

**OCCOQUAN TOWN COUNCIL MEETING
TOWN HALL - 314 MILL STREET
October 1, 2013**

6:30 p.m. – Joint Public Hearing

Present: Mayor Porta, Vice-Mayor Quist, Council members Bush, Dean, Sivigny, Walbert
Planning Commission: Acting Chairman Walbert, Mr. Levi and Ms. Blackwell

Mayor Porta opened the joint public hearing at 6:30, stating that the purpose of the public hearing was to solicit comments to consider an ordinance to move its elections for mayor and town council from the first Tuesday in May to the general election date in November beginning with the 2014 election cycle. Currently, the Town Charter provides for May elections. State law provides that the Town Council may adopt an ordinance to move the election date to the general election date in November (the first Tuesday after the first Monday in November).

The Prince William County Board of Elections has asked the Town Council to adopt this change in the election date. Before doing so, the Town Council wishes to hear the views of the citizens of the Town of Occoquan. If the Town does move the election date to November, the elections will remain in even-numbered years. There would be no town elections in May 2014 and the terms of members in office as of June 30 (the normal last day of their terms) would continue until the November 2014 elections.

It was noted that the local issues would get mixed in with the general elections if the Town voted to approve changing the elections. It was also noted that we would lose our uniqueness and moving the elections would get rid of the community feel.

Mayor Porta closed the public hearing at 6:44 p.m.

**OCCOQUAN TOWN COUNCIL MEETING
TOWN HALL – 314 Mill Street
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Minutes**

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

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

Citizens' Time: Mr. Ryba wanted to discuss the deck ordinance, noting that his property is just 3 inches sort of the distance required to build a deck, even under the two proposed changes to the relevant ordinance.

Consent Agenda: Dr. Walbert moved to approve the minutes of the September 3, 2013, Vice-Mayor Quist seconded. Ayes: All, by voice vote.

Mayor Porta said that the “Park Status Update” will come off the agenda because a meeting between the Mayor, Fairfax Water, and Prince William County will be taking place next week.

Vice Mayor Quist moved to suspend the rules and move up on the agenda “Dominion Power Easement Request,” “Report on the Craft Show,” a portion of the Economic Development Discussion,” the “Review of Ordinance on Decks” and the “ARB Report”; seconded by Dr. Walbert. Ayes: All

ARB Report: Ms. Seefeldt said that the ARB has created a Riverfront Sign Application. She stated that an exterior elevation application was submitted for 408 Mill Street. She stated that a demolition application was presented for 404 McKenzie but the applicant withdrew the application upon realization that he did not have power of attorney for the property.

Craft Show Report: Mayor Porta commented this past Craft Show was one of the best in recent memory. Ms. Thomas reported that the total preliminary income was \$104,234.47. She said expenses were 37,351.84. It was noted that most bills have come in, but this was the initial calculation after the Show. She noted that the profit after expenses should be approximately \$65,000. She also said that there were 28 new crafters at this Show.

Mayor Porta suggested that the Craft Show Committee go out and obtain five new non-jewelry crafters, or something similar, to help with the special marketing of the upcoming 45th anniversary suggested by the Craft Show Director.

Dominion Power Easement Request: Mr. Mark Granville-Smith, of Gaslight Development LLC, has requested the Town of Occoquan provide Dominion Power with a 20 foot by 10 foot easement to place a new power pole at the Mill Street corner of the property boundary of Mamie Davis Park and the Gaslight Landing Condominium Property. This easement request is in the interest of public safety and will eliminate the two existing poles currently in Mamie Davis Park. He said Gaslight Development has had further discussions with Verizon and Comcast Cable regarding their willingness to vacate the existing power pole within Mamie Davis Park. Mr. Crim asked to have a letter of agreement with the Town of Occoquan and Gaslight Development LLC to outline all the principles and timeframes.

Economic Development Discussion: Mr. Smith of 136 Overlook Drive and Chris Ragland, GM of Carefree Boat Club earlier had volunteered to do some community engagement activities. In particular, they had agreed to pursue improvements to the Town pier suggested by Mayor Porta. These include replacing the bumpers, cutting in the ladders to minimize damage from boat docking, and removal of old, unused electrical wiring. Mr. Smith said they have chosen October 19 as a potential date to conduct the repairs on the Town Dock. They would like to come back at a later date with pricing.

Mayor Porta suggested October 26 could be a better date, and asked Mr. Smith to submit pricing by October 19 so he could present it to the Joint Town Council and Strategic Planning Committee, which will be meeting on October 22.

Review of Ordinance on Decks: Mr. Crim said he has provided the Council with two versions of an ordinance to change the restrictions on decks. He said they are identical except on page two. Version A states *that each main building shall have a rear yard of at least 20 feet*. He states that you have to have at least 20 feet from the furthest edge of your deck to the nearest property line. Version B states *that each main building shall have a rear yard of at least 20 feet of which no more than 10 feet may be occupied by an unroofed deck*. If you walk out your front door and its 20 feet to the back of your property line, you can build an unroofed 10 foot deck. If you have more than 20 feet then you can build a bigger deck as long as you have 10 foot of unsecured back yard.

Dr. Walbert asked does unroofed deck mean. The definition is that the deck needs to be open to the sky.

Mayor Porta expressed concern about the situation confronted by Mr. Ryba. According to the zoning ordinance, all units in Mr. Ryba's subdivision must have at least a 20' rear yard. Yet, if he understands correctly, Mr. Ryba was denied a deck because his rear yard is a few inches less than 20', which would indicate that the house itself was in violation, yet had nevertheless been approved. By definition, it would seem, Mr. Ryba should be permitted to have a deck. The Town Engineer, Bruce Reese, indicated that these issues of inches sometimes occur and normally the inspector is flexible.

Mayor Porta asked the Town Attorney to describe the appropriate next steps with regard to the proposed ordinance changes.

Mr. Crim said that action at this meeting would be to initiate the Zoning text amendment by referring either Version A or Version B or both to the Planning Commission.

Dr. Walbert moved to refer Version A and Version B to the Planning Commission, seconded by Vice Mayor Quist. Ayes: All by voice vote.

Economic Development Discussion (Continued): Mayor Porta said at the last Joint Meeting of the Town Council and Strategic Planning Meeting, it was suggested by Mr. McGuire that spending some money on studies might be warranted; i.e. space studies. Mayor Porta stressed that he would like the job description itself to be very specific with regard to first year goals. Mayor Porta also suggested that once the draft job description has been written, it then be sent out through an RFI (Request for Information) process (a recommendation made to him by a town resident), where we actually have people come back to tell us what they think of the position.

Mr. Dean said the job description still needs some work. Ms. Bush said that we should be doing a marketing study concerning potential businesses for the town and a marketing study on branding. Vice-Mayor Quist said that we need to do some sort of name branding movement. She said it could be in a form of advertising to figure out what sparks entrepreneurial interest in the area. Also, she said we should select one or two major projects that the Strategic Planning Committee recommended to use as a test, and to use those as a gauge of the Town's interest.

Ms. Lee-Merrow suggested we select one major project to bundle with a Strategic Plan announcement and see what the reaction of the Town would be. One of the projects suggested for the kick off would be the new Park. This could involve a ribbon-cutting ceremony. Ms. Dean said that with respect to a space survey, she would be hesitant to invest any kind of money in that because there that kind of information is available through the County. She did say, however, that she felt a marketing study concerning businesses and branding is a good idea. She was still thinking along the lines that an economic development person would be valuable because of their expertise various studies, which they could spearhead. Ms. Dean noted that in the Strategic Plan there are first year goals and the Town could start there and modify those goals.

Ms. Dean said the Strategic Planning Committee has met with particular individuals with the specific skill sets for this Economic Development Position who do not require a six figure salary.

Mr. Dean thinks we should go ahead and do a market analysis. Mr. Sivigny said he doesn't think there is enough support in the community for an economic development office or person. Mayor Porta has reservations about bringing someone on at this time in the economic development role. He does not think there is support among Town residents, and believes that funds would be better spent addressing some of the precursor issues that would provide necessary information for economic development. He disagrees with Ms. Dean's suggestion that adequate space information is available from the county, since it is not a matter of simple square-footage in existing buildings, but rather their condition as well. That is why he is asking about precursors.

Mr. Dean asked what the alternative is. Do we put together more committees to do things relating to economic development or figure it out on our own? What is the alternative to putting together a job description, and going ahead with the interview process? We should at least see if we can find a competent individual who may be a benefit to the Town. We just can't keep relying on volunteers.

Mayor Porta said he wants to avoid hiring an economic development director, and then after a year find that the person has done what a lot of economic development directors have done, meet with lots of people and groups, and then assert the need for more studies. Concrete results are critical.

Vice Mayor Quist said that we should take a few precursor steps and try to develop a marketing and branding plan. She said these are all good steps to take regardless if we hire an economic development director or not. At the conclusion of taking these steps, we would be able to determine if hiring someone would be in the Town's best interest.

Mr. Dean suggested that we change the name from economic development director to something else.

Mayor Porta said that we should set the goal at the next Joint Meeting of the Town Council and Strategic Planning Committee on October 22 to finish the job description and performance measures for the first year. Then the next step would be to advertise an RFI and complete some

rudimentary cost and market analysis, and then brainstorm what we want to call this economic office/director position.

Town Engineer's Report: Mr. Reese reported that he did notify DEQ and Prince William County that we would like PWC to be responsible for administering the relevant new storm water regulations program required by law. It was requested that Mr. Aveni receive the Town's certified minutes of September 3, 2013 meeting. Mr. Reese also reminded the Council that TEG will be cleaning out the old site plans, etc. at the Town's Annex, if this is what the Town still wants. He said he has issues with the BB&T kiosk requiring a site plan, which triggers review by outside agencies. If the Site Plan Ordinance were less restrictive about requiring site plans for any development within the Historic District, then the small change proposed by BB&T could have been approved administratively. He said the kiosk sits in a VDOT right of way. When TEG received the site plan, they needed to send it to VDOT and now are concerned that VDOT could say "no" to a concept the Town has previously supported. He does not think it will be an issue with VDOT, but TEG is required to send them a copy of the site plan. One possible outcome of the VDOT review is that VDOT may ask for a copy of the license agreement between the Town and BB&T that gave BB&T the right to have a kiosk on the right of way (Town's property). Mr. Crim will send Mr. Reese the BB&T lease for his information and see if this is good for BB&T.

Mr. Reese said he met with the Vistas of Occoquan regarding the sidewalks on Ellicott Street and they will now send us a new revised site plan for approval. TEG is still going back and forth with the Vistas engineer and VDOT to make sure the sidewalk will be easy to maintain and is as safe for wheelchairs as possible, given the existing steep slopes.

Mr. Reese said at Berrywood there are 8 foot drops in the foundation. He said this is a safety hazard and asked Chief Levi to put something like a barrier around the 8 foot drop. Mr. Crim said that the Town could be responsible if someone gets hurt. Mr. Reese was directed to draft a letter and send it to Mr. Crim, who will then notify Mr. Berry, who is the developer, about the need to remedy the situation.

Attorney's Report: Mr. Crim reported that he signed all the paperwork for the Boundary Line Adjustment with the County and sent it back to the Assistant County Attorney. He said he expects this to be filed this week or next. He said he wanted direction regarding registration of trademarks for the Occoquan Arts and Crafts Show and related terms.

The Town Council determined that it would like Mr. Crim to file for the trademark. Mr. Crim will file the necessary paperwork, which gives the Town nationwide protection. Mr. Crim noted that the registration fees are \$200.00.

Dr. Walbert moved to have the Occoquan Arts and Crafts Show trademark registered, seconded by Vice Mayor Quist. Ayes: All by voice vote.

Mayor's Report:

Mayor Porta reported that the Northern Virginia Regional Commission has circulated to relevant jurisdictions a draft MOU regarding support of the Potomac Heritage Trail. The agreement does not require any financial commitment. After comments are received, a final version will be submitted to the relevant jurisdictions for signature.

Mayor Porta reported on his attendance at the following events in his capacity as Mayor:

9/14 – O.W.L. 75th Anniversary Dinner

9/21 – Riverfront Rehabilitation Projects Day

9/23 – Presentation to Lorton/Occoquan Rotary Group

9/26 – Operation CAUSE meeting with Vice-Mayor Quist

9/26 – Provided a Walking Tour of Town to Spotsylvania Visitors Center Group

Council Reports: Mr. Sivigny, Ms. Bush, Dr. Walbert and Vice-Mayor had nothing to report.

Mr. Dean said at the last meeting we were notified of an effort underway which is spearheaded by Kristyn Gleason to have Occoquan region license plates issued. She has two members of the Virginia House of Delegates willing to carry the project forward in the General Assembly. Ms. Gleason is a member of the Occoquan River Communities (ORC) Board of Directors and at the last meeting she briefed the ORC Board, who have decided to take this on as an activity and push it along to make it a reality.

Treasurer's Report: Ms. Breeding reported cash increased \$82,000 over last year. She said more Craft Show vendors are paying earlier. She also reported that Legal & Professional Fees were \$4,600 lower than last year. She stated that net income is down \$15,000 from last year. She also reported Net Ordinary Income is \$7,000 above Budget.

Delinquent Meals Tax – Occoquan Coffee House = 2 months past due, Pink Bicycle = 6 months past due, Sugar Buzz = 2 months, M.J.'s Ice Cream = 1 month, and Occoquan Inn/Virginia Grill is on schedule with its payment plan.

It was directed that a third party lien letter for Pink Bicycle be drafted and sent to Mr. Crim for his approval.

Acting Town Manager's Report: Chief Levi noted that his report was in the meeting packets. Mayor Porta asked that the Acting Town Manager move expeditiously to sell the Town vehicles. Chief Levi said he needs to assess how to sell the vehicles. He said he will confer with Mr. Crim on the correct steps to auction the vehicles.

Chief Levi stated in the meeting packet there is a flyer from Nixle which is the first professional grade mass communications system allowing law enforcement to communicate directly with a geographically specific portion of the community at no cost for the basic service. He said we would assign two individuals from the Town to send messages out to the community, whether by email or text (most probably himself and the Mayor). He did say that text messaging seems to hold up very well under emergency situations.

Chief Levi said at the last meeting the Town Council mentioned revisiting using occasional random police patrols by the County officers. He said he can set this up and the cost would be \$35.00 an hour for personnel dedicated to the Town. Mayor Porta said he had asked Chief Levi to bring this up on a continual month-to-month basis. He has seen the cut-through traffic becoming a problem on Tanyard Hill during the morning and evening rush hour. Ms. Bush also mentioned concerns over the lack of a police presence during evening hours for merchants who

are closing. Mr. Dean moved to have police patrol three days a week in four hour increments beginning now, seconded by Ms. Bush. Ayes: All by voice vote.

Chief Levi said Computer Doctor, the company that is redesigning the Town's website, has requested photographs of the Mayor, Town Council and Town staff to put up on the website. He said that Boyd Alexander is willing to take the professional pictures. Mr. Alexander will come a few minutes early at the next Town Council meeting to take the necessary photographs.

Review of Ordinance on Election Date Change: Mayor Porta said the Town has advertised the Ordinance in the newspaper, by emails, in the Occoquan newsletter and also held a Public Hearing on this Ordinance.

Mr. Dean moved to approve the Ordinance on Election Date change, seconded by Vice-Mayor Quist. Dr. Walbert wanted the Council to know that this is another way that the Town loses some of its identity. He feels very awkward voting to extend his term on the Council for six months. Mr. Sivigny concurred with Dr. Walbert's comments.

Ayes in a roll call vote: Mr. Dean and Vice-Mayor Quist. Nays: Mr. Sivigny, Ms. Bush and Dr. Walbert. (Ordinance Fails 3-2)

Snow Removal Contract: Chief Levi said that the Town's current landscaper, E.R. Stone, does snow removal and has given him a proposal for snow removal. He said he would like to go out for bid to a few more companies to see how competitive E.R. Stone is and will provide bids by the next Town Council Meeting.

Due to the Election Day on November 5, the Town Council decided to switch the next Town Council meeting date with the Architectural Review Board meeting date. The ARB will meet on November 5, 2013 and the Town Council will meet on November 12, 2013.

Town Hall Hours of Operation: Chief Levi said that he wanted to discuss the Town Hall Hours of Operation. He said since he has extended the hours of operation on August 1, 2013, only four people have come into Town Hall. Mayor Porta noted that the prior Town Manager had always closed Town Hall at 3:30 so that she could work the remainder of the work day without interruption. The fact that there has been little post 3:30 use of Town Hall could thus be attributable to a variety of factors, including the limited time it has been open beyond 3:30. Most importantly, the issue is really not how many people use Town Hall at those hours, but the parameters of a normal, expected work day for government services. Mayor Porta indicated that he thinks a government office should be open until 5:00 p.m. Vice-Mayor Quist insisted that she, as well, thinks a professional office like Town Hall should be open until 5:00. It was the consensus of the Council to keep the Town Hall open until 4 p.m. until further notice.

Demolition Application for ARB – Chair Seefeldt said the ARB is expecting a demolition permit request, as required under Town ordinances, and does not feel competent to make decisions pertaining to demolition.

Mayor Porta and Mr. Crim noted that there is a process in place for the application to be sent first to the Zoning Administrator, who will then prepare a staff report for the ARB with

recommendations regarding the demolition application. Consequently, the ARB need not rely on its own expertise.

Personnel Matters (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 related to the position of Town Manager. Dr. Walbert seconded.

Ayes: All by voice vote (Mr. Sivigny temporarily absent and not voting). The Council went into closed session at 9:24 p.m.

The Council convened in open session at 10:05 p.m. Vice-Mayor 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. Seconded by Dr. Walbert. Ayes by roll call vote: Mr. Sivigny, Mr. Dean, Ms. Bush, Dr. Walbert, and Ms. Quist.

The meeting adjourned at 10:07 p.m.



Peggy Blackwell, Town Clerk