

**OCCOQUAN TOWN COUNCIL**  
**Regular Meeting**  
**Town Hall – 314 Mill Street**  
**May 7, 2014**

**Present:** Mayor Porta, Vice Mayor Quist, Council members Bush, McGuire, Sivigny and Walbert  
Staff: Mr. Crim, Mr. Reese, Ms. Barr, Ms. Breeding, Ms. Blackwell, Ms. Best and Chief Levi

**1. Call to Order**

Mayor Porta called the meeting to order at 7:00 p.m.

**2. Pledge of Allegiance**

**3. Citizen's Time**

No one spoke.

**4. Approval of Minutes**

Vice Mayor Quist moved to approve the minutes of the April 1, 2014 Regular Meeting with minor revisions; Dr. Walbert seconded. Ayes: All, by voice vote.

Vice Mayor Quist moved to approve the minutes of the April 22, 2014 Work Session with one revision; Dr. Walbert seconded. Ayes: All, by voice vote.

Vice Mayor Quist moved to approve the minutes of the April 22, 2014 Special Meeting as presented; Dr. Walbert seconded. Ayes: All, by voice vote.

Dr. Walbert moved to suspend the rules and move up on the agenda "Craft Show Update" and "Lorton Landfill Operation;" seconded by Vice Mayor Quist. Ayes: All, by voice vote.

**5. Staff Reports**

**Arts and Crafts Show Update:** Ms. Best reported as of April 30, 2014, 21 merchants, 20 food vendors (5 are new), 25 commercial vendors (5 are new) and 131 crafters, (45 are new) are registered for the spring craft show. She noted there were 246 vendors in the spring 2013 show, and to date we have 197 vendors. Ms. Best said there were at least 20 who have not submitted their applications, but indicated they would be applying shortly. She did say if previous years are any indication, they expect to receive additional applications in May.

**8 E. Lorton Landfill Proposed Extension**

Mayor Porta said he received a copy of a letter to the Fairfax County Supervisors from the President of the Hallowing Point Association expressing opposition of SEA-2

submitted by EnviroSolutions (d/b/a Furnance Associates). He said Hallowing Point River Estates is a cluster of nearly 200 homes situated along the banks of the Potomac River on the southeastern tip of Fairfax County's Mount Vernon District and these residents are particularly dismayed by ESI's plan to dramatically increase the scale of their operations and prolong them to the year 2040.

Mr. Conrad Mehan, EnviroSolutions, Inc., asked the Town Council to support the expansion and extension of the landfill. Currently, the landfill is slated to close in 2018. Mr. Mehan said the landfill is currently permitted to rise to an elevation of 412 feet by 2018, and they are proposing use of the landfill through 2034 in order to utilize the landfill to capacity, with a maximum elevation of 395 feet.

Town Council members expressed concerns about the potential visual impact and impact on housing value caused by the addition of wind turbines to the top of the landfill.

Dr. Walbert moved to approve a letter of opposition to the plan to install wind turbines on the top of the landfill and requests that this element of the proposal be rejected; seconded by Vice Mayor Quist. Ayes: All, by voice vote.

**Report of Town Engineer:** Mr. Reese reported that Fairfax Water will not block the footbridge across the Occoquan River with their proposed improvements on the Fairfax County side of the river. He said Fairfax County staff aware of the regional trail along the Occoquan River from Bull Run to the Town and made sure they commented on the need to allow that trail to maintain continuity. He also reported that the Fairfax County Planning Commission will have a recommendation for a change to the comprehensive plan regarding the Vulcan Quarry to the Board of Supervisors in late June. He suggested the Mayor send a letter to Fairfax staff in support of maintaining the trails.

Mr. Reese reported zoning approvals for three decks in Occoquan Heights and zoning approval of a business at 303 Commerce Street (Pink Bicycle Tea Room). He also reported that there is a preliminary site plan for 430 Mill Street and it is staff's recommendation that the preliminary site plan be approved, allowing the concept for the two residences to go to the final site plan process. He said the Planning Commission Meeting is scheduled for Tuesday, May 13, 2014, and the Planning Commission is required to review and make a recommendation to the Town Council for preliminary site plans.

**Report of Town Attorney -** Mr. Crim said the old poles were removed at Mamie Davis Park by Comcast. He said he concurred with Ms. Barr's suggestion to have a Town Council orientation. He said the problem with the dead trees at Occoquan Heights is still not resolved. He said he is working on bringing forward a zoning amendment for the River Park and the draft text of the zoning amendment is in the materials for Town

Council's reference. He said it is his recommendation to refer this matter to the Planning Commission for a joint public hearing.

**Report of Town Manager** – Ms. Barr reported she is working on an administrative manual and will add new policies as they arise. She hopes to have a draft completed for Council's review by the June meeting. She said she is also looking into employee benefits and staffing needs/changes and hopes to have recommendations ready by the June meeting.

Ms. Barr requested Council's approval of the bus contract for the September Arts and Crafts Show in order to guarantee the current rate for the fall show.

Mr. Sivigny made a motion to approve the bus contract for the September 2014 show; seconded by Mr. McGuire. Ayes: All, by voice vote.

**Farmer's Market** - Mayor Porta reported that as a result of the disbanding of the OMA, he assumed responsibility last year for the Farmer's Market and would like to again administer it this year through the Occoquan Transportation Company. He requested that Council consider charging a nominal fee for use of the public parking lot. Mayor Porta absented himself from the room so that the Council could discuss and vote on the matter. After a brief discussion with the Town Council, it was directed that Mayor Porta pay \$25.00 to the Town for permission to use the parking lot for the Farmer's Market.

Dr. Walbert moved to allow Mayor Porta to assume responsibility for the Farmer's Market through his LLC and pay \$25.00 to the Town for the use of the parking lot; seconded by Ms. Bush. Ayes: All by voice vote.

**Report of Chief of Police** – Mr. Levi reported he has been working with the new Town Manager and transitioning himself from his role as Acting Town Manager back to Town Sergeant and Chief of Police. Ms. Bush asked him to check the areas of Washington Square Court and Occoquan Heights regarding the missing "no parking" sign.

**Report of the Treasurer** – Ms. Breeding reported Cash has increased \$33,200 over last year and Total Assets has increased \$27,000 over last year. She also reported Total Income has increased \$20,600 relative to last year. She noted Total Expense has increased by \$10,400 relative to last year. She said this increase is comprised mostly of increases in Grounds and Maintenance but is offset by a decrease in total salaries/contract labor.

She reported Occoquan Inn/Virginia Grill is one month behind in Meals Tax. She also said there is a new business application for the Pink Bicycle Tea Room. Mr. Crim said the new owner may be liable for the monies owed to the Town in past Meals Tax. Staff was directed to contact the new owner to address this issue.

## **6. Council Member Reports**

Mr. Sivigny and Mr. McGuire had no reports.

Ms. Bush reported on ARB activities: ARB approved two Certificates of Appropriateness to Puzzle Palooza and The Preservation Station.

Dr. Walbert said he is recommending a new candidate to the Town Planning Commission: Bryan Reese, 208 E. Locust Street, for a four year term.

Dr. Walbert moved to approve the nomination of Bryan A. Reese as a member of the Town Planning Commission; seconded by Mr. Sivigny. Ayes: All, by voice vote.

Vice Mayor Quist inquired about whether the ARB had discussed the replacement of the Town Hall signs to match the other new signs approved. Ms. Bush said the ARB does not want to change the current look of the hanging sign and will be proposing something to Town Council at a later date.

## **7. Mayor's Report**

Mayor Porta reported on the following events he had attended in his capacity as Mayor:

4/3 – Attended Senators Kaine and Warner's Event for Local Elected Officials

4/5 – Attended Potomac Library Window Dedication

4/10 – Attended SAVAS "Behind the Mask"

4/11 – Attended Woodbridge Little League Opening Day

4/12 – Attended Occoquan River Cleanup

4/23 – Served as Celebrity Waiter at Lake Ridge Rotary Luncheon Event

4/24 – Gave a Presentation to Hoteliers on Occoquan at Invitation of Discover Prince William & Manassas

4/25 – Attended Potomac National Scenic Heritage Trail Meeting

4/26 – Attended Dedication of Raftelis Potomac River Park in Quantico

4/29 – Attended Prince William Valor Awards

5/3 – Attended Occoquan Yacht Club Flag Raising

5/6 – Accepted BOCS Bike-to-Work Day Proclamation

## **8. Regular Business**

### **8A. Draft Zoning Text Amendment, River Park**

Mr. Crim said a portion of the Fairfax County Water Authority (FW) property is zoned B-1 and the portion of that property which was recently brought into the Town's boundaries by a boundary line adjustment with Prince William County has no zoning designation. In preparation for execution of a lease between FW and Prince William County, the Town has been asked to zone the entire FW property to allow the proposed park on it and to allow future utility use whenever the lease terminates.

Mr. Crim said draft text for the zoning district has been proposed by FW and revised by him.

Mr. Crim recommended that Council refer the matter to the Town Planning Commission for a joint public hearing.

Vice Mayor Quist moved to recommend referral to Planning Commission to schedule a joint public hearing on the matter; seconded by Ms. Bush. Ayes: All, by voice vote.

### **8 B. Rivertown Overlook, Plat Recordation**

Mr. Reese said although the land development for the subject site commenced, and has since become dormant, such was done without the subdivision and easement plat being recorded. He said now the owner desires to take the plat to record, which requires an updated plat, deed of subdivision and easement, formation of an HOA, and a tri-party agreement for maintaining the sidewalk within the right of way of Ellicott Street. He said a bond was posted and is still active, but it should be updated with a new surety agreement for land disturbance.

Vice Mayor Quist moved to approve the Rivertown Overlook plat of subdivision and dedication prepared by Holmes Smith, upon final review and approval by staff and contingent on the developer submitting appropriate deeds for approval by Town Attorney as to form, submitting documents forming an Homeowners Association for maintenance of the appropriate improvements for approval by the Town Attorney as to form, submitting a tri-party agreement for maintenance of the public sidewalk for approval by the Town Attorney as to form, and submitting an updated Performance Bond in the amount of \$48,420, along with a current surety Agreement; seconded by Dr. Walbert. Ayes: All, by voice vote.

### **8 C. Occoquan Heights Bond Reduction Request**

Mr. Reese reported the construction of the Occoquan Heights townhouse subdivision off Washington Street has been proceeding. He said the developer has asked for a reduction of the surety currently posted to reflect the land development activities accomplished to date.

Mr. Crim said the developer needs to produce a Landscape Bond.

Vice Mayor Quist moved to approve reducing the Performance Bond from \$489,476.56 to \$97,900; posting a Landscape Escrow of \$36,785 (no reduction) and reducing the Erosion Escrow from \$59,512.64 to \$12,500 and further move that the Bond Reductions are contingent upon posting of the Landscape Escrow; seconded by Dr. Walbert. Ayes: All, by voice vote.

### **8 D. Virginia Stormwater Management Program (VSMP)**

Mr. Reese said last year Town Council agreed to allow Prince William County (PWC) to administer their VSMP operations. He said that at that time, if so chosen by the Town,

the County had no choice in whether they would take the Town's program. He reported legislation (SB423) passed this year and signed by the Governor on March 24, 2014, gave PWC the option of whether they will take the Town's program. He said the Town Council now needs to make the decision of whether to opt in and administer the program on our own, opt out and allow DEQ to administer the program, or ask PWC if they would be willing to take the program.

Dr. Walbert moved for the Town to "opt in" to the Virginia Stormwater Management Program (VSMP) and direct staff to develop an implementation plan to be utilized in administration of the program; seconded by Vice Mayor Quist. Ayes: All, by voice vote.

#### **8 F. Additional Banner Brackets**

Chief Levi reported during the March 2014 Town Council meeting, the purchase of 20 banner brackets was approved along with 40 banners to be placed on the gas lamps in the Town's historic district. He said each bracket set included two brackets, and it was thought this would be sufficient for the 40 banners utilizing one of the two brackets at the top of each banner and then securing the lower part of the banner with a plastic tie wrap. Upon installation it was decided to use two brackets per banner (top and bottom), due to aesthetic reasons. To purchase the 20 additional sets of brackets to complete the banner installation would be \$1,180.00.

Vice Mayor Quist moved to approve the \$1,180 to purchase 20 sets of brackets from Mosca Design to complete the banner installation in the Town's historic district; seconded by Dr. Walbert. Ayes: All, by voice vote.

#### **8 G. Spring Arts & Crafts Show Security/Traffic Detail**

Chief Levi said the Occoquan Arts and Crafts Show Committee suggested the Town investigate using Virginia Department of Transportation (VDOT) Certified flaggers for traffic direction during the Spring Arts and Crafts Show and compare their cost with the cost of using all law enforcement officers (LEO) as has been done since the Town lost the Virginia Defense Force (VDF) in the Spring of 2013.

He said the cost for using the combination of LEOs and AWP's would be \$13,606.50 and using all LEOs would be \$8,280.00.

Dr. Walbert moved to approve using only LEOs for the two days during the Spring Arts and Crafts Show at the cost of \$8,280.00; seconded by Mr. Sivigny. Ayes: All, by voice vote.

#### **8 H. Set Public Hearing for Fiscal Year 2014-2015 Budget**

Mayor Porta said each year, the Town Council and staff develop a proposed budget for the following fiscal year. This year, Town Council reviewed the proposed budget during a budget work session on Tuesday, April 22, 2014. The public hearing is requested to afford Occoquan residents with an opportunity for public comment.

Vice Mayor Quist moved to advertise the FY 2015 Operating Budget showing revenues at \$522,839 and expenses of \$505,296; seconded by Dr. Walbert. Ayes: Bush, Walbert, Quist, Sivigny and McGuire.

Vice Mayor Quist moved to set the public hearing date for the fiscal year 2014-2015 budget on Tuesday, May 27, 2014, and further moved for the Town Clerk to be directed to advertise the notice of Public Hearing for May 27, 2014; seconded by Mr. McGuire. Ayes: All, by voice vote

### **8 I. Set Public Hearing for FY 2014-2015 Tax Rates**

Following discussion, Vice Mayor Quist moved to advertise the real estate tax rate for FY 2015 as \$0.12 per \$100 per assessed value; seconded by Ms. Bush. Ayes: Walbert, Quist, Sivigny, McGuire and Bush by roll call.

Dr. Walbert moved to advertise the transient occupancy tax rate for FY 2015 as 2%; seconded by Mr. McGuire. Ayes: Sivigny, Quist, Bush, Walbert and McGuire by roll call.

Dr. Walbert moved to advertise the meals tax rate as 2% for FY 2015; seconded by Vice Mayor Quist. Ayes: Sivigny, McGuire, Bush, Walbert and Quist by roll call.

Vice Mayor Quist moved to advertise the FY 2015 Mamie Davis Account showing revenues of \$2,000 and expenses of \$2,000; seconded by Dr. Walbert. Ayes: Sivigny, McGuire, Bush, Walbert and Quist by roll call.

Vice Mayor Quist moved to advertise the FY 2015 Craft Show Budget showing revenues of \$210,000 and expenses of \$90,000; seconded by Dr. Walbert. Ayes: McGuire, Bush, Walbert, Quist and Sivigny by roll call.

Vice Mayor Quist moved to advertise the FY 2015 CIP budget showing revenue of \$0 and expenses of \$1,640,000; seconded by Dr. Walbert. Ayes: Sivigny, McGuire, Bush, Walbert and Quist by roll call.

Vice Mayor Quist moved to set the public hearing date for the Tax Rates in Support of Budget on Tuesday, June 17, 2014, and further moved for the Town Clerk to be directed to advertise the notice of Public Hearing for June 17, 2014, seconded by Mr. McGuire. Ayes: All, by voice vote.

### **9. Closed Session**

Vice Mayor Quist moved that the Council convene in closed session to discuss as permitted by Virginia Code Section 2.2-3711(A)(1) a personnel matter involving compensation of a Town employee, and as permitted by Virginia Code Section 2.2-3711(A)(3), a matter involving acquisition of real property for public purposes. Dr. Walbert seconded. Ayes: all by voice vote.

The Council came out of closed session at 10:12 p.m. Ms. Quist moved that the Council certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Dr. Walbert seconded. Ayes: Sivigny, McGuire, Bush, Walbert and Quist by roll call.

Dr. Walbert moved to award Town Sergeant and Chief of Police Sheldon Levi a \$2,000 monetary award in recognition of his performance as acting Town Manager for the Town of Occoquan from June 2013 to April 2014; seconded by Vice Mayor Quist. Ayes: All by voice vote.

#### **10. Adjournment**

The meeting adjourned at 10:13 p.m.

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Peggy Blackwell, Town Clerk