

**DUMFRIES TOWN COUNCIL
REGULAR MEETING
TUESDAY, MARCH 4, 2008
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; Robert Bendall, Town Attorney, Kristi Caturano, Town Attorney; John Shaw, Director of Community Development, Greg Tkac, Director of Public Works, Cathy Lambe, Director of Community Services; Chief Calvin Johnson, Donna Johnson, Town Clerk; 10 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.

There were no amendments to the agenda.

Citizen's Comments

Debra Ward – President of Historic Dumfries Virginia, said she would like to offer another proposal for the shutters for the Weems-Botts Museum. She passed out a proposal for the Council to read. She said the proposal was from Habalis Construction Inc. She said Habalis is a company that specializes in the care and preservation of old and historic structures. She said the conditions of the contract were:

1. All work will be done in a professional and workmanlike manner and completed in a timely fashion.
2. HCI will provide proof of liability insurance and workman's compensation insurance upon request.
3. Any items not specifically addressed in the proposal are not included.
4. Client will be responsible for removing all personal effects from project area for duration of project. Project area will be a job site and will not be habitable living space for duration of project.

She also said Habalis Construction would supply and or coordinate all labor and material for this project. She said the price of the contract would be \$9,529.85. Mrs. Ward said all Historic Dumfries was asking was for Council to approve them going with this contract and providing the necessary funding. Historic Dumfries would assume the responsibility for the work.

Walter Stringfellow – Knolls of Dumfries, said he has a general contractor's license from the state of Florida. He said it is not necessary to have someone with historic preservation background to fabricate and install the shutters. He said he was really upset because he took a sample of shutters to Mr. Tkac for HDV's approval and the shutters just sat in Mr. Tkac's office. He said this whole situation was a scam. He said Mr. Tkac told Claudia Smith from HDV that he had stolen the hardware off of a shutter at HDV and now Mrs. Smith was going around town telling everyone that he stole the hardware. He said Mr. Tkac is playing games.

Claudia Smith – Possum Point Road, said what she had said about Mr. Stringfellow was that as far as she was concerned what he had done was prosecutable and it was vandalism. She also said that Mr. Tkac had not been playing any games when it came to the shutters.

Mayor's Comments

Mayor Yohey went over the meetings he had attended for the past month. He said he had a couple of additional items that he wished to discuss. He said on Friday the 29th of February the third meeting of the Dumfries Business Association was held and he was happy to report that 22 businesses were represented at the meeting. He said the majority of the meeting was spent discussing the by-laws. Mayor Yohey said he was also happy to report that over 140 businesses in the town were notified of the meeting and had received their copies of the by-laws by email. He reported that the next meeting of the Dumfries Business Association would be held on March 28th at 1:30 PM.

Mayor Yohey also expressed concern with vehicles that are traveling South on Main Street and trying to make a left turn onto Graham Park Road. He said vehicles are constantly blocking the intersection, which causes a backup on Main Street. He said he felt a police officer was needed there to take care of the problem. He suggested that this be put on the March work session for discussion.

Mayor Yohey said that the study on the culverts on Possum Point Road was done and it is expected that the culverts should be put in by late spring. He said it would take 6-8 weeks to complete the job.

Mayor Yohey also reported that six candidates were successful in getting on the ballot to run for seats on the Town Council. In addition to the two incumbents, Stephanie Bradley and Brenda Via, the four newcomers running for office are: Dorothea Barr, Shawn Robinson, Willey Toney, and Nancy West. He said the candidates would be holding a kick-off presentation at the Insomnia Coffee House located in the Dumfries Shopping Center on Saturday, March 8th at 3:00 PM. They would be discussing what they hoped to achieve as Council Members.

Mayor Yohey also reported the following:

- ❖ He said he was working with the League of Women Voters and the six candidates running for office would be presenting a political forum from 3:00 – 5:00 PM on Sunday, May 4th two days prior to the election.
- ❖ On March 3rd, 2008 a letter regarding House Bill 45 was signed by all the Town Mayors and forwarded to Governor Kaine.
- ❖ He also reported that he was working on a project with the Dumfries United Methodist Church to conduct a farmer's market on four Saturdays throughout the year. The proposed dates are:

July 12, 2008
August 9, 2009
September 13, 2008
October 11, 2008

He said this is a goodwill gesture by the church. He reported that he had spoken with the Town Attorney in regards to him sending out a letter in support of this venue. She advised him that Council had to be aware of what was going on and approval would have to be given by them before any letter was sent out.

Mr. Whitlow said he felt that any correspondence regarding the farmer's market should be handled by the staff at the church and not the town staff.

Mayor Yohey also said he would be purchasing all of the postage for the letters that went out and there would be no cost to the town.

Town Manager's Report

Mr. Whitlow thanked the staff and Council members for their prayers and acts of kindness during a difficult month following the death of his father.

Mr. Whitlow reported that he had been very busy working on the budget and hoped to present it to Council at the March 25th work session.

Other activities during February included:

- ❖ Investigation of local rental market to determine availability and suitability of rental office space as part of the ongoing space needs analysis.
- ❖ Design charrette conducted by MMM Design Group to further develop concepts for the development of a new town hall.
- ❖ Discussions with Springsted regarding amendment of the boundary adjustment feasibility study.
- ❖ Attendance at the winter meeting of the Virginia Local Government Management Association in Staunton.

Treasurer's Report

Mrs. Ladd provided her report and answered a question by Mrs. Bradley regarding storm water management and one from Mayor Yohey regarding the sweep account.

Schedule of Receipts and Expenditures for the Month of February, 2008

Old Balance	\$ 106,884.10
Plus Receipts	292,545.60
Plus Transfer of Funds from SWM to Sweep Acct.	229,800.00
Plus Transfer of Funds from Banc of America Securities	68,695.64
Minus Transfer of Funds from General Checking to Payroll for Feb. 2008	86,627.42
Minus Elect Transfer	
- FICA	19,183.82
- FWT	14,407.45
Minus Expenditures	174,503.90
NEW BALANCE	\$ 552,402.75

Police Chief's Report

Chief Johnson reported that he had attended the VACP mid-year conference February 24-26, 2008. He also reported that the department had just added their 2nd marked Dodge Charger to the police fleet. This vehicle replaces the Crown Victoria that was sold to the Occoquan Police Department.

Chief Johnson said they may have a suspect regarding the vandalism incident that had taken place with the rock through the window that was discussed at the last meeting.

Mrs. Via asked Chief Johnson if the police could do finger printing at the Farmer's Market.

Director of Public Work's Report

Mr. Tkac reported that he had a very productive month in February. He said the crew had been diligent with conserving the town's budget and resources regarding chemicals and sand. He said they have been working with the police department on the roads. The Crew Chief and the Police Department monitor the streets when bad weather is in the forecast. He said that to date, Dumfries is the only jurisdiction in Northern Virginia that has not expended any money or put down chemicals on their streets. Mr. Tkac wanted to thank Julius Johnson and the Police Department for insuring that the motoring public is safe and for conserving fiscal resources and the environment.

Mr. Tkac reported that multiple potholes had been repaired on Mine Road and sight distance had been cleared and re-established on the following streets:

Willow Lane
Tripoli Boulevard
Curtis Drive
Graham Park Road

Other work completed was as follows:

Conducted measurements on all town streets for planning purposes
Installed a new water heater in the Community Center
Installed a new storm door at the Weems-Botts Museum
Built and installed shelving for the Building inspectors office for record keeping
Built and installed shelves for the Police Department in the evidence room

In addition Mr. Tkac reported that he had attended several meetings during the month and had also attended training.

Mr. Lopez thanked Mr. Tkac for working with the Police Department. He said it showed initiative and also saved the town money.

Director of Community Development's Report

Mr. Shaw said he had submitted his report but would like to highlight the following:

- ❖ Presented information to the Planning commission relating to a proposed amendment to the sign regulations permitting certain types of portable signs. The amended regulations, if adopted, would permit A-frame or menu board signs, with conditions, in the B-1 and B-2 zoning districts.
- ❖ Presented two Certificate of Appropriateness (COA) applications to the ARB. One of the COA applications was from Prince William County to replace the roof shingles on the Williams Ordinary. The other applications was from the Town of Dumfries to replace the shutters on the Weems-Botts Museum.
- ❖ Presented appeal case to the BZA. The appeal was filed by Mr. Herbert Campbell who appealed an official determination by the zoning administrator denying a certificate of occupancy to a proposed tenant. The tenant proposed to use Mr. Campbell's property as a contractor's equipment and storage yard.

Mr. Shaw also touched briefly on the Building Department activities and said that the total fees collected for the month for permits was \$1,099.00.

He reported that the Code Compliance officer issued 27 notices for various violations including accumulation of debris, display of signs without a permit, and exterior building maintenance.

Mrs. Bradley wanted to know who owned the pot hole on Old Stage Coach Road, and what could be done about it.

Mr. Shaw told Mrs. Bradley that he had sent information to the Town Attorney for assistance on how to proceed with the pothole.

Mr. Bendall said it is a private road and if the repairs are ineffective then we can seek the court's permission to close the road down.

Mrs. Via asked Mr. Shaw if he had any more information regarding the Campbell case. Ms. Caturano said Mr. Campbell still wants to meet with the town and she advised his attorney that she would get a date that everyone could get together and meet.

Mayor Yohey wanted to know if the town was going to go out and check on business licenses and occupancy permits.

Mr. Whitlow said if they have a permanent license then we would go after them the way we have been doing.

Mrs. Bradley asked Mr. Shaw when the 30 days for Mr. Campbell's appeal would be up and Mr. Shaw told her that it would be on the 20th of March.

Mr. Lopez wanted to know if Mr. Shaw knew what the percentage of vacant houses in Williamstown was. Mr. Lopez was told that it was in excess of 10%.

Mr. Whitlow said that a meeting to discuss the vandalism and the empty houses would be held on March 13th at 7:00 PM with Mrs. Lambe, Mr. Tkac, Mrs. Frye, Mr. O'Flinn, Mr. Shaw, representatives from the Police Department, the Homeowners' Association Presidents, Dominion Virginia Power and himself.

Director of Community Service

Mrs. Lambe said she had submitted her report but would like to highlight a couple of items:

- ❖ Planned and organized the Black History Celebration held on Saturday, February 23 at 2pm at Little Union Baptist Church. Retired police Captain Charlie Reid was the guest speaker for the event. The Dumfries Elementary School chorus performed at the event. Mrs. Lambe thanked Reverend Green and Little Union Baptist Church for allowing her to host the event at the church each year.
- ❖ Planning and organizing the Town's spring festival to be held on Saturday, March 15th at 11am in Merchant Park. The town will partner with the Dumfries-Triangle Rescue Squad for this event.
- ❖ Planning and organizing the Annual Quantico Creek Clean-up day to be held on Saturday April 5th from 8am – 12pm. The Quantico Creek clean-up is in conjunction with the 20th Annual Potomac River Watershed clean-up. The clean-up will begin at 8am. All volunteers are asked to dress appropriately for the weather and plan to get dirty. All volunteers who support the event will receive a free t-shirt and lunch for their participation.

Town Attorney's Report

Mayor Yohey welcomed Mr. Bendall back. Mr. Bendall said that Mrs. Caturano went over the items that she had been covering for him during his absence. He said he would like to thank everyone for their understanding and for their prayers.

Mr. Bendall said he wanted to make a recommendation. He said he would like to slow down a bit and he would like to recommend Ms. Caturano for the job. He said he had a relationship with the town that went back 40 years. He said he would like Council to consider his recommendation.

Mayor Yohey said he would take it up with Council and get back to Mr. Bendall with an answer.

Mrs. Bradley said she had noticed while going through the Code for the Town of Dumfries that the wrong Town Charter was codified. Mr. Bendall said this was not a problem, he said he would send the Town Clerk a copy to send to Municipal Code Corporation to correct it.

Adoption of Consent Agenda

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

Information Items

None

Action Items**Approval of Site Plan for Dr. King's Office Building – File No. TDSPO7-003**

Mr. Washington made a motion to approve the Site Plan for Dr. King's office building with a second by Mr. Brewer. Ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey. Motion carried.

Approval of Contract to Fabricate and Install Shutters at the Weems-Botts Museum

Mayor Yohey gave a recap of what had taken place to date with the shutters. Tonight, Ms. Ward from HDV had introduced a proposal that would include HDV selecting the contractor and assuming the responsibility for getting the shutters installed.

He further stated if HDV wanted to take on the agreement and the responsibility of the job it would be between HDV and the contractor. The Town would just finance the project.

Attorney Bendall said you do not have to award the work to anyone. You can reject bids and the Town could certainly let HDV take over the selection of the contract and the responsibility for it. He said we were not competitively bidding.

Mrs. Smith said HDV had other consideration than the cost. They were concerned about the historic aspect of the work.

Vice-Mayor Washington said if HDV wanted to contract the work out to let them do it.

A lengthy conversation took place regarding the shutters and the procurement process.

Mrs. Via made a motion to draft an agreement with Historic Dumfries Virginia giving them \$9,529.85 to purchase the shutters. The Town of Dumfries is to be named as the insurer and the total responsibility and obligation for the shutters would be HDV's. As part of her motion, Mrs. Via also said that the motion was to include that from this point all other bids were rejected as a public procurement. If HDV was not satisfied with the work done by the contractor, the Town would have no obligation to maintain the shutters for 24 months. The motion was seconded by Mrs. Bradley.

Mrs. Cornell said this would still have to go before the ARB and would require a certificate of appropriateness for the hardware.

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

Approval of Text Amendment to Replace the Definitions in Chapter 70, Section 70-1 of the Town of Dumfries Code of Ordinances

Mr. Brewer made a motion to approve the Text Amendment to replace the Definitions in Chapter 70, Section 70-1. The motion was seconded by Mr. Washington. Ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey. Motion carried.

Approve the Lowering of the Speed Limit on Possum Point Road from 35 MPH to 25 MPH from .72 miles east of State Route 1 to the End of Town Limits.

Mr. Washington made a motion to lower the speed limit on Possum Point Road from 35 to 25 MPH with a second by Mrs. Cornell. Ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey. Motion carried.

Discussion Items

Mr. Whitlow said he would have the draft budget ready for the work session on March 25, 2008.

Council Members Time

Mr. Washington commended HDV on their presentation on the shutters. He also said the Black History Program was outstanding and a job well done to Ms. Lambe.

Mrs. Via expressed condolences to Sonny Thurston's family. She also thanked HDV, and wished Mrs. Lambe good luck and blessing on her upcoming marriage.

Mrs. Bradley apologized for the misconception on Mr. Stringfellow's part and thanked Mr. Tkac for his work on the shutters.

Mrs. Cornell welcomed Mr. Bendall back. She said Kristi had done a good job in his absence.

She too congratulated Ms. Lambe on her upcoming wedding.

She said thanked HDV for coming to the meeting and she said she felt Council and HDV had a better understanding.

She also thanked Mr. Tkac for his hard work during bad weather and complimented him on the good shape the roads were kept in.

She wished the very best to all the candidates that were running for election and re-election and said, "let's keep it friendly".

Adjourn

Mrs. Bradley made a motion to adjourn with a second by Mr. Brewer. The meeting adjourned at 9:00 PM.

Submitted by:

Approved by:

Donna A. Johnson, CMC
Town Clerk

Fred E. Yohey, Jr.
Mayor