

**JOINT PUBLIC HEAR OF THEE OCCOQUAN TOWN COUNCIL AND OCCOQUAN
PLANNING COMMISSION**

December 3, 2013

6:30 p.m.

Present: Mayor Porta, Vice-Mayor Quist, Council members Bush, McGuire, Sivigny, and Walbert, Mr. Crim, Ms. Breeding, Chief Levi and Ms. Blackwell.

Planning Commission Members: Dr. Walbert, Ann Kisling, Jim Drakes, Leo Smith and Cindy Chapman

Mayor Porta opened the joint public hearing at 6:30, stating that the purpose of the public hearing was to solicit comments with regard to the selection and adoption of either Version A or Version B of a Proposed Ordinance to Amend the R-3 Zoning District to Loosen the Restrictions on Decks; and the Adoption of an Ordinance to Amend Section 66-360 of the Code of the Town of Occoquan, Virginia, to Address Lighted Vending Machines in both the Historic and Business Districts.

Discussion of Deck Ordinance: Brenda Seefeldt and Debra Cruz spoke in opposition to the proposed deck ordinance, and Leo Smith and Vicky Somma spoke in support.

OCCOQUAN TOWN COUNCIL

Regular Meeting

Town Hall – 314 Mill Street

December 3, 2013

Present: Mayor Porta, Vice-Mayor Quist, Council members Bush, McGuire, Sivigny, and Walbert, Mr. Crim, Ms. Breeding, Chief Levi and Ms. Blackwell.

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

Citizen's Time: Leo Smith (326 Overlook Drive) discussed three items: 202 Commerce Street (Occoquan Coffee House), regarding helping the business owner understand the outstanding meals tax owed the Town; stating that the business owner at 202 Commerce Street has successfully repaired the drainage problems that she was cited for in previous months; stated that he and Mr. Ragland are ready to repair the town docks and the cost would not exceed \$1,500.00.

Tyler Brown (1605 Sebring Court) said he feels the added police patrolling is wasteful spending, and indicated that he supports the proposed changes to the deck ordinance.

Consent Agenda: Vice Mayor Quist moved to approve the minutes of the November 12, with one minor correction; Dr. Walbert seconded. Ayes: All, by voice vote.

Report of Town Attorney: Mr. Crim reported the power pole relocation easements for Gaslight Landing and Mamie Davis Park have been completed. He also reported that a meeting has been scheduled (December 9) with the Town Engineer, himself and VDOT regarding the

BB&T ATM, which is on Town property. VDOT takes the position because this is in the right-of-way, they have the authority to tell us we can't put the ATM there. He said with regard to the Occoquan Heights and DR Horton advertising issue, he believes it has been straightened out. Mr. Crim said he doesn't have any ideas on ways to inform the public with regard to a developers marketing on their websites for decks. He said this will always be an issue.

Vice Mayor Quist moved to suspend the rules and move up on the agenda "Deck Ordinance Change," seconded by Dr. Walbert. Ayes: All, by voice vote.

Deck Ordinance Changes: Council members discussed the original basis for the adoption in 2005 of the current rules with regard to decks, changed circumstances since that time, the impact of court decisions on town attempts to regulate development, frustration over the actions of developers like D.R. Horton in designing and marketing townhouses for decks despite existing deck restrictions, the impact on homeowners of errors by prior building officials, the desire of newer residents for decks, the impact on property values of more permissive rules with regard to decks, the impact on existing subdivisions of ordinance changes, and the role of the Town Council in addressing resident desires as a result of changed circumstances.

Dr. Walbert reported that the Planning Commission recommended approval of Version B of the proposed Deck Ordinance. Mr. McGuire moved to adopt Version B of the proposed Deck Ordinance with the word "unroofed" changed to "uncovered"; seconded by Ms. Bush. Ayes: Bush, McGuire, Walbert and Quist; Nays: Sivigny.

Ms. Quist moved to suspend the rules and move up on the agenda "Vending Machine Ordinance," seconded by Dr. Walbert. Ayes: All, by voice vote.

Adoption of an Ordinance to Amend Section 66-230 of the Code of the Town of Occoquan, Virginia to Address Lighted Vending Machines in the Historic District: Dr. Walbert said the Planning Commission voted to recommend to the Town Council adoption of the amended ordinance.

Mayor Porta expressed a general desire to avoid imposing additional regulations on town residents and businesses, but noted that Ms. Bush had confirmed in proposing the ordinance that it would not affect any existing businesses, and as far as she knew, would not conflict with the anticipated plans of any businesses.

Ms. Bush wanted to add to the language of the ordinance that we include the entire "business district" also.

Mr. Crim said that if we add this language it would need to be advertised and have a Public Hearing. It was suggested that we adopt the original language now and pursue adding additional the additional language at a later date if so desired.

Ms. Bush made a motion to approve the adoption of the Vending Machines in the Historic District as approved by the Planning Commission, seconded by Vice Mayor Quist. Ayes: Sivigny, McGuire, Bush, Walbert and Vice Mayor Quist.

Deer Hunt Request: Mayor Porta said the River Ridge Retirement Community were concerned about the over population of deer, deer mangling fences and gardens, etc. They were going to contact Fairfax Water to see if they could have an authorized deer hunt on Fairfax Water's property. The Westminster Community contacted the Mayor because they were against this and they wanted to know if Occoquan as a community would support them in raising objections to this. He said he promised he would put it on the Town Council agenda for discussion. In the meantime, the subject has become moot since Fairfax Water has denied River Ridge's request to authorize the hunt.

Banners on Gaslights/Poles: Mayor Porta said that some folks would remember that he and Ms. Bush have always been proponents of putting banners on the gaslights and poles similar to what other towns have done. He said the Town Staff (Chief Levi and Ms. Blackwell) suggested we put up Town banners and/or flags during each season. They have volunteered to put together a mock-up design to be presented to the Town Council and the ARB for their suggestions and/or approval for Spring banners on power poles. The Town staff would contact Dominion Power for their approval for placing the banners/flags on their poles.

Mayor's Report: Mayor Porta noted that the Occoquan Historical Society (OHS), based on a recommendation several years ago from an architectural consultant, was investigating the need for a new roof on the Mill House Museum. Mayor Porta noted that he sits on the board of OHS and informed OHS that any replacement of the roof would have to be approved by the Town Council since the Town owns the building. He also indicated to OHS that he could not represent OHS on this matter before the Town Council, and that someone else on its board would ultimately need to do so. In the meantime, however, he requested that the Town Council authorize the Town Engineer to examine the roof of the Mill House to make a determination as to whether or not roof replacement was needed and should thus be considered in the next Capital Plan budget if so requested by OHS. The Town Council concurred without objection.

Mayor Porta noted that during the recent special election he assisted two town residents because they did not have a 22125 zip code, and were initially denied the opportunity to vote in the special election by election officials at Occoquan Elementary School. He has been in contact with the Electoral Board to work on identifying the small group of residents who could potentially be affected in the future as a result of similar zip code issues. The Electoral Board will work with the Acting Town Manager to confirm town boundaries and make the necessary corrections in Electoral Board records. He is aware of at least one other resident who encountered this difficulty during the recent special election and has been in contact with them. The end result of the special election was not affected by these difficulties.

Consistent with the most recent meeting on the Strategic Plan, Mayor Porta proposed a series of six public input meetings on the Strategic Plan for the first three months of calendar year 2014. The proposed dates and times are designed to enable business owners and residents the opportunity to attend at least one meeting at a time that is convenient for them. Meetings will be held at various locations in town with light refreshments. With the Town Council's concurrence he plans to ask the Strategic Planning Committee to identify a member who will present an overview of the plan at each of these meetings. The Town Council concurred.

The Mayor reported on the following events at which he represented the town:

11/13 – Dillingham Square Ribbon Cutting
11/16 – Old Bridge Santa Parade
11/17 – Staffed Turkey Trot 10K of the Lake Ridge Ridge Runners
11/18 – Gave a presentation on Occoquan history to the John Alexander Chapter of the DAR
11/22 – Guild Open House and Town Tree Lighting
11/22 – Met with students from Stratford University
11/23 – Gave tour to GU and American U students from a Native American Club
12/1 – Town Blessing

Council Reports: Messrs. Sivigny, McGuire, Bush and Quist had no reports. Dr. Walbert wanted to report next week there would be an official Planning Commission meeting after many months of not having any business brought before the Commission.

Treasurer's Report: Ms. Breeding reported Cash has increased \$16,000 over last year and Total Assets have increased \$17,000 over last year. She reported that Total Net Income has decreased by almost \$59,000 made up mainly of the CIP expenses of the Town Truck and new computers. She also reported that Ordinary Income is down \$10,000, due to an increase in Grounds and Maintenance expenditures.

Ms. Breeding reported the current Meals Tax Delinquencies: Occoquan Coffee House is four months past due and Sugar Buzz and Pink Bicycle are three months past due.

Ms. Breeding wanted to mention the Craft Show net figures from the September show were \$60,900 and she estimates by year end the net would be closer to \$59,400 due to salaries. Ms. Quist and Mayor Porta noted that the result of this was that the net revenues from the last Craft Show did not exceed that of prior shows, as previously reported. Instead, the show was actually lower in net revenues than in prior years. Council members discussed that this difference in net revenues reported from one council meeting to the next seems to be a common occurrence, with the actual results generally coming in lower than originally reported. Ms. Breeding noted that one factor in this instance was a late \$4,000 advertising bill from the Washington Post, which Ms. Thomas had repeatedly contacted the Post about only to be told no bill was outstanding. Noting the importance of the net revenues from the show, the Mayor and Town Council asked the Craft Show Committee to review the show's finances during the coming months.

Chief Levi suggested a meeting be scheduled with the Council Craft Show Liaison, Craft Show Director, Treasurer, Vice Mayor Quist and Acting Town Manager, to discuss how financials are being tracked and any other financial questions that staff may have.

Acting Town Manager's Report: Chief Levi said he distributed his Manager's report and does not have any other items to report.

Mayor Porta said he would like to address the subject of Prince William Police patrolling in Occoquan, which has been raised by some residents. He noted, in particular, that while some are complaining about the increased use of Prince William Police recently, others at Council meetings have not only supported the increased police presence, but have asked for its expansion. He noted that financially it is clearly the most efficient option available to the town during the period of Chief Levi's service as Acting Town Manager. One issue he indicated did concern him was the town's inability to obtain any statistics on the enforcement activities of the

contracted Prince William Police. With the full concurrence of the Town Council, he asked Chief Levi to obtain informational shift reports from the contracted police officers.

Vice Mayor Quist said with the holidays approaching and added vehicle and foot traffic in Occoquan, it is comforting to know that we have an increased police presence in Town.

Town Park Update: Mayor Porta said we have a site plan that has been submitted by Fairfax Water, which is being reviewed. In the meantime, Fairfax Water has asked if they would be able to start the process of getting the County permits for demolition. They would like to get this expeditiously done.

Mr. Crim said that Fairfax Water wants to move forward quickly. He said normally we would approve a site plan before permitting, but there is no new construction, just demolition. He said he has had a conversation with the County engineer, and he indicated he can sign off on the demolition as long as we have reviewed the E&S plan. Mr. Crim said he and the County engineer had crafted a resolution that would permit simultaneous processing of Fairfax Water's demolition permit and site plan so long as Fairfax Water provides assurances satisfactory to the Town Engineer that environmental protections will be in place.

Mayor Porta said at the most recent meeting with Fairfax Water and the County, Fairfax Water had shown him 90 percent drawings and the current timeline calls for the removal of the tanks to start in May and for the Park to be fully completed and available to us in January 2015.

Dr. Walbert moved to approve the resolution to support simultaneous processing of the demolition permit application and the site plan application for Fairfax Water, seconded by Ms. Bush. Ayes: Sivigny, McGuire, Bush, Walbert and Quist.

Gaslight Landing Bond Release Inspection Report: Chief Levi said that he received a copy of Freeland Engineering's Inspection Report for our informational purpose. The Town has hired Freeland Engineering to perform the inspection. It was noted the developer still needs to have items finished before leaving this project.

Mayor Porta suggested that we contact Gaslight Landing's HOA President regarding Freeland's Inspection Report. Chief Levi stated this has already been done via e-mail.

Mayor Porta wanted to welcome Joe McGuire as the new Council member to the Town Council.

Personnel Matters

Mayor Porta moved to go into closed session to discuss the following, as permitted by Code § 2.2-3711(A) (1), personnel matters.

When the Council reconvened, Vice-Mayor Quist moved that the Council, in the closed session just concluded, discussed nothing except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Seconded by Dr. Walbert. Ayes: Mr. Sivigny, Mr. McGuire, Ms. Bush, Dr. Walbert, Ms. Quist.

The meeting adjourned at 8:59 p.m.

Peggy Blackwell
Peggy Blackwell, Town Clerk