

**DUMFRIES TOWN COUNCIL
REGULAR MEETING
TUESDAY, OCTOBER 7, 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 Holtzlander, Director of Community Services; John Shaw, Director of Community Development; Julius Johnson, Crew Chief- Public Works; Donna Johnson, Town Clerk; Aileen Streng, Potomac News; 3 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

Stephanie Bradley, 2560 Sedgewick Place - said she was concerned about the recent flooding issues. She passed around photos to the Council members of the flooding in the Town, as a result of the last heavy rain. She said if something was not done about Quantico Creek the Town would be throwing money away on basketball courts or a park behind the Town Hall.

Mrs. Bradley also said she wanted to acknowledge what a great asset Leslie Buckley is to the Town. She said proceeded to cite the many instances that Mrs. Buckley had given of her time and herself to help people to speak our language. She said this also included the many free classes she had provided to the Town staff.

Mr. Joe Ruhren, 1796 Main Street, - said he was at the meeting to complain about Mayor Yohey and a discussion he had with him. He said he was insulted by the Mayor's remarks during the discussion and he felt the Mayor handled himself in a very unprofessional manner.

Amendments to the Agenda

Mr. Whitlow said he would like to add "personnel" to the Closed Session in item #12.

Mayor's Comments

Mayor Yohey went over the 15 meetings/events he had attended during the month of September. He also said that October is the Prince William County American Red Cross's month to raise funds to support their local efforts in the county. He stated that many of our town residents were the beneficiaries of their services during the heavy rains and flooding that took place in May.

The Mayor said that the Town has been challenged by the Mayor of Manassas to raise at least \$1,000.00 for the county chapter. He said to achieve this goal he had personally donated \$100.00 and he was hopeful that the Dumfries business community and the Town citizens would also support this fundraising effort. He asked that anyone that was interested in making a donation to please contact him for more details.

Mrs. West asked who the checks should be made out to. Mayor Yohey said to make them out to: Prince William County American Red Cross and in the memo section on the check to put Dumfries. The fundraising will continue through the end of October.

The Mayor's Announcements included the need to schedule a closed session to be briefed on the status of work being performed on the boundary adjustment issues, he requested that the Town Manager submit a report on how the town government will pay nearly \$7 million dollars for a new Town Hall and Police Station as well as the major renovation of the Community Center, and he also said there was a need to schedule a quarterly meeting with Supervisor Maureen Caddigan.

Town Manager's Report

Mr. Whitlow reported that he was still continuing to work through the details on the Town Council retreat. The retreat is set for October 24-26 at the National Conference Center at Lansdowne.

Mr. Whitlow went over the numerous meetings/functions he had attended during the previous month.

One of the meetings he attended was with representatives of Morgan Keegan, a commercial brokerage and financial advisory firm to discuss options for funding of a Town Hall/Police Department project.

Mr. Whitlow said there was a need to let the national situation settle down for a couple of weeks as the long term rates are up and the short term rates are down. He said he felt the mid part of next year would be the first time we could get anything done with the financing. He also said that he is still providing numbers to Springstead on the Feasibility Study.

Ms. Barr wanted to know what was going on with the letters for delinquent taxes. Mr. Whitlow said Ms. Ladd had sent the information to Ms. Caturano and the letters would be sent out.

Mayor Yohey said he wanted a letter from the attorney providing a report on the amounts that have been collected.

Treasurer's Report

Mr. Whitlow said Ms. Ladd was on vacation and he would like to request that her report be submitted in the future at the work session instead of the regular meeting. He stated that the interest statements and other documents needed for her report were not available to her until later in the month. Council was in agreement with Mr. Whitlow's request.

Police Chief's Report

Chief Johnson reported that it had been a busy month. He also reported that the auxiliary program was coming along very well. He said wanted to thank Officer Ray Humphries for all the work he had done with the program. He said Officer Humphries reported that the auxiliary will also be attending the Fall Festival to distribute pamphlets regarding safety issues.

Chief Johnson thanked Al and Archie Durniak for their generous donation of a renovated kitchen for the Police Department's new location. He said he also wanted to thank Randy Taylor of Raytheon and Ms. Sherri Nosenzo of Crown Alarm Services for their generous donation of several desks and other office furnishings for the new location. He said all of these individuals had made these donations out of the goodness of their hearts as they do not reside in the Town of Dumfries, yet they had charitably given the Police Department a chance to take greater pride in their new surroundings.

The Chief said that Christmas in Dumfries is scheduled for December 20, 2008. He said letters will be mailed to local businesses the following week and they are starting to accept donations. He said the citizens had already been donating and the Mayor had made a \$100.00 donation to the program.

Chief Johnson also reported that Officer Mark Robinson is back on duty and Officer Nathan Vineyard is on light duty.

He stated that the Virginia State Police had donated a Dell laptop to the department for Officer John Chapman to utilize for Internet Crimes against Children research and investigation.

Officers Mark Robinson and Jessica English had assisted the Haymarket Police Department in celebration of Haymarket Day. He said Officer English provided traffic control and Officer Robinson rode in the parade with a marked Dumfries Dodge Charger. He said he had received a nice letter of thanks from the Haymarket Police Department.

Ms. Barr asked if the town could give plaques or some type of recognition to the citizens that had made the donations to the Police Department.

Ms. Barr also asked to get a breakdown on the Activity Log Event Summary that is provided to Council each month by Chief Johnson. He told her that it would be entirely too time intensive to break it down. He said as it presently is, it allows for him to know what his officers are doing.

Mrs. West said she finds this report very interesting. She said it provides a good picture of what is going on. She also commented that since the first of July the Police Department has become much more visible. She said she sees at least one police car a day. She said it gives her a good sense of security.

Chief Johnson told her that he now has two officers on during the day.

Director of Public Work's Report

Mr. Tkac was attending a class in Williamsburg, so Mr. Julius Johnson, the Crew Chief for the Maintenance Crew sat in for him. Mr. Johnson said Mr. Tkac had submitted his report but he stood prepared to answer any questions that Council may have.

Mr. Johnson reported that the painting of the Lockett House was going to be contracted out again. He said Mr. Tkac had to send out for bids. He said there was a problem due to lead based paint being on the trim. He said the asbestos shingles are not a problem.

Ms. Barr wanted to know when the street sweeper would be coming to the Knolls of Dumfries and Mr. Toney wanted to know about the trees in South Cove and Williamstown. He said they badly needed trimming.

Mr. Johnson told Ms. Barr that they come to the Knolls once every couple of weeks.

He also told Mr. Toney that as soon as the grass cutting season is over the tree trimming work would begin. He said Olde Town Landscaping is anticipated to be topping trees and cutting down several dead trees at various locations within the town in October.

A question was asked about the creek and the flooding and Mr. Whitlow said that he was checking on a dredging project. He said Straughan Environmental Service did a study in 2005. At that time the cost to restore the creek from Prince William Estates to Fraley Boulevard would be 1.7 million dollars.

Mr. Whitlow said he was looking around for other projects and options. He said he has also been checking with FEMA. He said he has also been looking for funding. He further stated that there was no short term fix for it and it would also be very costly. He said there was an article coming out in the newsletter. He said it is not just the creek. He said it was the entire flood plain and people need to be aware of the problems that exist. He also commented that the town does not own the creek.

Mrs. West wanted to know about people like Mrs. Garrison. Mr. Whitlow said Mrs. Garrison does own some of the creek, she owns the bank that is her property.

Mayor Yohey said that the creek has been studied three times already. He said he met someone at the farmers market and this individual worked for the County wetlands board and this person indicated that there is money available for some of these type projects.

Mr. Washington said enough water comes off of Interstate 95 to flood the whole town. He said someone needs to talk to VDOT about it.

Director of Community Development's Report

Mr. Shaw said he had submitted his report but he would highlight a couple of items of interest.

He reported that he had provided a staff report to the Planning Commission regarding a rezoning request from a property owner to rezone a portion of a parcel located at 17982 Main Street from B1-B-2. He said the request is for the vacant portion of the lot where Pizza Hut and Jo Jo's Ice Cream stand is located. The Planning Commission has scheduled a public hearing on October 20 to solicit comments on the rezoning request.

Mr. Shaw also reported that he had attended the Virginia Association of Zoning Officials (VAZO) Conference. He said the primary presentation was on floodplain management from representatives of the Virginia Department of Conservation and Recreation. He said Mr. David Gun would be speaking with the Planning Commission at their November meeting.

Mr. Shaw also reported that he had attended a seminar with Mr. Tkac regarding inspection and maintenance of private storm water management facilities.

Building Department Activities

Mr. Shaw reported that there is still a decline in building permits. He said 11 permits including building, electrical, plumbing, mechanical, signs, occupancy permits, etc. were issued and the total fees collected for the month for permits was \$1,204.00.

He also reported that various property maintenance and building code violations were investigated and violation notices were issued.

Code Compliance Activities

The Code Compliance Officer and Building Official issued 50 Violation Notices of various types in the month of September.

The Town's lawn maintenance contractor cut the grass on 10 properties that were in violation of the ordinance.

Mr. Shaw reported that Mr. O'Flinn took an exam offered by the Virginia Association of Zoning Officials (VAZO) for certification as a Certified Zoning Official, (CZO) but had not heard back with the results of his exam.

Mr. Shaw said that Mrs. Frye had been inspecting businesses to ensure they had a business license and an occupancy permit. As of September 9, 2008, 22 of the licenses had expired, 10 were out of business and to date only 2 people still had not obtained their license.

Mrs. West asked about the electrical box in front of Mr. Singh's building and Mr. Shaw told her that he was still in the process of talking with the builder to have the box relocated. He and Mr. Whitlow had talked to Dominion Virginia Power and scheduled a meeting with Mr. Singh to discuss options about relocating the box.

Action Items**Approval of participation in the Virginia Department of Taxation Set-off Debt Collection Program**

Mr. Brewer made a motion to approve the participation in the program and his motion was seconded by Mrs. Cornell. Ayes: Washington, West, Toney, Cornell, Barr, Brewer, Yohey. Motion carried.

Approval of Agreement for Services for English as a Second Language (ESL) Program between the Town of Dumfries and Mrs. Leslie Buckley

Mrs. Holtzlander went over the program and she said it was her recommendation that Council approve the agreement with Mrs. Buckley.

Mrs. Holtzlander read into the record, "The town shall pay Mrs. Buckley for services rendered at the rate of \$970.88 per month for nine (9) months from September 2008 to May 2009. Services rendered equate to sixteen (16) hours a week or sixty-four (64) hours a month. The hourly rate for these services equals \$15.17 an hour. Payment for services will not exceed \$8,750.00 and must be disbursed by June 30, 2008."

Mr. Toney said he felt there was no more clarity than before. He said if this was a case of a person that worked for the Town and needed the class he would think it was needed.

A very lengthy conversation took place regarding the agreement. Mrs. Cornell said she felt the county should have to pay for some of this as many of the students were from the county. She said Mrs. Caddigan had the money and she should help.

Mr. Brewer said we are using the citizen tax dollars to provide education for people that are out of the town. He felt the students should have to pay.

Mrs. West said a lot of the students could not afford to pay. She also stated that the county is so down on immigration that they are not going to help. She said the population is here to stay and we need to integrate these people into our community.

Mayor Yohey called for the question. Mrs. West made a motion to approve the Agreement for the ESL program between the town and Mrs. Buckley. Her motion was seconded by Mr. Washington. Ayes: Washington, West, Toney, Barr, Yohey. Nays: Brewer, Cornell. Motion carried.

Approval of Bulk Waste Item Collection Program for South Cove

Mr. Toney made a motion to go back to the original proposal to start as soon as possible.

This program provided for a collection box in each neighborhood with a staff person to work at the designated location from 8-4 on a designated Saturday. This would run for a period of 8 weeks with one site designated per weekend during the trial period. At the end of this time, the success of the program would be evaluated and a determination made by the Town Council as to whether or not the program should be continued.

Mr. Toney's motion was seconded by Mrs. West.

Mayor Yohey said he could not support this as only two groups (homeowners associations) stepped up to the plate. He feels that the Town is throwing money away with this project.

Mr. Brewer said this project helps to alleviate the bad image of Dumfries as it helps to clean the Town up.

Ayes: Brewer, Barr, Cornell, Toney, West, Washington. Nay: Yohey. Motion carried.

Approval of Municipal Code Corporation Proposal to Scan Minutes from June 20, 2000 to present

Mr. Brewer made a motion to approve the proposal by Municipal Code Corporation to scan the minutes. His motion was seconded by Mr. Washington. Ayes: Washington, West, Toney, Cornell, Barr, Brewer. Motion carried.

Approve date to set Public Hearing to amend Chapter 38 of the Town of Dumfries Code by adding Article VI. Bad Check Ordinance, Section 38-190 through 38-195

Mrs. Cornell made a motion to hold the public hearing on October 28, 2008 at 6:45 PM. The motion was seconded by Mr. Washington. Ayes: Brewer, Barr, Cornell, Toney, West, Washington, Yohey. Motion carried.

Approval of updated Personnel Policies Handbook

There was one correction to drop a letter "s" from the word vehicles on page 29. Mrs. Cornell made a motion to approve the handbook with the correction with a second by Mr. Washington. Ayes: Brewer, Barr, Cornell, Toney, West, Washington, Yohey. Motion carried.

Approval of a Public Hearing to amend Article II. Business Licenses, Sec. 18-19. Definitions, (8) Additional exclusions, by adding i.

Mr. Brewer made a motion to approve the public hearing to be held on October 28, 2008 at 6:45 PM. The motion was seconded by Mrs. Cornell. Ayes: Washington, West, Toney, Cornell, Barr, Brewer, Yohey. Motion carried.

Approval of Release of E&S Control Bond for Hampstead Landing

Mr. Brewer made a motion to **NOT** release the bond for Hampstead Landing. His motion was seconded by Mr. Washington. Ayes: Brewer, Barr, Cornell, Toney, West, Washington, Yohey. Motion carried.

Approval of Release of E&S Bond for Donna Johnson at 17489 Tripoli Blvd

Mrs. Cornell made a motion to release the E&S bond for Donna Johnson and her motion was seconded by Mr. Brewer. Ayes: Washington, West, Toney, Cornell, Barr, Brewer, Yohey. Motion carried.

Approval of proposal for \$12,840.00 for Leonard Street Drainage Issues

Mr. Tkac explained the drainage issue at the intersection of Leonard Street and Possum Point Road. The property owner is claiming that their home has flooded significantly twice this year and this has contributed to the failure of their interior support wall. The owner's insurance carrier has canceled their homeowners insurance

The Public Works Department has installed a temporary stone diversion to deflect runoff away from the property and has contacted our on call consultant for an estimate to investigate the situation and provide possible solutions to the issue.

Mr. Tkac said we have negotiated a proposal in the amount of \$12,840.00. It is his recommendation to accept this proposal so work can begin within 45 days.

Mr. Washington made a motion to approve the proposal for \$12,840.00 for the Leonard Street Drainage Issue. The motion was seconded by Mrs. Cornell. Ayes: Brewer, Barr, Cornell, Toney, West, Washington, Yohey. Motion carried.

Discussion Items

None

Council Members Time

Mrs. West – stated that Louise Waggy is in the hospital. She also said that Hilda Barg had been in an automobile accident on Rt. 234 at MacDonald's. She wanted to wish both of them well.

Mr. Toney – also wished Mrs. Waggy a speedy recovery and wished Mrs. Barg well. He wanted to remind everyone to get out and vote.

Ms. Barr – get well to both Mrs. Waggy and Mrs. Barg. She also said that the Dumfries Business Association is doing well. She said it is a great opportunity to market the Town and she congratulated all of those that have joined the organization.

Mayor Yohey – said that 43 businesses have joined the Dumfries Business Association. He said they are planning a float in the Christmas parade and a Thanksgiving Banquet.

Mr. Brewer made a motion to enter closed session citing 2.2-3707 under Virginia Code 2.2-3711 A (1) Personnel and Discussion of Applicants for vacant positions on the BZA. The motion was seconded by Mrs. Cornell. Ayes: Brewer, Barr, Cornell, Toney, West, Washington, Yohey. Motion carried.

Council entered closed session at 9:35 PM.

At 10:00 PM Council returned to open session.

Mrs. West read the certification of proceedings stating that the Town Council hereby certifies that, to the best of each member's knowledge, only public business matters lawfully exempted from the open meeting requirements of state law, and only such public business matters as were identified by the motion to enter closed session, were heard, discussed or considered in the closed session. Mr. Toney seconded the motion. Ayes: Washington, West, Toney, Cornell, Barr, Brewer, Yohey. Motion carried.

Mr. Toney made a motion to accept the list of applicants for the two vacancies on the Board of Zoning Appeals in the order they were presented by Mr. Shaw:

1. Ms. Helen Reynolds
2. Ms. Kristin Forrester Dillon
3. Mr. Manuel R.Uson
4. Ms. Gwendolyn Gilliam
5. Ms. Royce Bell
6. Ms. Ester Woodward

Mr. Toney's motion was seconded by Vice-Mayor Washington. Ayes: Washington, West, Toney, Cornell, Barr, Brewer, Yohey. Motion carried.

Adjourn

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

The meeting adjourned at 10:05 PM.

Submitted by:

Approved by:

Donna A. Johnson, CMC
Town Clerk

Fred E. Yohey, Jr.
Mayor

