to know why we were giving them another 120 days.

Mr. Whitlow went over the past history of what had transpired and he also cited serious health problems on the part of Mr. Leake. He said all things considered it made sense to spend another two or three months and to move ahead.

Mr. Brewer wanted to know how many more of these extensions we were going to give them.

Mr. Lopez said he had concerns because he did not want to have to come back and do this a second time.

Mayor Yohey said he had not been updated in the last six months on the landfill issue.

Mr. Whitlow said the memos of May 21st are what were being worked with. He said there has been nothing new from August until now.

Mrs. Bradley said enough is enough.

Mrs. Cornell said everyone is frustrated. She said if we don't work with them tonight then from here on it is over.

Mayor Yohey called for the question. Ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey. Motion carried.

Approval of an Ordinance to Amend the code of Ordinances, as Amended by Repealing Article III of Chapter 26, Including Sections 26-60 to 26-68, and Adding a New Article III to Chapter 26, including Sections 26-69 to 26-76, Relating to Noise.

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

Approval of Anderson and Associates to do perform a topographic survey in the amount of \$20,500.00 to correct the White Haven Drainage Problems

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

Approval of Anderson and Associates to survey Fairfax Street at the cost of \$9,700.00.

A motion was made by Mrs. Bradley to approve Anderson and Associates to survey Fairfax Street with a cost of \$9,700.00. The motion was seconded by Mr. Washington. Ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey. Motion carried.

Discussion Items

None

Council Members Time

Mr. Washington – no comments

Mrs. Via – said she wished Mr. Bendall a speedy recovery and she extended congratulations to the Potomac Panthers. She also wished everyone a Merry Christmas and a Happy New Year.

Mrs. Bradley – she said they were forecasting snow the following day and she hoped everyone would remember the senior citizens. She also wished a Merry Christmas and a Happy New Year to everyone.

Mrs. Cornell – welcomed the new officer to Dumfries and she too wished everyone a Merry Christmas and a Happy New Year.

Mr. Lopez – Wished all the citizens a Merry Christmas and a Happy New Year. He said he was not sure if he could make the Holiday Parade but he would definitely make a donation to Christmas in Dumfries.

Mr. Brewer – no comments

Mayor Yohey – no comments

Closed Session – Personnel, Town Manager's Evaluation and Personnel, Police Department – Virginia code 2.2-3711 A (1)

Mrs. Bradley moved to enter closed session with a second by Mr. Brewer. Ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey. Motion carried.

Council entered Closed Session at 9:00 pm.

At the conclusion of the closed session the Town Council returned to open session whereby Mrs. Bradley read the Certification of Proceedings certifying that, to the best of each member's knowledge, only public business matters lawfully exempted from the open meeting requirements of state law, and motion to enter closed session, were heard, discussed or considered in the closed session. Mrs. Via seconded the motion. Ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey. Motion carried.

Adjourn

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

Meeting adjourned at 10:40 PM.

Submitted by:

Approved by:

Donna A. Johnson, CMC
Town Clerk

Fred E. Yohey, Jr.
Mayor