

**DUMFRIES TOWN COUNCIL
REGULAR MEETING
WEDNESDAY, NOVEMBER 5, 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; Greg Tkac, Director of Public Works; John Shaw, Director of Community Development; Donna Johnson, Town Clerk; 2 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.

Citizens Comments

None

Mayor's Comments

Mayor Yohey went over the meetings he had attended during the month of October and then he wished a farewell to Mr. Whitlow and also to Mr. John Shaw, the Director of Community Development who will be leaving at the end of the month to begin a new job in Mathews County.

Town Manager's Report

Mr. Whitlow's report was in the form of a closing status report. He gave a brief write up on the following ongoing projects:

- ✓ Boundary Adjustment Feasibility Analysis
- ✓ Garrison Park Redevelopment
- ✓ Space Needs/Public Buildings
- ✓ Potomac Landfill
- ✓ Rt. 1/Rt. 234 Interchange Project
- ✓ FY 2010 Budget

- ✓ FY 09 Budget Status
- ✓ Staffing
- ✓ Vision Statement
- ✓ Other Projects

Mr. Whitlow said Dumfries was a community of great potential and is poised to become a very different community in the future. He thanked the Council for giving him the opportunity to be in Dumfries for the past 3 ½ years, the staff for its support and hard work in trying to move the town forward toward the goals of the Council, and the community for its support of the town's efforts. He wished everyone great success in the days ahead.

Ms. Barr asked for a quick update on Brownfield. Mr. Whitlow told her that there were no property owners interested at this time, so he did not submit an application.

Ms. Barr also asked about the Multi-modal project and Mr. Tkac said that he would be providing more details in January.

Police Chief's Report

Chief Johnson was not present but his report had been submitted to the Council.

Director of Public Work's Report

Mr. Tkac reported that the 1st run of the bulk pickup was pretty successful. He said this weekend the dumpsters would be located in Old Town and South Cove.

Ms. Barr asked what the tonnage was and Mr. Tkac said he had not received the amount as yet, but would put it in the next report.

Ms. Barr also wanted to know where the street sweeper was. She said she was still waiting for it. Mr. Tkac said they were a week behind in their schedule.

Ms. Barr said it had not been around in her community. She said she had lived in the Town for 16 years but had only seen the sweeper one time during those 16 years.

Mr. Toney asked what the class was about that Mr. Tkac had attended on the 7th and 8th of October. Mr. Tkac explained that it was regarding plan review, SWM, Pond retention, etc.

Mr. Toney also questioned Mr. Tkac's meeting of October 10th with Mason Harper of the Department of Conservation and Recreation. Mr. Tkac explained to Mr. Toney that this was about the MS-4 Program.

Mrs. Cornell questioned the status of contacting the property owners on Main Street in regards to putting in sidewalks.

Mr. Tkac reported that one property owner is deceased and two of the sons are in charge of the property. He said he needs to consult with the attorney for legal direction.

Ms. Barr also wanted to know if a work session needed to be held on the MS-4 project. Mr. Tkac said he would be happy to do that if it was the desire of the Council.

Ms. Barr also wanted to know if all of the previous back-up in work as a result of the storms in September was cleared up. Mr. Tkac said no that it had not been totally taken care of. He indicated that there were issues regarding rights to accessing some property but he felt it could be resolved.

Mayor Yohey said that Council needs to be brought up to speed on everything that is going on in Public Works.

Director of Community Development's Report

Mr. Shaw said that he had submitted his report but he would touch upon a few items. He said information had been presented to the Planning Commission regarding local ordinance compliance with the Chesapeake Bay Local Assistance Board's Phase III Regulations. He reported that Daniel Moore, CBLAB local representative delivered a presentation to the Planning Commission regarding the Phase III Regulations.

Mr. Shaw also reported that he was in the process of reviewing landscaping plans from Mr. O'Kelly Russell regarding improvements to various "gateways" to the town. He said that cost estimates needed to be developed for the improvements prior to submitting the landscaping plans to the Town Council. Mr. Shaw also stated that Mr. O'Kelly Russell has some wonderful drawings of his ideas and these will be presented at the November work session.

Mrs. West said she would be glad to see the information on the landscaping.

Mr. Shaw said the renditions are very impressive.

Also discussed was the reviewing of information from the Virginia Department of Emergency Management (VDEM) for possible flood hazard mitigation assistance grant funds.

Building Department Activities

Mr. Shaw reported that 22 permits including building, electrical, plumbing, mechanical, signs, occupancy permits etc. had been issued. The total fees collected for the month for permits was \$1,522.00.

Mr. Shaw also said that Mrs. Fry is scheduled to take the legal section of the Certified Building Official's exam on November 13th and the technical section of the exam on December 17th.

Code Compliance Activities

The Code Compliance Officer and Building Official issued 40 violation notices of various types in the month of October.

Mr. Toney said he would like to state that he had really enjoyed working with Mr. Shaw, that he was very professional, a pleasure to work with and he really wished him well. He said his new location would certainly benefit from Mr. Shaw being there.

Ms. Barr said she is thrilled with the gateway project. She said she hoped that the plants that are chosen are ones that are hardy, drought tolerant and did not interfere with site problems. She also suggested that perhaps the Town could choose a town flower, bush, or tree.

Mayor Yohey said that Mr. Russell had approached HDV about putting herbs in. He said a nursery in Manassas and Dumfries Nursery were both going to donate plants and trees thanks to Mr. O' Kelly Russell's efforts.

Director of Community Services

Mrs. Holtzlander was not present but her reported had been submitted to the Council.

Adoption of Consent Agenda

Mrs. West made a motion to adopt the consent agenda with a second by Mr. Washington. Ayes: Washington, West, Toney, Cornell, Barr, Brewer, Yohey. Motion carried.

Mrs. West said she had noticed that there were some items that were supposed to have been brought forward for future meetings and this had not been done. She said they were:

Scheduling a meeting with Mrs. Caddigan
A report from Chief Johnson on parking tickets
Further information on Brownfield

Information Items

None

Action Items

Consideration of Dumfries 2020 Vision Statement

Mr. Whitlow read the Vision Statement into the minutes (attached).

Mr. Brewer said before they were adopted he felt they should be run by the Planning Commission.

Mr. Toney asked why it should be run by the Planning Commission. He said he had served on the Planning Commission for seven years, two as chairman, and he did not see the necessity of running this by the Planning Commission. He felt it should be adopted and implemented.

Ms. Barr said as long as she has been in the Town, she has not seen much of a change. She said the Town needed something to market and to create a good image.

Mrs. Cornell made a motion to adopt the 2020 Vision Statement as it is. Her motion was seconded by Ms. Barr. Ayes: Barr, Cornell, Toney, West, Washington, Yohey. Nay: Brewer. Motion carried.

Consideration of Town Council Operating Covenant

Mr. Whitlow read the Town Council Operating Covenant into the record. (See attached)

Mr. Toney asked if his middle initial could be added on the signature page and he asked that the names be centered.

Mr. Whitlow said once the copy was adopted and signed it would be laminated and placed at each Councilmember's position.

There were a few recommended changes to the document. They were:

9 – delete the word "to"

10 – change "staff member" to "Town Manager" and also change the word "be" to "have"

#11 – add the word "immediately" before the word prior

#12 – change the word "generally" to "be prohibited"

Mr. Brewer said these covenants would be broken with two months.

Ms. Barr said these were guidelines and you had to start some where.

Mrs. West made a motion to adopt the Operating Covenant dated 10-26-08 with the recommended changes. Her motion was seconded by Ms. Barr. Ayes: Barr, Cornell, Toney, West, Washington, Yohey. Nay: Brewer. Motion carried.

Consideration of Statement Concerning Substantial Amendment of FY09 Consolidated Housing and Community Development Annual Action Plan

Mr. Whitlow went over the Neighborhood Stabilization Program Amendment to the FY09 Consolidated Housing and Community Development Annual Action Plan. He said that it appeared that Dumfries is eligible for funding under the program, as having a higher average percentage of distressed properties.

He further stated that it was his recommendation that the Council support the amendment and the Mayor sign the attached letter to Mr. Elijah Johnson, Director of PWC Office of Housing and Community Development, supporting the amendment with hopes of seeing the application of funds to address a portion of the distressed housing within the town returned to viable private ownership.

Mr. Brewer made a motion to have the Mayor sign the letter to Mr. Johnson supporting the amendment. The motion was seconded by Mr. Washington. Ayes: Brewer, Barr, Cornell, Toney, West, Washington, Yohey. Motion carried.

Consideration of Amendment to Chapter 38, Article VI, Bad Check Ordinance, Section 38-190 through Section 38-195

Mr. Whitlow explained the amendment to Chapter 38. Mr. Toney made a motion to approve the amendment with a second by Mrs. Cornell. Ayes: Washington, West, Toney, Cornell, Barr, Brewer, Yohey. Motion carried.

Consideration of Amendment to Chapter 18, Article II. Business Licenses, Section 18-19, Definitions, (8) Additional Exclusions, Non-Profit Organizations

Mr. Whitlow explained the purpose of the amendment to Chapter 18. Mr. Brewer made a motion to approve the amendment with a second by Mrs. Cornell. Ayes: Brewer, Barr, Cornell, Toney, West, Washington, Yohey. Motion carried.

Approval of a Joint Public Hearing to consider Amending Section 70-112, (9) and (10) of The Town's Code of Ordinances. The Text Amendment would delete *landfill mining and materials recovery facility (MRF)* as conditional uses from the R-1, Limited Residential Zoning District

Mr. Toney made a motion to hold a Joint Public Hearing at the November work session on November 25, 2008 at 6:45 PM. His motion was seconded by Mrs. Cornell. Ayes: Brewer, Barr, Cornell, Toney, West, Washington, Yohey. Motion carried.

Discussion Items

A. Debris Wall

Mr. Whitlow said that in the 2004 session of the General Assembly Delegate Frederick secured a project number for the application of the Town's urban construction funds for the construction of a debris wall to be located west of Prince William Estates adjacent to I-95. This was done in response to comments that were received from citizens regarding the noise from I-95.

A debris wall is not an accepted or defined term in VDOT language. VDOT recognizes sound barriers in lieu of debris walls, but only for those projects that are currently active, not projects that have been closed out. This section of I-95 has been completed for many years.

At the present time, approximately \$619,157 is in the fund for the debris wall, including all accumulated construction funds allocated to the Town prior to Delegate Frederick's action and the rest representing the Town's construction funds received subsequent to that date, including \$54,000 in the current fiscal year.

The staff had discussed the possibility of assigning these funds to other projects particularly Main Street, Tripoli Boulevard, and Possum Point Road.

VDOT has indicated that it would allow the transfer of the funds as long as Delegate Frederick did not object because he had originally taken the action to assign a project number. Delegate Frederick indicated that he would be willing to transfer the money to some other Town project if a majority of resident of Prince William Estates would be willing to have the funds moved to other projects.

During the summer the Town polled the residents of Prince William Estates by mail to measure their willingness to allow the funds to be transferred to another project. One hundred twenty letters were sent to residents with a return postcard. Sixteen residents indicated a willingness to allow the funds to be transferred, and twenty one indicated a preference for keeping the funds in the debris wall program. No responses were received from the remaining 83 residents.

Construction funding from the state continues to decline. This will result in a decline in funds to the Town to a level of perhaps half of our current funding. The net effect will be that the Town can do very little construction without the introduction of local funds necessary to undertake any major project. If the funds continue to be allocated to the debris wall it will very likely mean that the Town cannot undertake any other construction project using state funds for 15 to 20 years.

Mr. Whitlow said his recommendation is for Council to discuss and determine whether the debris wall should continue to be the Town's top propriety for use of the construction funds. If it is the determination of the Council that this is not the case, these funds can then be transferred to any other allowable construction project as permitted by VDOT.

Mr. Brewer said he would like to see a schedule of the hot lanes. He said a study should have been done by the company doing the hot lanes.

Ms. Barr said she felt a white paper distinguishing between a debris wall and a sound wall should be prepared.

It was also asked where the Town went from here. The citizens needed to know what this money is doing for them.

Mr. Tkac said he felt when the public hearing was held for the Comprehensive Plan it would be a good time to discuss the debris wall.

Mr. Whitlow said we have no money to build this wall. He further stated that there was no requirement back in the 1960's regarding sound. Now we are paying the price.

B. Method and Estimated Costs of Financing for Construction of Town Hall, Police Department and Renovation of Community Building

Mr. Whitlow said the cost for the construction of a Town Hall, Police Department, and renovation of the Community Center would be in the neighborhood of 6.7 million dollars. He said he had prepared the various options and methods that are available if the Town Council were to proceed immediately. He said obviously the market conditions are changing quickly and actual costs will vary based upon when the Council determines that it wishes to proceed.

Mr. Whitlow also said that the various methods are:

Virginia Resources Authority
VML VACo
Private Bank Placement

He also provided a written summary of each of the three methods. It was his recommendation that when the Town determines that it is ready to proceed with any portion of the construction program, it procures the services of a financial advisor, re-examine the options at that time and then follow the desired path.

Several members of Council commented on how they felt about the construction of the new buildings and the renovation of the Community Center.

Mayor Yohey said in order to do this it would be necessary to raise the real estate taxes by 60%. He said now is the best time to borrow but he did not know how the Town could afford it.

Ms. Barr said she did not feel a decision had to be made right away. She said we needed sidewalks first.

Mr. Toney said initially he was against all of this but he was interested in what ideas the Town Manager had to financially attempt this.

Mr. Whitlow said to begin with increasing meals taxes could be looked at. He said perhaps start a petition for a charter change and then impose a modest personal property tax on citizens.

Ms. Barr said we need to give something tangible to the citizens.

Mr. Toney said he felt the Town Hall should be the first building to be built as this is the center of Town. He also said a number of public hearings needed to be conducted to let the citizens voice their opinions.

Mrs. Cornell said you had to spend money to make money. She also said that she felt we should start with the boundary adjustment first as there was no land available to build on.

C. Garrison Park Redevelopment Concept

Mr. Whitlow reported that he had received a draft of the final report on the redevelopment of Garrison Park and the property to its north from Rhodeside and Harwell. He said Elliot Rhodeside is available to provide a public presentation at a special meeting on either November 13 or November 20th. Council needed to decide on a date so invitations could be sent to the steering committee, Planning Commission and the general public.

It was decided that the meeting would be held on November 20th at 7:00 PM.

Mr. Toney said he had been a proponent of the park, but after seeing the flood back a couple of months ago he felt it was a total waste of the taxpayer's money.

Mr. Brewer said he saw the same thing and the only way you could do something is to plant trees in the back but you would still run the risk of losing them due to flooding. He felt spending money in the back of the Town Hall would be a waste.

Mrs. Cornell said she agreed with Mr. Toney and Mr. Brewer.

Mr. Toney said he would definitely like to see some type of recreational facility and he felt the town needed a recreational department.

Closed Session

Mayor Yohey made a motion to enter closed session citing Virginia Code 2.2-3711 A (1) – Personnel, selection of an Interim Town Manager, selection of an Interim Director of Community Development, and selection of a firm to conduct an executive search for a Town Manager. His motion was seconded by Mr. Toney. Ayes: Brewer, Barr, Cornell, Toney, West, Washington, Yohey. Motion carried.

Council entered closed session at 10:42 PM.

Return to Open Session

Council returned to open session at 11:18 PM. Mrs. West read the Certification of Proceedings stating that the Town Council certified 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. This was seconded by Mrs. Cornell. Ayes: Washington, West, Toney, Cornell, Barr, Brewer, Yohey. Motion carried.

Mr. Brewer made a motion to employ Springsted, Inc. to conduct an executive search for a Town Manager. The motion was seconded by Mr. Washington. Ayes: Brewer, Barr, Cornell, Toney, West, Washington, Yohey. Motion carried.

Mr. Toney made a motion to hire Mr. Tom Huggard as an Interim Town Manager. The motion was seconded by Mrs. Cornell. Ayes: Washington, West, Toney, Cornell, Barr, Brewer, Yohey. Motion carried.

Council Members Time

Mr. Toney said a great thing had happened the previous day by electing a new president. He said he commended both men, and he stated that Senator McCain was a hero. He said God Bless America and God Bless Barrack Obama.

Mrs. Cornell said she respects who ever is in office. She said "happy trails" to Mr. Whitlow and she wished him the best.

Mrs. West said she echoed what Mrs. Cornell had said. She said she wished she had a chance to get to know Mr. Whitlow better. She wished him the best of luck.

Mr. Washington said he had been more than pleased with Mr. Whitlow and they had created a bond. He said he would really miss him, but obviously God wanted him somewhere else and Council had to respect that.

Ms. Barr thanked Mr. Whitlow. She said the retreat was more than she had hoped for.

Mr. Brewer thanked Mr. Whitlow for his service and said he had done a lot for the Town.

Adjourn

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

The meeting adjourned at 11:28 PM.

Submitted by:

Approved by:

Donna A. Johnson, CMC
Town Clerk

Fred E. Yohey, Jr.
Mayor

