



**OCCOQUAN TOWN COUNCIL**  
**Regular Meeting Minutes**  
**Town Hall - 314 Mill Street, Occoquan, VA 22125**  
**Tuesday, June 3, 2014**  
**7:00 p.m.**

**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, Mr. Brill 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**

Mr. Barry Dean (456 Overlook) spoke on the status of the Occoquan River Communities (ORC) "Friend of the Occoquan" license plate and said between now and mid-January they must have 450 paid license plate applications in order for it to be approved, which he thinks is achievable. He asked if an update on the status of the license plate project could be included in the Town's July newsletter.

**4. Approval of Minutes**

Vice Mayor Quist moved to approve the minutes of the May 7, Regular Meeting with minor revisions; Dr. Walbert seconded. Ayes: All, by voice vote.

**5. Staff Reports**

**Report of Town Engineer:** Mr. Reese reported there were five land disturbance reports - Occoquan Heights, Vistas of Occoquan, Rivertown, Gaslight Landing and 124 Poplar Alley.

Mr. Reese reported that Fairfax County Board of Supervisors Vulcan Quarry Comprehensive Plan Amendment vote is taking place late afternoon on this date.

Mr. Reese reported zoning approvals at 303 Commerce Street for change of use, and Occoquan Heights 8 through 14 for occupancy permits. He also reported a real estate sign violation at Berrywood and a tentative approval of a deck and fence at 1427 Occoquan Heights.

**Report of Town Attorney:** Mr. Crim reported the NRA property acquisition will be discussed in closed session and that the due diligence period has expired. With regard to the River Park, he reported that he has been in contact with the attorney at Fairfax Water Authority on the draft comments. He also reported that he has reviewed the

Rivertown Overlook's by-laws and they are adequate. Rivertown Overlook still needs to address the sidewalk maintenance agreement issue and the ball is in their court now.

Mr. Crim reported he has consulted with the Town Treasurer regarding sending a letter to the new owner of Pink Bicycle Tea Room for the meals tax money still owed.

Mr. Crim reported that the Virginia Grill's site plan remains valid until June 30, 2017. He also announced that Christopher Hardy has been reappointed to the Board of Zoning Appeals for another five year term ending January 30, 2019.

Mr. Sivigny asked about the status of the hazardous trees at Occoquan Heights and if there is anything else the Town can do. Mr. Crim reported the Town is holding the Landscape Bond. It was agreed that litigation discussion will be in closed session.

In response to a question regarding the noise ordinance, Mr. Crim responded that violations are Class 1 misdemeanors. This issue will also be discussed in closed session.

**Report of Town Manager:** Ms. Barr reported the banners in the historic district will be removed before the Spring Arts and Crafts Show to make room for vendor tents. She said all banners, including banners on Commerce Street, will be back up the week following the craft show.

Ms. Barr noted that the website is fully functioning and we are in the process of changing all business cards, signage, etc. to reflect [www.OccoquanVA.gov](http://www.OccoquanVA.gov). She also noted new welcome signs at Mom's Apple Pie and at Mamie Davis Park will be installed the next day.

Ms. Barr said all merchants have been provided a letter regarding Fox 5 ZipTrip's live broadcast on Friday, June 6. She said Fox 5 will begin set up at 4:30 a.m. and encouraged everyone to come out and support this event.

Ms. Barr said that curb painting will be discussed at the July work session meeting.

**Report of Chief of Police:** Chief Levi reported that he sent his report out earlier under separate cover.

**Report of the Treasurer:** Ms. Breeding reported Cash has increased \$12,200 over last year and Total Assets has increased \$20,400 over last year. She also reported Total Income has increased \$34,700 relative to last year. She noted the Craft Show transfer is included in the increase. She noted Total Expense has increased by \$36,900 relative to last year. She said the variance includes the new signs and banners.

She reported Coffee House is one month behind in Meals Tax and Pink Bicycle Tea Room is seven months behind.

**Craft Show Report:** Ms. Thomas reported as of June 3, there were 31 merchants, 16 food vendors, 42 commercial vendors and 227 crafters signed up for the Spring Show.

Ms. Thomas said total expenses to date was \$39,166, but she still is waiting on the invoice from *Washington Post*. She also said a deposit was made that day in the amount of \$13,087. A total of 337 spaces were sold for this show to date.

## 6. Council Member Reports

Mr. Sivigny, Mr. McGuire, Ms. Bush, Dr. Walbert and Vice Mayor Quist had no reports.

**Architectural Review Board Report:** Ms. Seefeldt reported that at their last meeting on May 13, one sign was approved (12525 Gordon Blvd. - Woodlee Terrace). She also noted a Special Meeting was held on May 28, to approve a sign for 301-C Commerce (Peony Lane).

## 7. Mayor's Report

Mayor Porta reported the following activities during the month of May:

- 5/9 - Prince William Area on Aging Annual Picnic
- 5/9 - Attended Discover Prince William & Manassas Travel and Tourism Week Event
- 5/15 - Attended Boys & Girls Club Dinner
- 5/17 - Attended OMRA Blessing of the Fleet
- 5/24 - Met with Town Resident regarding Bed & Breakfast
- 5/24 - Attended Skip Pearson Jazz Foundation Event at Westminster
- 5/26 - Provided Bus Transportation for Wounded Warrior "Ride 2 Recovery" Event
- 5/29 - Attended Leadership Prince William Runway Reception Event
- 5/29 - Attended PW Soil and Water Conservation District Award Event

## 8. Regular Business

### 8A. Kieley Court Preliminary Site Plan

Mr. Reese said a preliminary site plan for two single family detached units at 430 Mill has been submitted and reviewed by staff and the appropriate outside agencies. He said since the preliminary site plan meets current Town Code, he recommends approval.

Dr. Walbert said the Planning Commission reluctantly recommends approval to the Town Council and stated that this plan has no regard for the Town.

Vice Mayor moved to approve the Preliminary Site Plan, dated March 26, 2014, prepared by Freeland Engineering, PC, last signed by Todd Philipp on March 28, 2014, seconded by Mr. McGuire. Ayes: Sivigny, McGuire, and Vice Mayor Quist. Nays: Dr. Walbert and Ms. Bush by roll call. **Approved 3-2.**

Mayor Porta explained that he wished to note for everyone in attendance at the Town Council meeting that it is his personal belief that all the Town Council members are likely conflicted about the preliminary site plan. It is his belief that they all would prefer not to see houses erected that block the view of Rockledge Mansion, but that at this stage of the land use process all of those who voted for approval of the Preliminary Site Plan likely did so out of the belief that there is no legal basis for denying approval at this time. He reminded those in attendance that a number of additional requirements will need to be met for the project to consummate completed – this is only the Preliminary Site Plan stage.

### **8 B. Virginia Stormwater Management Program (VSMP) – Zoning Text Amendment and Fee Schedule**

Mr. Crim said that in order to remain in compliance with state and federal laws requiring reductions in nutrient pollution to the Chesapeake Bay, the Town needs to adopt a new ordinance regulating non-point source pollution from site runoff. His recommendation is to initiate a Zoning Text Amendment by referring the issue to the Planning Commission for drafting, public hearing and adoption of an ordinance based on the model ordinance form the Virginia Department of Conservation and Recreation (DCR). He said, in addition, the Town will need to modify its fee schedule to incorporate fees, a portion of which must be transferred to DCR, to offset the expense of plan review under the new ordinance.

Mr. Reese said he concurs with the Town Attorney's recommendation to initiate a Zoning Text Amendment, but also recommends Council appoint the Town Manager as the Town's VSMP Administrative Officer for interaction with DEQ as necessary, allowing the Manager to appoint a second person responsible in the Manager's absence. He said, in addition, he recommends the Town collect the entire fee for VSMP review and inspections, and then provide the state mandated fee to DEQ.

Vice Mayor Quist moved to refer the adoption of a VSMP ordinance and associated fee schedule to the Planning Commission for consideration and drafting, and request that the Planning Commission schedule a joint public hearing with the Town Council for adoption of the VSMP ordinance and fee schedule; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

Vice Mayor Quist moved to have the Town Manager be appointed as the VSMP Administrative Officer, to carry out those duties as assigned by the state and as needed by the Town to fulfill the requirements for the VSMP; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

Vice Mayor moved that the Town Manger be given the authority to appoint a second person to act as the VSMP Administrative Officer, in the absence of the Town Manager; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

Vice Mayor moved to allow the Town to collect the full VSMP review fee and forward that portion required by the State to DEQ, in accordance with policies set by DEQ; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

**8 C. Town Fee Schedule**

Mr. Reese said the Town Council last reviewed and updated the Town's Engineering Fee Schedule in August of 2006. The proposed fee schedule reflects more accurate costs associated with each activity, eliminates items that are no longer required and adds new categories and associated fees.

Vice Mayor Quist moved to approve the proposed revised fee schedule as presented; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

**8 D. Fence Request - 1421 Occoquan Heights Court**

Mr. Iwan, homeowner, requested a fence be approved over the drainage easement on his property located at 1421 Occoquan Heights Court. The house has a drainage easement on the side that requires the Town Council approval to erect a fence. The Town Code states that a fence may be erected, upon approval from the Town, as long as the Town is not responsible for repairs due to access or maintenance requirements.

Mr. McGuire moved to grant permission for the homeowner at 1421 Occoquan Heights Court to erect a fence as shown on the sketch provided by the homeowner that meets Town Code requirements on the condition that the Town will have necessary access to the easement and that the Town may remove or demolish all or part of the fence at any time that it determines, in its sole and absolute discretion, that doing so is necessary or beneficial to the Town, and under no circumstances will the Town be responsible for replacement, repair or maintenance of the fence; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

**8 E. Entry Sign Replacement for Tanyard Hill Road and Gordon Boulevard**

The Town Manager said the Town has been working with Signarama to replace and update Town of Occoquan signage throughout the Town. The second phase includes replacement of signage at the corner of Gordon Boulevard and Commerce Street and at the intersection of Tanyard Hill and Old Bridge Roads in the amount of \$8,505.40. The signs are proposed to be in a "v" style, allowing a more visual presence for vehicles approaching from either direction.

Vice Mayor Quist moved to approve the purchase of two "v" signs from Signarama including all materials and installation in the amount of \$8,505.40; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

**8 F. Holiday Wreath Replacement**

The Town Manager said the Town hangs lighted holiday wreaths on Dominion poles throughout the Town. The current wreaths were originally purchased between 1992 and 1994 and due to age and exposure, the condition of the wreaths have deteriorated beyond repair. She said the wreaths have a life expectancy of 10 to 15 years. She recommends the purchase of 40 replacement lighted holidays wreaths from Mosca Designs.

Vice Mayor Quist moved to approve the purchase of 40 replacement lighted holiday wreaths from Mosca Designs and approve the vinyl bow option in an amount not to exceed \$14,000; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

### **8 G. Organizational Structure**

Mayor Porta said that in an effort to encourage organizational efficiency, this resolution confirms the Town Manager's supervisory role as it relates to the Town staff and establishes an organizational structure that supports the Town Manager's oversight and responsibility of all Town activities.

This resolution does not impact the Town Sergeant's ability to exercise operational discretion in the performance of his duties associated with law enforcement.

Dr. Walbert moved to adopt the Resolution confirming the position of Town Manager as supervisor of Town Staff and also move to accept the proposed organizational structure as presented; seconded by Mr. McGuire. Ayes: Sivigny, McGuire, Bush, Walbert and Quist by roll call. **Approved 5-0.**

### **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)(3), a matter involving acquisition of real property for a public purpose, and as permitted by Virginia Code Section 2.2-3711(A)(7) intellectual property and enforcement matters requiring advice of counsel. Dr. Walbert seconded. Ayes: all by voice vote.

The Council came out of closed session at 9:11 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.

### **10. Adjournment**

The meeting adjourned at 9:12 p.m.



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Kirstyn Barr, Town Manager