

**DUMFRIES TOWN COUNCIL
REGULAR MEETING
TUESDAY, APRIL 1, 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; Chief Calvin Johnson, Cathy Holtzlander, Director of Community Services; Greg Tkac, Director of Public Works; John Shaw, Director of Community Development; Donna Johnson, Town Clerk; 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

None

Mayor's Comments

Mayor Yohey said he had attended several meetings during the past month and he had a couple of items he wished to highlight:

The League of Women Voters is planning to host a 2-hour Political Forum on Sunday, May 4th from 3-5 pm in the Town Council chambers. The event will be televised locally on channels 2 or 3, depending upon which cable system you have. Each of the six candidates for the three Town Council seats has indicated that they plan to participate. Citizens are encouraged to attend this forum.

Mayor Yohey said at one time the Heiser Boys and Girls Club was the second largest in the metropolitan area out of a group of 12 clubs. He said now it ranked last. He further stated that preliminary plans were announced at the Boys and Girls Club meeting on March 27 to make major changes regarding the Club in Dumfries. Final plans are being developed by the Boys and Girls Club.

These plans include a phase-out of before and after school care at the Heiser Club. More emphasis will be put on summer camps for youth. It is possible there will be closure of the Club on weekends. They hope to increase efforts to rent the space at the Heiser Club to churches and other non-profit organizations for meetings and special events. Services to area youth by the Boys and Girls Club will be provided at area satellite locations, such as the Graham Park Middle School and other locations.

Town Manager's Report

Mr. Whitlow reported the following activities for the previous month:

- Completion of the proposed FY 09 budget
- Held discussion with the Town Attorney, Community Development Director, Herb Campbell and his attorney to discuss the various violations of Town ordinances that had been cited on Mr. Campbell's property. Since that time, Mr. Campbell has filed a notice of appeal with the Circuit Court.
- Met with representatives of Springsted to discuss the amendment of the boundary adjustment feasibility study.
- Met with representatives of MMM Design Group to discuss the preliminary report on the space needs analysis. The final document should be ready by mid-April.
- Attended the monthly CAO meeting conducted by the NVRC. The primary topic was opportunities for research and development in technology areas.

Mrs. Via asked Mr. Whitlow what the Dumfries Nursery was trying to do. Mr. Whitlow said he had met with Mr. Hashimi, his Engineer and Mr. Hashimi's son. Mr. Whitlow said they discussed the site adjacent to the nursery and there were some issues that Mr. Hashimi was not aware of. Mr. Whitlow said he advised him to see what is cost effective before the town vacates the street. He further stated that he expected Mr. Hashimi to come back in a few weeks.

Mrs. Bradley said it had been almost a year since Mr. Hashimi had made the request to vacate the street. She also said she felt the town should afford him the same things they did with the builder on Caston Street.

Mayor Yohey asked Mr. Whitlow to comment on what was going on with the budget. Mr. Whitlow said the schedule for the budget was as follows:

- April 15th – Special Budget work session
- April 22nd – Regular work session preceded by a public hearing on the budget
- April 29th – Work session just for the budget
- May 7th – Regular meeting (Wednesday) – Adopt the budget

Treasurer's Report**Schedule of Receipts and Expenditures
for the Month of March, 2008**

Old Balance	\$ 552,402.75
Plus Receipts	450,308.90
Minus Transfer of Funds From General Checking to Payroll for March, 2008	89,680.68
Minus Elect Transfer	
- FICA	19,473.62
- FWT	14,595.22
Minus Expenditures	302,876.69
New Balance	\$ 576,085.44

Mrs. Bradley had a couple of questions on the report which Mrs. Ladd answered.

Police Chief's Report

Chief Johnson said he had been giving special attention to the truck traffic on Possum Point Road. He said sixty-one tickets had been written in a four week period. The citations were for anything from defective equipment to speeding to expired registrations.

Chief Johnson told Council of an incident in South Cove where a pit bull went after a Yorkshire terrier that was being walked by the owner. The pit bull killed the dog. Officer Humphries eventually had to shoot and kill the pit bull.

Mrs. Bradley wanted to know if an ordinance could be created that would require that all vicious dogs would have to be kept in a fenced in area.

Mr. Bendall said this was something that would have to be looked at. He said you would have to have evidence that a dog was actually vicious.

Mr. Brewer wanted to know who was employing all the trucks that were coming and going on Possum Point Road. Mr. Whitlow told him he believed they were employed by Prince William County.

Mayor Yohey said one day 540 trucks were counted coming out of Possum Point Road.

Mr. Lopez wanted to know if we could invite the person that hired these trucks to attend a meeting. Mr. Whitlow said we could invite them but we do not know if the person would attend.

Director of Public Work's Report

Mr. Tkac said he had experienced a busy month. He completed the following:

- Cleaned ditch lines, flushed pipes and unclogged drains at various locations
- Prepared Merchant Park for the Spring Festival
- Installed new speed limit signs on Possum Point Road
- Replaced street signs at Graham Park Road & Fraley Blvd., Ft. Pulaski Ct. and Brockenbrough Dr.
- Trimmed trees to enhance sight distance throughout the town
- Performed preventative maintenance on the furnaces at the Town Hall
- Removed and disposed of over 4 tons of metal from the maintenance yard that has been picked up over the years

Mr. Tkac reported that he had attended two meetings and his staff had attended 2 training classes. One class was on *Grounds Keeping Safety/Landscape Maintenance* and another on *Dealing with Bugs and Critters*.

In addition to his report Mr. Tkac provided a street sweeping schedule.

Mrs. Bradley wanted to know why the streets in the Knolls were not on the schedule to be swept.

Mrs. Via said there were several other streets that did not appear on the list.

Mr. Tkac said he would check to see what was being done in the Knolls and why other streets were not on the schedule.

Mr. Tkac told Council that the Possum Point Road shoulder wedging has been rescheduled to begin on April 2nd.

Mr. Lopez asked who was doing the inspections on the new building next door. He was told it was being done by a third party. He also wanted to know what the situation was with Todos Market. Mr. Shaw said there was an outstanding issue that had not been worked out and they had requested a temporary occupancy permit, which was granted. He said Todos hoped to be open by the 14th or 15th of April.

Director of Community Development

Mr. Shaw said he had submitted his report but would highlight a few items:

- Met with Mr. Hashimi, his engineer and the Town Manager regarding a proposed plan of development for his property on Main Street
- Met with the Planning commission and ARB in a joint meeting to discuss Historic Corridor Overlay District.
- Attended a workshop regarding the Chesapeake Bay Act Phase III Regulations.
- Worked on updating the fee schedule for planning, zoning and building permits
- Initiated the process of adopting a Facilities Standards manual for the Town.
- Along with Codes Compliance Officer investigated various zoning and property maintenance violations and issued notices of violation.

Building Department Activities:

- Building Official participated in a meeting with HOAs regarding vandalism in the community.
- Reviewed building plans and issued 21 permits including building, electrical, plumbing, mechanical, signs and occupancy permits. The total fees collected for the month was \$1,142.00.
- Performed inspections of various types.

Codes Compliance Activities:

- The Codes Compliance Officer primarily concentrated upon following up on the status of open violations for the previous months of January and February. There were 70 violations and he had closed out 56 of them.
- Both Mrs. Frye and Mr. O'Flinn took and passed the test for Building Code Property Maintenance Inspector.

Director of Community Services

Mrs. Holtzlander reported that she had no formal report but she did want to give a brief update on a few items:

- 04-05-08 – Creek cleanup from 8:00 – 12:00 pm
- 04-18-08 – Seniors Meeting at 1:00 pm at the Community Center
- 05-10-08 – HDV will beholding Charter Day
- The Dumfries Charter will be out by the end of the week

Town Attorney's Report

Mr. Bendall said he had no report. He said he was still working on an abbreviated schedule. He also said he was still working on the issue with Haul Road, trying to get a commitment from the businesses located there to sign an agreement to do work on the road.

Mayor Yohey asked Mr. Bendall if he could provide a list of the items he was working on and where we stood on these items. Mr. Bendall said that he would do this.

Adoption of Consent Agenda

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

Information Items

None

Action Items**Release of demolition bond in the amount of \$1,000.00 for Property Procurement, Inc. for property located at 17945 Old Triangle Road.**

Mrs. Bradley made a motion to release the demolition bond for Property Procurement, Inc. in the amount of \$1,000.00. The motion was seconded by Mrs. Cornell. Ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey. Motion carried.

Approval of Amendment to Section 58-89, Levy of Tax, of the Code of Ordinances, Town of Dumfries, Virginia, Article IV relating to Transient Occupancy Tax.

Mr. Whitlow explained that this increase in the Occupancy Tax would be from four percent to five and a half percent and also an additional amount of \$1.00 per night per room would be charged.

Mrs. Bradley made a motion to approve the amendment to the Occupancy Tax and to make the effective date July 1, 2008. Mrs. Via seconded her motion. Ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey. Motion carried.

Discussion Items

Proposed amendment to Article IV, Section 62-131, of the Code of Ordinances, Town of Dumfries, Virginia, relating to Parking of Commercial vehicles in Residential Areas.

Mr. Whitlow said the Mayor had raised a question regarding whether the Town could tighten its restrictions regarding the parking of commercial vehicles and trailers in residential districts. Mr. Whitlow proceeded to go over the current restrictions, When he finished he told the Council that they could regulate these restrictions and by doing so they could have a big advantage by getting trailers and utility trailers off the streets.

He said if the Council wished to proceed with this he would draft a new ordinance, run it by the attorney and have it ready for a public hearing.

Mr. Brewer wanted to know what constituted a commercial vehicle. Mr. Whitlow told him that the vehicle just had to meet one of the eight provisions outlined in the ordinance.

Mayor Yohey said he did not think trailers and boats should be allowed to park on the streets in residential neighborhoods.

Mrs. Bradley said the town needed to get citizen input on this because it could ultimately affect someone's livelihood.

Mr. Lopez said he agreed with Mrs. Bradley. He said he felt this had merit but it really needed further discussion.

The Mayor said he felt Council should allow the Town Manager and the Town Attorney to come up with a draft for Council to look over.

Mr. Shaw commented that if you allowed a higher gross weight on the vehicles it would allow smaller trucks to park on public streets in a residential area.

Mrs. Via made a motion to allow the Town Manager and Town Attorney to move forward and come up with a draft using 12,000 pounds as the weight, and they are to check the zoning. She said when it was complete the draft would be brought back for further discussion. Mr. Brewer seconded her motion. Ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey. Motion carried.

Mr. Bendall said to be careful and amend the zoning text so vehicles are not being parked in everyone's yards.

Council Members Time

Mr. Washington had no comments.

Mrs. Via congratulated Mrs. Holtzlander on her recent marriage. She also congratulated Ms. Frye and Mr. O'Flinn on passing the Property Maintenance Inspector class.

Mrs. Bradley also congratulated Mrs. Holtzlander on her recent marriage. She too congratulated Ms. Frye and Mr. O'Flinn on passing the Property Maintenance Inspector class. She also expressed sympathy for the officer that was hurt.

Mrs. Cornell congratulated Mrs. Holtzlander on her marriage. She also told Mr. Tkac and Mr. Shaw that they were doing a great job.

Mr. Lopez said he echoed Mrs. Cornell's sentiments.

Mr. Brewer said he was disturbed by the article in the newspaper that quoted an individual that was running for Council. He said he wanted to clarify a statement made by the individual. He said staff does not work for the Council, they work for the Town Manager.

Mayor Yohey said he had received a call from Historic Dumfries and they wanted to know if they could use the Council Chamber on the 10th of April.

Mr. Whitlow said he would have to check to see if it was available.

Closed Session – Potomac Landfill – Virginia Code 2.2-3707 under 2.2-3711 A(7)

Mrs. Bradley made a motion to enter closed session citing Virginia Code 2.2-3707 under 2.2-3711 A (7). Mrs. Via seconded the motion. Ayes: Brewer, Lopez, Cornell, Bradley, Via, Washington, Yohey. Motion carried.

Council entered closed session at 8:45 PM.

Return to Open Session

Council returned to open session at 9:35 PM. 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 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. Via.

Mrs. Bradley made a motion to deny Potomac Landfill's two Conditional Use Permits, one for the Materials Recovery Facility and the other for Mining. The motion was seconded by Mrs. Cornell. Ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey. Motion carried.

Mrs. Bradley made a motion to accept the proposal from Springsted for \$9,000.00 for updates to the boundary adjustment. Her motion was seconded by Mr. Brewer. Ayes: Brewer, Cornell, Bradley, Via, Washington, Yohey. Nay: Lopez. Motion carried.

Mr. Whitlow asked the members of Council what they wished to have addressed at the next quarterly meeting with the county. The following was suggested:

- Possum Point Road truck traffic
- Possum Point Road culverts
- Williams Ordinary

Adjourn

A motion to adjourn was made by Councilman Brewer with a second by Council Lay Bradley. Ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey. Motion carried.

The meeting was adjourned at 9:45 pm.

Submitted by:

Approved by:

Donna A. Johnson, CMC
Town Clerk

Fred E. Yohey, Jr.
Mayor