

**DUMFRIES TOWN COUNCIL
REGULAR MEETING
WEDNESDAY, MAY 7, 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; Kristi Caturano, Town Attorney; Chief Calvin Johnson, John Shaw, Director of Community Development; Cathy Holtzlander, Director of Community Services; Greg Tkac, Director of Public Works; Donna Johnson, Town Clerk; 6 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.

Mayor Yohey asked if there were any amendments to the agenda. Mrs. Bradley said she would like to add Architectural Review Board under Discussion Items, #9.

Citizen's Comments

None

Mayor's Comments

Mayor Yohey said he had presented his report but would like to elaborate on the Forum presented by the League of Women Voters that was held on Sunday, May 4th. He said there were about 20 citizens present and he had heard very favorable comments about the forum.

He said the elections had been conducted the previous day and 364 citizens turned out to vote. He said he was proud of the campaign as it was run in a friendly atmosphere. He said the winners of the three Council seats were Dorothea Barr, Nancy West, and Willie Toney. He said Ms. Bradley, Ms. Via and

Mr. Robinson did not win this time but perhaps they will run again and win in the future.

Mayor Yohey said he would announce the date for the inauguration of the new Council members at a later time.

Mrs. Via asked the Mayor what happened to his citizens committee. She wanted to know if it was going to meet in the future. Mayor Yohey said he had run out of topics to discuss. Mrs. Via said she could not understand why he dropped the committee.

Mrs. Via also asked Mayor Yohey what happened to the resolution for Emmit Waters.

The Mayor told her that the resolution was completed, signed, and presented to Ms. Waters.

Town Manager's Report

Mr. Whitlow said he had submitted his report but would go over a few items. He said he had been working with the staff and the architect to refine and reduce the space requirement for a town hall. He said the space requirement would be about 3,000 square feet. The final document should be completed during the month of May and will be presented to Town Council in an upcoming meeting.

Mr. Whitlow said he had attended the Urban Construction Initiative quarterly meeting in Richmond. He further stated that he anticipates that a resolution will be brought forward by the staff for discussion and action by the Town Council before the end of the fiscal year for full participation in the UCI.

Mr. Whitlow also reported that he had participated in a telephone conference call to discuss progress being made in the multimodal study. Preliminary information should be coming forward to the Town Council and the Planning Commission in the near future.

Mr. Whitlow said he and John Shaw would be in Moss Point, MS during the week of May 11-17 assisting the Gulf coast community in its efforts to recover from the effects of Hurricane Katrina. This trip is sponsored by the International City/County Management Association and Fannie Mae.

Mayor Yohey asked Mr. Whitlow if he would briefly update the Council and citizens on sidewalks and street lights on the Main Street one way.

Mr. Whitlow said he had met with Delegate Jeff Frederick and Dick Burke from VDOT to discuss the sound wall. He said if it was approached as a debris wall there is no definition for debris wall. Mr. Whitlow said he asked if the money could be diverted to other projects. He said he is going to survey the residents of Prince William Estates and see how these people will feel about using the money for other purposes. Mr. Whitlow further stated that he has committed to getting a letter out to the residents of Prince William Estates and should be ready with it in about three weeks.

Mrs. Bradley wanted to know where we were with the hot lanes and Mr. Whitlow said he had not heard back from them.

Treasurer's Report

Mrs. Ladd presented her report and there were no questions from Council.

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

Old Balance	\$ 576,085.44
Plus Receipts	185,945.80
Minus Transfer of Funds From General Checking To Payroll for April, 2008	88,561.61
Minus Elect Transfer	28,698.66
- FICA	28,198.36
- FWT	22,198.36
Minus Expenditures	179,400.78
New Balance	\$ 443,171.83

The Mayor asked where we would stand at the end of June and Mr. Whitlow said the reserve could increase by about \$15,000.00.

Police Chief's Report

Chief Johnson reported on a case of grand larceny and destruction of property in Williamstown and the arrest of two individuals who were caught running from the scene of a vehicle break in by Officer Shields. One suspect lived in Williamstown and the other in South Cove.

The Chief also reported that a lot of training had been conducted the previous month and Smooth Operator would begin the following week using Lidar Radar.

He also reported that Officer Mark Robinson was injured during a training exercise and had to have surgery. Officer Robinson will be out of work for 6-8 weeks.

Chief Johnson also went over the calls for service.

Mrs. Bradley said she had asked him for a report from Prince William County last month and the Chief told her that the County was still working on the report and that it was difficult to get the figures.

Mrs. Bradley said she still felt that dispatch in the County is not handing out the calls the way they should. The Chief told her that they have a very complicated system.

Mrs. Bradley also said that on the neighborhood watch program the addresses need to be on the report. She said the citizens doing the neighborhood watch needed more information.

Mrs. Via reminded Chief Johnson that not everyone knew about the loss of Captain Mackey's mother. Chief Johnson shared the sad news with everyone and said that flowers had been sent, through donation by the town staff.

Mayor Yohey asked Chief Johnson if Teresa Johnson could do programming and he said no, that she was not a programmer.

Mrs. Cornell commended the police department on doing a good job with traffic control the previous day at the polls.

Mayor Yohey wanted to know where we stood with the DEA issue, regarding Officer Barrett. Mr. Whitlow told him the DEA had a cut in funding and we were still waiting to hear from them.

Director of Public Work's Report

Mr. Tkac reported that Anderson and Associates had completed the White Haven Drainage Analysis and copies had been put in each Council member's box.

He also reported that Branscome Paving Company had completed the pavement wedging on east bound Possum Point Road. He said a great deal of effort had been made by the Public Works staff to minimize costs associated with this work. He said Mr. Scroggins had been relentless in his efforts in identifying a disposal area to discard of 300cy of waste material at no cost to the town. This combined with his attention to the project scope yielded a total cost savings to the town of almost \$10,000.

Mr. Tkac reported that he had received an email from Governor Kaine's office stating that the Governor was going to conduct two town hall meetings. Mr. Tkac encouraged someone from Council to represent the Town at a meeting. He said he would be there.

Mr. Tkac also went over the training that had been attended during the month of April and he went over the work that is scheduled for the near future. He said he did want to point out that the CIP is scheduled to be reviewed by the Planning Commission in May.

Mr. Tkac said he had submitted a draft letter to Mr. Koelemay of the Commonwealth Transportation Board and he recommended that Council sign the letter.

Mayor Yohey said he had a couple of issues he wished to address. He said Wendy Pope, President of Port of Dumfries HOA wanted markings on their crosswalk. Mr. Tkac said he would be doing that soon.

Mayor Yohey also had concerns about the right hand lane going into Prince William Estates. He wanted to know how the entrance lane could be fixed. Mr. Tkac told him that the traffic loops would have to be removed and this would cost about \$4,000.00. He said it would be at the expense of VDOT.

Mr. Tkac stated that if it was the desire of Council to take care of these two issues he would go ahead with these projects.

Mrs. Bradley wanted to know if the town could coordinate with the post office about the yellow line and the new mailboxes in Williamstown.

Mr. Whitlow said he would look into it and see what could be done.

Director of Community Development's Report

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

Planning/Zoning Activities

- Met with Planning Commission to discuss revisions to parking regulations regarding parking of vehicles on grass in yards and residential districts.
- Worked on updating fee schedule for planning, zoning, and building permits. He has compiled the zoning portion and Ms. Frye is looking at the building fees.
- Met with Director of Public Works and a representative of DCR regarding compliance review of the Town's Erosion and Sediment Control Program. (We do not have a report back as yet.)
- Surveyed residential neighborhoods to identify commercial vehicles parked on public streets. He will make the findings available at a later date. He said five of the eight violations he found were in the Knolls of Dumfries. He also identified the types of vehicles and took photos.

Building Department Activities

- Reviewed building plans and issued 20 permits including building, electrical, plumbing, mechanical, signs, site work, and occupancy permits. The total fees collected for the month for permits was \$2,854. This was consistent for the 1st quarter of the year.

Codes Compliance Activities

- The codes Compliance Officer and Building Official issued 36 Violation Notices in the month of April. One of the violations has been closed, while 35 remain open. They are still open due to the short time frame.

- Through his follow-up efforts, the number of open violations has been reduced to ten (10) for these months. Nineteen have been closed out.
- Mr. O'Flinn has compiled a list of tall grass violations and is now in the process of issuing violation notices to the property owners. The first week of May he issued 28 violations. There are over 100 grass violations in Williamstown, South Cove and the Port of Dumfries.
- Businesses are also being checked to ensure that they have current OP's and business licenses.
- The Codes Compliance Officer has concentrated on following up on the status of open violations for the previous months of January, February, and March.

Mrs. Via commended the Public Works crew for their grass cutting. She said when the County people cut the grass at Williams Ordinary all the grass they cut ends up out in Colonial Street. She said the County is not being very respectful.

Mr. Shaw said he will contact the County about this.

Mr. Washington said there were two lots on the corner of Fairfax and Duke Streets that were in violation. Mr. Shaw told him that Mr. O'Flinn is aware of this property.

Mr. Brewer wanted an update on the status of the retaining wall behind Coach House Plaza. He said the rest of the wall is now falling down.

Mr. Tkac said the owner of this property has obtained permits and have submitted signed and sealed plans. He said he will have to issue them a letter and let them know the rest of the wall is ready to fall.

Mayor Yohey wanted to know if the crew had been able to cut the weeds in the island at Rose Hill.

Mrs. Bradley said there were 455 townhouses in Williamstown. She said there were also homes in the Knolls and every other neighborhood that are worse than some of the properties Mr. O'Flinn is citing. She said we need to step up and do some of the other neighborhoods.

Mr. Shaw said he would see that it is stepped up.

Mr. Lopez wanted to know if there was an effort to talk to the property owner and Mr. Shaw told him absolutely. He said they definitely try to contact the owner.

Mrs. Bradley said on foreclosed properties we should cut the grass and attach a bill to the owner of the property in the form of a lien or judgment.

Mr. Whitlow said if that is what Council wished to do then he would have to hire some seasonal people. He also said this is one of the reasons he wanted the blight abatement program.

Mrs. Bradley made a motion to outsource the grass cutting on foreclosed properties. The motion was seconded by Mayor Yohey.

Mr. Lopez said other options also needed to be put on the table. He said this would not involve just grass but would involve other issues as well.

Mrs. Holtzlander said they have identified these problems at her vandalism committee meetings.

Mr. Lopez said we really need to know more about the cost.

Mr. Washington said he just could not believe we know who owns the property at the corner of Duke and Fairfax Street.

Mr. Shaw said we do know and the owner is located out of town and he is very much aware that the property is definitely in violation.

Mr. Brewer said he did not think the town was in the business of cutting grass.

Mr. Shaw said for the crew to cut grass would be a great strain.

Mr. Whitlow said that the procurement process could be used to secure quotes to have the grass cut and report back to Council.

Mrs. Bradley said she would withdraw her motion and Mayor Yohey withdrew his second.

It was the consensus of the Council to have it cut.

Director of Community Service's Report

Mrs. Holtzlander said she had submitted her report but she wished to highlight a couple of items:

- The seniors/retirees meet on Friday the 16th at 1pm in the Community Center. Ms. Juanita Balenger from the Office of the Attorney General will provide a presentation on investment fraud at that meeting.
- A round table discussion to discuss the possibility of the area youth groups working in collaboration to help address the problem of vandalism will be conducted on May 15th at 7pm.
- Wednesday, June 11th, Dumfries will host the quarterly Civ/Mil function.
- The deadline for the Community Grant is May 30, 2008.
- Volunteers are still needed for Charter Day and if anyone is interested they can call (703) 221-2218.

Mr. Lopez asked about the applications for the Community Grant and wanted to know how long they had been out. Ms. Holtzlander said she gave everyone six weeks to get them back to her.

Mr. Lopez said last year HDV won the committee approval but did not get the funding.

Mr. Whitlow said the instructions are very clear as to how the grant works. Mr. Lopez said he would like a copy.

Ms. Holtzlander told him this was available on the Town's website if he would like to download it.

Mayor Yohey said that last year HDV wanted the money to hire senior citizens to provide services on the week-ends.

Mrs. Bradley said the term "administrative" needed to be more clearly defined.

Mrs. Via said she is giving her support for hand dancing. Mr. Washington said he would lend his support also.

Mrs. Holtzlander explained the proposal for the hand dancing that was included in her packet for Council.

Town Attorney's Report

Ms. Caturano said that Mr. Bendall wanted to let the Mayor know that he is working on the list of items he had requested and he is also working on the Haul Road issue.

Ms. Caturano also said she had filed a temporary injunction against GDC Trucking. She said the earliest date they could get a hearing was June 9, 2008. Ms. Caturano said she and Mr. Hickman, Mr. Campbell's attorney, have a meeting scheduled for May 21, 2008. She stated that GDC is only a witness for Mr. Campbell. It is Mr. Campbell that is being served.

Adoption of Consent Agenda

A motion was made by Mrs. Bradley to adopt the Consent Agenda. Mr. Washington seconded the motion. Ayes: Washington, Via, Bradley, Cornell, Lopez, Brewer, Yohey. Motion carried.

Information Items

None

Discussion Items

Mrs. Bradley said she has concerns about the windows on Mr. Singh's new building. She said the windows are not what she approved when she voted on the site plan. She said she wants a legal opinion on this.

Mr. Whitlow said it was his contention that Council approved the actual site plan and not the architectural design.

Mrs. Bradley said when the site plan was submitted the windows were on the site plan. That being the case, the building looks significantly different now.

Mr. Brewer said the site plan has nothing to do with the design. The picture that was presented was only to give Council a rendering of what the building would look like.

Mr. Shaw said the ARB said they would approve the removal of the windows. The drawing was for a rendering only and just showed the footprint. The removal of the windows would not come before the Council.

Mr. Whitlow stated the predominant style on Main Street is early 20th century. The ARB is doing what they are supposed to be doing.

Mr. Lopez said Council is not there to approve drawings or architectural renditions.

Mr. Washington said the ARB is here to make decisions on our behalf. We have the confidence in them to represent us.

The Town Manager said a Certificate of Appropriateness is a legal document and the ARB gets to make that decision.

Mrs. Bradley said she had another issue she wished to discuss. She said she had been approached by a town citizen that wanted to know how we created a Department of Community Development yet we had not done an ordinance to do so.

Mr. Whitlow said the action to approve the budget last year approved this department. He said he would defer this to the Town Attorney but he thinks Council has been through this process.

Ms. Caturano said if it was advertised as part of the budget then it was advertised. She said you could still pass an ordinance if you chose to.

Mrs. Bradley said this should be done by an ordinance.

Mr. Brewer said this was discussed at the last budget session.

Mrs. Bradley said this is just "housekeeping" and should be done per the Charter.

Mr. Brewer said it also states in the Charter that we go directly to the Town Manager and not to an individual and make requests.

Ms. Caturano said if you go through the Town's Code of Ordinances there is nothing that states you have a separate ordinance for each department.

She said you can amend the ordinance to include the Community Development Department.

Mr. Whitlow said he would take a look at this and take whatever steps were necessary to take care of this housekeeping issue.

Mr. Brewer wanted to know if you could still pass the budget without the ordinance being passed.

The Town Manager said that was up to the Council.

Mrs. Bradley made a motion to authorize the Town Manager to draft an ordinance to create a Department of Community Development and to advertise for a public hearing to be held on June 3, 2008 and this could be adopted at the same time the budget was adopted. Her motion was seconded by Mr. Lopez. Ayes: Lopez, Bradley, Yohey. Nays: Washington, Via, Cornell, Brewer. Motion failed.

Action Items

Mr. Lopez made a motion to adopt the FY 09 budget. The motion was seconded by Mr. Washington. Ayes: Lopez, Washington. Nays: Brewer, Cornell, Bradley, Via, Yohey. Motion failed.

Mr. Brewer made a motion to approve the budget in the amount of \$4,461,367.00. The motion was seconded by Mr. Washington. A very lengthy discussion took place concerning the Police Department. At this time Mr. Washington withdrew his second and the motion died for lack of a second.

Mrs. Via made a motion to approve the FY09 budget, in the amount of \$4,381,367.00, adding back in the position of Planner/Zoning official. The motion would also include looking at the Police Department at the mid-year budget review. The motion was seconded by Mr. Washington. Ayes: Washington, Via, Cornell, Lopez, Brewer. Nays: Bradley, Yohey. Motion carried.

Mr. Lopez made a motion to approve the tax rates, with a second by Mr. Brewer. Ayes: Brewer, Lopez, Cornell, Via, Washington. Nays: Bradley, Yohey. Motion carried.

Mr. Lopez made a motion to adopt the appropriations resolution and exhibit A. The motion was seconded by Mr. Washington. Ayes: Washington Via, Cornell, Lopez, Brewer. Nays: Bradley, Yohey. Motion carried.

Council Members Time

Mr. Washington said he would like to congratulate the new members of Council. He also said he hoped Mrs. Bradley and Mrs. Via would return and they would be missed.

Mrs. Via said congratulations to everyone. She said it was Virginia Public Service Week and thanks to the staff for all they do. She also wished everyone a Happy Mother's Day.

Mrs. Bradley said offered condolences to Captain Mackey on the loss of his mother.

Mrs. Cornell said she too would like to offer condolences to Captain Mackey.

Mr. Lopez said he wished to thank the staff, and his colleagues. He said he appreciated the opportunity to work with them and he also appreciated the time he served on the Council. He said he has always tried to put the interest of the citizens ahead of his own. He also congratulated the new members of Council and wished good luck to Mrs. Bradley and to Mrs. Via. He said it was a good campaign and the outcome was the will of the people.

Mr. Brewer had no comment.

Adjourn

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

The meeting adjourned at 11:04 pm.

Submitted by:

Approved by:

Donna A. Johnson, CMC
Town Clerk

Fred E. Yohey, Jr.
Mayor