

OCOCOQUAN TOWN COUNCIL
Regular Meeting
Town Hall – 314 Mill Street
February 4, 2014

Present: Mayor Porta, Vice-Mayor Quist, Council members McGuire, Sivigny and Walbert.

Staff: Mr. Crim, Mr. Reese, Ms. Breeding, Chief Levi and Ms. Blackwell.

Absent: Council Member Bush

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

Citizen's Time: Mr. Smith (326 Overlook Drive) asked if there was any way to receive the minutes of the Town Council Meetings when out of town. Mayor Porta reported the new and improved Town website has been launched and all minutes from the previous year are on the website. As soon as meeting minutes are approved at each meeting, they will be added to the website for informational purposes.

Mr. Brown (1605 Sebring Court) said he noticed that the police cruiser was not parked in Town while the Acting Town Manager/Chief of Police was on vacation. Secondly, he said if the Town purchased a snow plow for the truck with a spreader, it could save the Town a lot of money and time by not having a snow removal contractor do all the road treatment work.

Ms. Deal said she is a member of the Board of the Occoquan Historical Society and a Board Member of the Planning Committee of the Occoquan Historical Society Gala. She said the Gala date is April 6 at Madigan's Waterfront Restaurant. She asked if the Town Council would support, once again, the Occoquan Historical Society Gala. The sponsorship levels are from \$1,000 to \$3,000. She did say the Town Council has been a supporter since 2007.

Vice Mayor Quist moved to approve \$1,500.00 sponsorship for the OHS Gala; seconded by Dr. Walbert. Ayes: All, by voice vote.

Consent Agenda: Vice Mayor Quist moved to approve the minutes of the January 7, 2014 Regular Meeting, Dr. Walbert seconded. Ayes: All, by voice vote.

Vice Mayor Quist moved to approve the minutes of the January 26, 2014, Special Town Council Meeting with one minor correction, Mr. Sivigny seconded. Ayes: All, by voice vote.

Vice Mayor Quist moved to approve the minutes of the January 28, 2014 Special Town Council Meeting with one minor correction, Mr. Sivigny seconded. Ayes: All, by voice vote.

Report of Town Engineer

Vulcan Quarry

Mr. Reese said he investigated the Fairfax County Special Use Permit hearing for the Vulcan Quarry, postponed until February 27. He thinks the concept was that Vulcan has been good neighbors and the Town may want to support what they are doing. The quarry pits, once the

mining is completed, will be converted to reservoirs for long term water storage. He said the second pit would not be available until 2085. Vulcan seems to be in favor of this SUP. The goal is to convert the mine pits to water storage. The first conversion will take place in 2035 and the second in 2085.

In addition, a separate SUP notification was sent on rezoning for the landfill. He said it appears they are going to make modifications to the landfill to do a couple of things. They want to create an array of solar panels on the completed landfill and also erect wind turbines, possibly as tall as 180 feet.

Mr. Reese said the reason the SUP was brought to the Town's attention is the wind turbines could be an additional 180 feet above the top of the landfill. Fairfax County staff believes the turbines will be clearly visible from the Town of Occoquan.

Mayor Porta said that the landfill operators had met with him recently. The current landfill is scheduled to close in 2018 and a park is supposed to be constructed on top. The landfill owner and Fairfax County, however, have not been able to reach agreement on liability issues associated with the resulting park. The owner is now asking to extend the use of the landfill for another 40 years. At the end of 40 years, they are proposing the installation of a green facility with solar panels, wind turbines, and educational facility, etc. According to their analysis, the turbines would not be visible from the historic district.

Mayor Porta said this was put on the agenda for informational purposes only and no action needed. The public hearing is scheduled for February 27.

Occoquan Heights

Mr. Reese reported that he sent an email to Elm Street Development regarding the dead trees and the need to take them down and replace them one for one. He said he followed up a few weeks ago by phone to push them to take action on removing the dying and dead trees.

Mayor Porta asked Mr. Sivigny to make sure to alert his HOA, which adjoins the parcel, that the developer is being required to remove the dead or dying trees. Mr. Sivigny indicated that he has done so.

BB&T Kiosk

BB&T has found a way to locate their kiosk outside the VDOT right of way by shrinking the kiosk almost in half. Mr. Reese said he will be recommending approval to the Planning Commission.

Fairfax Water Park Site Plan

Mr. Reese said he received an email that Fairfax Water was going to submit the site plan to Town Hall. They are also hoping for Planning Commission approval on February 11. He said the Town still needs to establish a zoning designation for the land. Fairfax Water wishes to ensure that if after 50 or 100 years the property reverts back to Fairfax Water that it will have the appropriate zoning for utility purposes.

VSMP

Mr. Reese said the draft regulations were sent to DEQ by the County on January 15. The Prince William County Planning Commission hearing is February 9 and they hope to go to the Board of Supervisors on March 11. To his knowledge no jurisdiction has passed a VSMP program yet.

Report of Town Attorney: Mr. Crim reported he is expecting comments from Fairfax Water's attorney regarding the relevant details necessary to establish an appropriate zoning designation for the park, but he is expecting a delay because their Chief Counsel recently left.

Mr. Crim mentioned that he reviewed and approved the Draft Budget Preparation Schedule for the fiscal year, which was prepared by Ms. Breeding.

He reported the Town put a lien on Pink Bicycle's bank account, but unfortunately there is not enough money in the bank to cover the lien amount. He said if Pink Bicycle is taking in money, they have a fiduciary responsibility to turn over collected taxes to the Town. The options that are available would be to file suit and get a judgment against them, or another opportunity would be to go after the corporate officers. He suggested drafting a letter to the officers of Pink Bicycle indicating that they are going to be personally liable for this debt.

Town Council instructed the Town Attorney to draft a letter to the corporate officers of Pink Bicycle.

Mayor's Report: Mayor Porta reminded the Town Council of the upcoming Strategic Planning Committee Community input sessions, and of the upcoming 5K run/walk in town on February 8. He also complimented Chief Levi and Mr. Brill on their preparation and actions during the recent inclement weather, noting the early and late hours they had spent in town. He also noted that he had received a complimentary letter regarding Chief Levi from a Manassas Police officer who Chief Levi had assisted. Mayor Porta indicated he would scan and email a copy of the letter to the Town Council. Mayor Porta also reported that the new town web site is up and operational.

Mayor Porta noted that he had participated in the following activities in his role as Mayor, since the last Town Council meeting:

- 1/9 – Strategic Plan Community Input Session
- 1/25 – Dale City Civic Association Awards Banquet
- 1/24 – PWCA Event
- 1/27 – Presentation on Occoquan to the Woodbridge Women's Club
- 1/29 – Met with the realtor for the Jennings Property
- 1/30 – Met with the new reporter for the Washington Post
- 1/31 – Attended the Craft Show Volunteers Appreciation Dinner
- 2/4 – Met with Jess Brindisi of Vulcan Materials and the owner of the landfill in Fairfax

Council Reports: Mr. McGuire, Dr. Walbert and Vice Mayor Quist had no reports. Mr. Sivigny reported he met with the Craft Show Director Ms. Thomas, who has resigned effective after the Spring Show due to relocating out of the country. She has recommended Ms. Best as her replacement as director.

Mr. Sivigny said Ms. Thomas has contacted the Comfort Inn and Hampton Inn, who are willing to give the Craft Show vendors a rate of \$99.00 per night with breakfast and a free shuttle ride to Occoquan. He also reported Ms. Thomas has contacted a VDOT authorized contractor who could direct traffic during the Show for less money than having police control the traffic.

Treasurer's Report: Ms. Breeding reported Cash has decreased \$33,500 from this time last year, but she said Liabilities have also gone down. She reported Legal and Professional Fees have increased \$8,400 compared to last year but we are a little bit better than budget. We have generated a marginal amount more income than we had expected by now and we are \$16,000 lower in expenses than expected.

Ms. Breeding reported Occoquan Coffee House is now up to date in Meals Tax but Pink Bicycle is 5 months past new and Sugar Buzz is one month past due.

Acting Town Manager's Report: Chief Levi said he has been working on the problem of the foul odor that has been emanating from around the bathroom and also drifting upstairs. He said he had a plumber come out who said it was an animal issue and then had Animal Control Solutions come in and inspect the areas of the smell, but nothing specific was found. He said he does not wish to start opening any walls because of the possibility of asbestos, which would require extraordinary mitigation procedures.

Salt/Spreader

Chief Levi believes that down the road it would be beneficial for the Town to buy a salt spreader. Having this salt spreader would be a stop-gap treatment remedy instead of calling in the snow contractor at a three hour minimum of \$95.00 an hour, when we only need to lay down some salt and sand at different areas around Town, i.e., McKenzie and West Locust.

The Town Council raised concerns that this piece of equipment when not in use would be housed outside the Annex. Chief Levi said Mr. Brill would have to make room to store this equipment.

It was recommended that Mr. Brill investigate the cost of renting storage units for items such as Christmas decorations, Craft Show items, etc., which would then free up space in the annex for larger items such as the street sweeper and a salt spreader. The cost could then be added into the FY 2015 budget.

ARB: Ms. Seefeldt reported there was no meeting in January. She reported that she asked the Appearance Committee to design a new sign at Mamie Davis Park and a sign at the entrance of the Town. She said they have produced a great sign and asked if the Town will approve the cost of the signs. It was recommended that they go ahead with the submission of the signs.

Ms. Seefeldt said to be a member of the ARB, you have to be a resident of the Town. She wanted to create a position that would be a merchant representative on the ARB who would not necessarily have a Town residency requirement.

Mr. McGuire asked how the selection process would work in selecting a merchant liaison representative. Ms. Seefeldt said the position could be a one-year; non-renewable term.

The Town Council said they would discuss this idea and get back to the ARB at a later date.

Ms. 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 consideration or interviews of candidates for employment or appointment and the salary or other compensation of the Chief of Police. Dr. Walbert seconded. Ayes: all by voice vote.

The Council came out of closed session at 9:46 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, Walbert, and Quist by roll call.

Dr. Walbert moved that the Town Council require as a matter of policy that the Chief of Police, in order to be adequately on-call for town duty, be required to commute to and from Town in the Town police cruiser whenever possible, but that the Town police cruiser not be used for personal business beyond commuting to and from work. Ms. Quist seconded. Ayes: all by voice vote.

The meeting adjourned at 9:48 p.m.

Peggy Blackwell, Town Clerk