

**DUMFRIES TOWN COUNCIL  
REGULAR MEETING  
TUESDAY, SEPTEMBER 2, 2008  
7:00 PM**

Present: Mayor Yohey, Vice-Mayor Washington, Council Lady West, Councilman Toney, Council Lady Cornell, Council Lady Barr, Councilman Brewer

Also Present: David Whitlow, Town Manager; Chief Calvin Johnson, Cathy Hotzlander, Director of Community Services; Greg Tkac, Director of Public Works; John Shaw, Director of Community Development; 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 several amendments to the agenda. They were as follows:

- Appointment of a member to the Planning Commission.
- Two vacant positions on the Board of Zoning Appeals.
- Release of a Performance Bond for Town Center Development, LLC.
- Release of E&S Bond for 17706 Rose Hill Circle
- Discussion of White Haven Drainage Improvements

**Citizen's Comments**

Ms. Deborah Johnson, Sr. Manager of State & Local Affairs from Dominion Virginia Power came to deliver 100 printed copies of the formal report from the Charrette conducted in September of last year. Ms. Johnson said she appreciated the work that was done by the Town and she was glad to be a part of it.

Miss Janie Davis, Little Miss Cover Girl came to inform everyone that she would be walking for a cure for cancer for children and if anyone wanted to make a donation they could go to the website [www.walkintheparks.org](http://www.walkintheparks.org) and click on her name to do so.

Mrs. Annie Marie Thomas, 3681 Masthead Trail - said she had been having a problem with her homeowners association in her attempt to enlarge her bathroom. She said her husband is handicapped and she needs to enlarge her bathroom in order to be able to get him in the bathroom to bathe him. She wanted to know if there was anything that the town could do to help her.

Ms. Thomas was told that the Town Attorney would be conferred with and someone would get back to her, but this was an issue between her and the homeowners association. In all probability there might not be anything that the Town could do to assist her.

### **Mayor's Comments**

Mayor Yohey said he had attended six meetings during the past month. He also stated that he had some items he wanted to announce and go over. They were:

- Need to schedule a closed session in late September/early October to prepare the Town Manager's annual appraisal and discuss his employment contract and benefits. He also asked the Town Manager to prepare a report to Council outlining what he has undertaken and completed in the past year.
- Direct the Town Manager to schedule a Town Council/Town Manager Retreat as soon as possible to discuss major issues confronting town officials in fiscal year 2009.
- Schedule a closed session to be briefed on status of work being performed and/or completed by staff contractor, and legal counsel on boundary adjustment issues.

- Request preparation of paper by Town Manager and staff to discuss how town government will pay for the new Town Hall, new Police Department, and renovation of the Community Center building using cost estimates for each building contained in the Space Needs Analysis study presented to Council on August 26, 2008 by MMM Design Group. Also address the process to be followed in locating a site within Dumfries for building a new police station and the estimated cost and means used to pay for this property.
- Schedule a quarterly meeting, maybe in mid-October with Supervisor Caddigan.

### **Town Manager/Staff/Town Attorney Reports**

#### **Town Manager's Report**

Mr. Whitlow said he had submitted his report but would like to highlight a couple of items.

- He said he had met with the auditors from Johnson to review preliminary items for preparation of the annual financial report and to review GASB changes that will affect the auditing process. He said new procedures have been started with the new audit system and there is more narrative. He said it would consume more staff time this year and in the future than in the past as a result of these changes.
- Attended a regional foreclosure summit sponsored by Fairfax County to discuss way of assisting citizens who are experiencing potential foreclosure on their homes. Mr. Whitlow said he is working on the development of a white paper for the Town Council that will explore the issues and develop some areas where the Town may be able to have a positive impact upon some of the issues being confronted. In the meantime, a regional group will be forming to develop some details for regional efforts that could be possibly implemented in the near future.

Mrs. West suggested that at the quarterly meeting with the County that someone from housing attend the meeting.

### **Treasurer's Report**

Mr. Whitlow reported that Mrs. Ladd was out due to a death in the family. He also stated that since this was just the 2<sup>nd</sup> day of the month, the necessary information to prepare the report was not as yet available.

### **Police Chief's Report**

Chief Johnson introduced Susan "Sue" Zahn who has joined the department in the capacity of Records Specialist. She replaced Teresa Johnson who was recently promoted. Chief Johnson said Sue is already doing an excellent job and has the experience required for this position. She was employed by Spotsylvania Sheriff's Office for a number of years where she gained her knowledge of record's management.

Chief Johnson also extended the department's best wishes and congratulations to Teresa on her new position as Information Technology Manager.

The Chief said he had recently attended a Virginia Chief's conference at the Homestead in Hot Springs, Virginia. He thanked Council for allowing him to attend. He also thanked the Police Department for the flowers they sent to his grandmother's funeral.

He said the last wave of the Smooth Operator traffic detail would be conducted on September 8<sup>th</sup> through September 13<sup>th</sup> ending with a checking detail on September the 14<sup>th</sup>. He wanted to remind all the citizens to wear their seatbelts and to watch their speed. He said during the last two waves over 300 tickets were written. He said at the new stop sign locations on Mine Road they had already written over 40 citations.

Chief Johnson answered questions Ms. Barr had regarding parking violations. He said they were giving warnings the 1<sup>st</sup> three weeks to individuals that were parking

in commercial vehicles in residential areas. After that period tickets would be written and a \$100.00 fine would be imposed.

Ms. Barr wanted to know if we could tap into DMV's system and the Chief told her we could. He said parking tickets are not currently included in this system.

A question was also asked of Chief Johnson about tickets that were not paid and how they were handled. He said there is an aging process involved and unpaid tickets appear on a report.

Mayor Yohey said he would like to see a report of where we stand on unpaid parking tickets.

#### **Director of Public Work's Report**

Mr. Tkac said he had submitted his report and stood prepared to answer any questions.

Mr. Tkac reported that he has received multiple telephone calls commending the action of the Town on putting up the stop signs on Mine Road.

He also reported that during the storms over Mother's Day weekend he received over 80 complaints. He said all but 26 of the complaints have been cleared. He said he would like to remind people that he only has a staff of 4 people. He and the staff are taking the complaints very seriously and he wanted to thank people for their patience. He said they still had some clogged pipes, but they have to rent equipment to fix the pipes and when they do rent the machine they like to be able to get to as many pipes as possible at that time.

Ms. Barr had some questions about items on Mr. Tkac's monthly report which he answered for her. She also wanted to know how he was coming along with the pipe in Mrs. Garrison's yard.

Mr. Tkac said he would need to get pipe to repair the issue. He said he will definitely get with Mrs. Garrison, but he also needed to consult with the Town Manager and Attorney before committing to the work.

Mayor Yohey questioned Mr. Tkac about the manner in which he handled complaints that he took over the phone and why they were not written up as complaints. Mr. Tkac said he did not view them as complaints but more so as a call for service and he took care of the problem or met with the individual as soon as possible.

### **Director of Community Development's Report**

Mr. Shaw said his report had been submitted to the members of Council but he would like to highlight a couple of items.

- He presented information to the Planning Commission regarding local ordinance compliance with the Chesapeake Bay Local Assistance Board's Phase III Regulations. The members of the Planning Commission were provided information regarding possible text amendments to our off-street parking requirement that would reduce the amount of impervious cover on lots.
- Attended meeting with landscape architects and members of an advisory committee regarding a presentation of several options for a recreation facilities plan for Garrison Park and town-owned property.
- Began researching available grant funding for trails and greenways associated with the proposed recreation facilities plan. He said there were no grants available in the fall and we would have to wait until Spring for DCR funding.

### **Building Department Activities**

- The building official along with the Code Compliance Officer resurveyed residential properties in town that are vacant/for sale/foreclosed. 165 properties were identified. Of these 165, 125 properties are located in

Williamstown, South Cove, and Port of Dumfries. The remaining 40 properties are located in the residential subdivisions of the town.

Mr. Shaw said there has been no change in the vacant, for sale or foreclosed properties. He said 15% were townhouses and 8% were single family homes. He said this did not take into account manufactured homes or home parks.

### **Director of Community Service's Report**

Mrs. Holtzlander reported the following:

- She was completing plans for this year's Fall Festival to be held on Saturday, October 25<sup>th</sup> from 10am-3pm in Merchant Park. This event will be hosted jointly with the Dumfries-Triangle Rescue Squad.
- Mrs. Holtzlander said she was also beginning the preliminary plans for this year's Holiday Parade to be held on Saturday, December 13<sup>th</sup> at 1pm.
- The Senior/Retirees monthly group discussion meetings will resume on Friday, September 19<sup>th</sup> at 1pm in the Community Center.

### **Town Attorney's Report**

None

### **Adoption of Consent Agenda**

Mrs. West said on page 1 of the July 1<sup>st</sup> minutes the date of 1952 needed to be changed to 1962. She also questioned in one set of minutes that it alluded to an attachment. Mrs. Johnson told her the attachment was with the original copy of the minutes. She also said in the minutes of the Police Department lease committee she was quoted but she wanted everyone to know that she was there as part of the audience and not as a participant.

Ms. Barr said there were places in the minutes that she was referred to as Mrs. She would like those corrected as she is not married. Mrs. Johnson said she would be happy to make the corrections.

Mr. Brewer made a motion to accept the minutes with the necessary corrections to be made. Mr. Washington seconded the motion. Ayes: Washington, West, Toney, Cornell, Barr, Brewer, Yohey. Motion carried.

### **Information Items**

None

### **Action Items**

#### **Approval of two Addendums to the Lease for the Police Department**

Mrs. West made a motion to approve the two addendums to the Lease for the Police Department. Her motion was seconded by Mr. Washington. Ayes: Brewer, Cornell, Toney, West, Washington, Yohey. Abstain: Barr. Motion carried.

Mayor Yohey made a motion to accept the Lease for the Police Department as modified by the two addendums. After some discussion the motion was seconded by Mrs. West. Ayes: Washington, West, Toney, Cornell, Brewer. Nays: Yohey, Barr. Motion carried.

#### **Approval of Mrs. Betty Covington as the Grand Marshall for the Annual Holiday Parade and the theme of "Together We Celebrate the Season".**

Mr. Brewer made a motion to approve with a second by Mr. Washington. Ayes: Brewer, Barr, Cornell, Toney, West, Washington, Yohey. Motion carried.

#### **Approval of Bulk Waste Item Collection Program**

Mr. Whitlow outlined the program again going over all of the details.

Mrs. West she randomly selected 15 people in different areas of the town to see how they felt about this program. She said all of the folks that she spoke with did not feel that the program was necessary. She said if they had heavy or bulk items they simply called the trash disposal company and they picked it up.

Mayor Yohey asked why would the Town would want to pay \$6,800.00 when people set the trash out at the curb for pickup.

Ms. Barr said it is difficult to carry items to a location site. She said it would be interesting to see how and if it worked and if it would prove to be effective. She said she would like to give it a chance.

Mr. Toney said this is a trial run. He said Christmas would be a good time to maximize this program.

Mr. Brewer made a motion to accept the Bulk Waste Item Collection Program as outlined. Mr. Toney seconded the motion. Ayes: Washington, Toney, Brewer. Nays: West, Cornell, Barr, Yohey. Motion failed.

**Approval of Bond Release for Property Procurement, Inc. for properties located at 17945 and 17951 Old Triangle Road**

Mr. Washington made a motion to approve the release of the bond and his motion was seconded by Mr. Brewer. Ayes: Brewer, Barr, Cornell, Toney, West, Washington, Yohey. Motion carried.

**Approval of termination of contract DPW 08-08 for Exterior Painting of the Weems-Botts Museum Annex Building**

Initially Mr. Tkac had recommended the termination of contract DPW 8-08 with A&N Painting Company, Inc. due to the failure of the firm to deliver the contracted services in a timely manner.

Mr. Tkac had been in recent contact with A&N Painting Company, Inc. and agreed to go ahead with the contract with the addition of an addendum to the contract.

The contract was modified to read that the work was to begin by September 8, 2008 or a Notice of Termination would be delivered to the contractor. The work is to be completed by September 18, 2008. If not, the contractor would be charged an additional 10% deduction per day for each day beyond September 12, 2008, that the project is not complete.

The Contract shall be terminated for convenience of the Town if work on the Weems-Botts Museum Annex Building does not begin by September 8, 2008. In this event the Town shall promptly deliver a Notice of Termination to the Contractor and such Notice of Termination shall be effective immediately.

The Contract shall be terminated for convenience of the town if the work as specified in the Contract is not completed per specifications prior to 5:00 PM September 18, 2008. In this event the Town shall promptly deliver a Notice of Termination to the Contractor. Such Notice of Terminations shall be effective immediately.

Mayor Yohey made the motion to accept the contract with the addendum with a second by Mr. Brewer. Ayes: Washington, West, Toney, Cornell, Barr, Brewer, Yohey. Motion carried.

#### **Appointment of Member to Planning Commission**

Mr. Shaw explained that a member of the Planning Commission, Ms. Michele Beasley had moved out of the town so therefore a new member needed to be appointed to replace Ms. Beasley. Mr. Shaw said he had two applicants that were interested in serving on the Commission: Gwendolyn Gilliam and Mr. Jim Vinson. Mr. Shaw made a recommendation that this be placed on the September 23 work session agenda for a vote.

Mr. Washington made a motion to nominate Jim Vincent to the Planning Commission. The motion was seconded by Mr. Brewer. Ayes: Brewer, Cornell, Toney, Washington. Nay: Barr, West, Yohey. Motion carried.

**VACANCY ON BOARD OF ZONING APPEALS**

Mr. Shaw reported that there are two vacant positions on the Board of Zoning Appeals. Mr. Shaw also stated that he had submitted to the Council information on two individuals interested in serving on the BZA.

Mr. Shaw recommended that this item be placed on the September Work Session agenda for a vote in order to give members of the Town Council time to review the information from the applicants to make a nomination for appointment to the BZA by the Circuit Court of the County.

Mr. Washington made a motion to forward this to the September work session for discussion and the addition of four more names so it could be forwarded to the Circuit Court of Prince William County. His motion was seconded by Mrs. Cornell. Ayes: Washington, West, Toney, Cornell, Barr, Brewer, Yohey. Motion carried.

**Release of Performance Bond for Town Center Project**

Mr. Tkac said he was in receipt of a letter from Mr. Singh, President of Town Center Development, LLC. requesting that the Performance Bond for Soil Erosion and Sediment Control Bond in the amount of \$25,000 be released.

Mr. Tkac said that at this time he cannot make an informed recommendation to Council for a full or partial release of these bonds. This is due to some of the complexities of project elements and a lack of scheduling opportunities with the Developer.

Mr. Tkac said it is his recommendation that the Council take action to bring this matter forward to the October 7, 2008 regular Council Meeting.

Mr. Brewer made a motion to move this forward to the October 7, 2008 meeting for a vote. The motion was seconded by Mrs. Cornell. Ayes: Brewer, Barr, Cornell, Toney, West, Washington, Yohey. Motion carried.

**Release of Erosion and Sediment Bond for 17706 Rose Hill Circle**

Mr. Tkac said he had received a letter from Mr. Adil Labsir requesting that the E&S Control Bond he posted in the amount of \$500.00 be released. Mr. Tkac said the project had been reviewed and he has concluded that the project has not been appropriately stabilized and he cannot recommend the release of the bond at this time.

Mr. Tkac's recommendation is that the Town retain \$500.00 until appropriate corrective measures are taken by Mr. Labsir.

Mrs. Cornell made a motion not to release the bond, with a second by Mr. Washington. Ayes: Washington, West, Toney, Cornell, Barr, Brewer, Yohey. Motion carried.

**Discussion Items**

Mr. Tkac said the Public Works Department has reviewed the final report prepared by Anderson and Associates regarding the analysis of the drainage within the White Haven Subdivision.

Mr. Tkac said he recommends that the following be done within this upcoming fiscal year:

1. Create a project titled "White Haven Drainage Improvements". The project will consist of grading and installation of drainage ditches and oversized inlets behind the curb line of the streets within the White Haven community to properly convey runoff to inlets that are sized to accommodate the runoff area.
2. Obtain the rights of entry and temporary construction easements that will be required to construct the project.
3. Prepare the contract documents for advertisement of the project.
4. Advertise and construct the project no later than spring of 2009.
5. Give an opportunity to the residents of White Haven to install under drain systems at their own expense and discharge into the town drainage system as part of the project.

Mr. Tkac said the Public Works Department has budgeted for this project and it is included in the FY 09 budget. He said he would like to get started as soon as possible. This will give citizens with the problem in their back yards an opportunity to work with a contractor at a lower price than at their own cost.

Mr. Tkac also stated that he would like Council to authorize him to begin the preliminary action for construction. He would like to begin sending out the letters of agreement to the affected citizens.

Mrs. West made a motion to allow Mr. Tkac to proceed with the project. Her motion was seconded by Mrs. Cornell. Ayes: Washington, West, Toney, Cornell, Barr, Brewer, Yohey. Motion carried.

#### **Council Members Time**

Mrs. West said she had received an email from Lynne Grasso of Supervisor Maureen Caddigan's office questioning why Dumfries Police Officers were using the firing range at the Dominion Virginia Power facility. She wanted to know why they were up there.

Mr. Whitlow said he would have to have Chief Johnson answer that question, but unfortunately he had just left the meeting.

Mrs. West said she just did not want Dumfries to come out looking bad.

Mr. Whitlow emphasized again that Chief Johnson would be the person that should address this issue and he would find out from the Chief what the situation was and he would report back to the Council.

Mrs. Cornell asked Mrs. Holtzlander if she would work on having the "First ladies of Dumfries" in the Christmas Parade. This would be the wives of former Mayors of Dumfries.

Mr. Toney said he is supposed to provide information on the Mayor's oversight committee but he will not be able to have the information ready for the September

work session as he will be out of town.

Mrs. West said that she would like to read the following statement into the minutes:

*"On July 1<sup>st</sup> I made a motion to defer action on the lease agreement until the newly elected council members had time to study the lease. Since that time, much discussion and study has gone into this matter. This resulted in a committee being formed that brought all the issues to the table. At that meeting, our attorney, Ms. Caturano, informed the committee that there were two items that should have been in the original draft that was voted on June 24. These are the two amendments that we voted on this evening. Even though it has been two months tonight since I made the motion to revisit this lease, I feel that it has been time well spent because many questions have been answered. And during these two months, our Police Department has continued to function with no apparent problems. I thank those who have taken the time to answer the many questions posed by some members of this Town Council".*

Mr. Toney wished his mother a Happy Birthday.

Mrs. Cornell wished Mr. Toney best of luck on his honeymoon.

Ms. Barr extended congratulations to Nancy and Gary West on their 48<sup>th</sup> wedding anniversary.

Mr. Brewer said he would like to remind everyone that school was now back in session and to please drive carefully and watch for the children.

### **Adjourn**

Mr. Toney made a motion to adjourn with a second by Mr. Washington. Ayes: Washington, West, Toney, Cornell, Barr, Brewer, Yohey. Motion carried.

Meeting adjourned at 10:05 PM.

Submitted by:

Approved by:

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Donna A. Johnson, CMC  
Town Clerk

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Fred E. Yohey, Jr.  
Mayor

