



OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, August 5, 2014
7:00 p.m.

Present: Mayor Elizabeth Quist, Vice Mayor Pat Sivigny, Councilmembers Tyler Brown, J. Matthew Dawson, Jim Drakes and Joe McGuire

Staff: Kirstyn Barr, Town Manager; Martin Crim, Town Attorney; Sheldon Levi, Chief of Police; Bruce Reese, Town Engineer; Matt Williams, Assistant Town Engineer/Zoning Administrator

1. Call to Order

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

2. Pledge of Allegiance

3. Citizens' Time

Austin Rivenburg, 424 Fortress Way, expressed concern about the lack of crosswalks at key intersections in town including Ellicott and Mill Streets, and Washington and Mill Streets. Ms. Barr stated that she would contact the Virginia Department of Transportation (VDOT) to discuss what options are available to install crosswalks in town on VDOT owned streets. She stated that in her previous discussions with VDOT on this topic, they expressed concerns about installing crosswalks leading to sidewalks that are not ADA compliant.

Adam Smith, 302 Commerce Street, inquired when Council would discuss the issue of his property being as he didn't see it listed on the Town's agenda. Ms. Barr stated that it would part of the Town Engineer's Report.

It was moved to add an item to the agenda from the Occoquan Historical Society regarding permission to install gutters on the Mill House Museum to the agenda and further moved to move the report from the Architectural Review Board (ARB) up on the agenda.

A motion was made by Vice Mayor Sivigny, seconded by Councilmember McGuire, that the Action Item be approved. The motion carried by poll vote, unanimous.

Architectural Review Board Report

Brenda Seefeldt, Architectural Review Board Chair, reported on the July activities of the board, including the approval of exterior elevation applications for the Mill House Museum and a unit at Gas Light Landing.

Occoquan Historic Society (OHS) Gutter Request

Shar Kundu, President of OHS, requested Town Council approval of the installation of gutters on Town Hall. OHS completed the exterior elevations application process through the ARB and as part of the Town's lease with OHS for use of the building, OHS is required to obtain approval from the Town Council on modifications to the building. He further requested assistance from the Town in moving a guide wire and the museum's sign in preparation for the installation of the gutters.

It was moved to approve the installation of gutters by the Occoquan Historical Society.

A motion was made by Councilmember Dawson, seconded by Councilmember McGuire, that the Action Item be approved. The motion carried by poll vote, unanimous.

4. Approval of Minutes

It was moved to approve the minutes of the June 17, 2014 Special Meeting; June 24, 2014 Special Meeting; July 1, 2014 Regular Meeting; and July 9, 2014 Town Council Orientation as amended.

A motion was made by Vice Mayor Sivigny, seconded by Councilmember McGuire, that the Action Item be approved. The motion carried by poll vote, unanimous.

5. Councilmember Reports

Councilmember Brown stated he attended a meeting on July 14, 2014 with Debbie Switzer, Stormwater Compliance Specialist from the Department of Environmental Quality.

Councilmember McGuire reported on the July activities of the Planning Commission meeting, which included a review of the draft VSMP ordinance.

Vice Mayor Sivigny inquired on the status of the no-parking/loading zone in front of Mamie Davis Park. Ms. Barr stated that the spot will be converted once the bike racks are delivered and installed; she is currently working with former Mayor Earnie Porta to complete the project.

Vice Mayor Sivigny stated that after the recent restriping of road lines in town, he received concerns about the size of the parking spaces located on Mill Street and that the size of the spaces should be considered during the next restriping activity. Mayor Quist clarified that the space sizes did not change during the recent restriping.

6. Mayor's Report

Mayor Quist stated that she, along with the Town Manager, Town Engineer and Assistant Town Engineer Matt Williams, met with Prince William County (PWC) Public Works Director Tom Bruun and PWC Deputy County Executive Susan Roltsch on the

future river park project on July 22, 2014. In addition, she will attend and participate in the Meet the Mayors program hosted by the Prince William Chamber of Commerce on August 7, 2014 at Westminster.

7. Staff Reports

Report of the Town Attorney: Mr. Crim, Town Attorney, reported on the following activities:

1. The Town closed on the NRA property; Town now owns the property located on Tanyard Hill Road.
2. Continuing to work on draft lease for River Park with Fairfax Water and Prince William County.
3. Will provide final comments to property owner on August 6, 2014 in regards to Rivertown Overlook.
4. Continuing to work on Virginia Stormwater Management Program (VSMP) ordinance; it is on tonight's agenda, some adjustments may be necessary.
5. Developed a proposed ordinance in regards to the presence of the Town Treasurer at meetings (§1-124).
6. Issue concerning 302 Commerce Street encroachment will be covered under Town Engineer's report.
7. ADA deck issue at 114 Mt. High Street; included on tonight's agenda.
8. Received Comcast franchise renewal request; in the process of review. Comments and concerns should be provided to the Town Manager for consideration during this renewal process.
9. An issue concerning the Conflict of Interest Act was raised in regards to the Architectural Review Board; Mike Vanderpool addressed. Working with the Town Manager to schedule a COIA/FOIA meeting with Boards and Commission members.
10. Assisted the Town Manager in the development of candidate job offer letters.
11. Provided revisions to the Town Manager on the Town's Mamie Davis rental agreement.

Report of the Town Engineer: Mr. Reese, Town Engineer, reported on the following activities:

1. Land Disturbance Activity report:
 - a. Occoquan Heights
 - b. 124 Poplar Alley
 - c. Gaslight Landing
 - d. Vistas at Occoquan
 - e. Rivertown Overlook
2. Zoning Approvals:
 - a. 125 Mill Street - use change
 - b. 306 Commerce - use change

- c. 1421 Occoquan Heights Court - addition of deck
 - d. Lot 20 Occoquan Walk (114 Mt High Street) - deck in side yard (to be discussed later in tonight's agenda.)
3. 302 Commerce Street - Encroachment Issue
- Mr. Reese stated that this is a legal issue as the building encroaches into the public right of way. The applicant intended to remodel the building and add a second story to the current porch and add another floor for living space, all of which would have made that particular use more non-conforming. An option to address this issue is to vacate and sell the small portion of Commerce Street that is being encroached into to the property owner.

Mr. Crim stated that a previous Council had stated that the Town should be made whole for any property that they may be giving up. Licensing is an option as it gives the property owner permission to occupy the street and allows the Town to set terms, including insurance requirements and any other parameters that would protect the Town. There are two parts to the encroachment at 302 Commerce Street - there's the façade of the building itself and the front porch. One option would be to vacate the portion of the right of way to allow the building to be out of the right of way and then grant a license for the porch. This has the benefit of having the more temporary structure (porch) be something that could come down in the future if the Town decides they need to have that street. If the street is completely vacated, if it is decided that the Town needs that street again in the future, the property owner will have to be compensated by the Town. The advantage of the license is that it could be terminated at some point in the future if the need should come up.

Councilmember McGuire inquired how much of the façade was in the right of way. Mr. Reese stated less than two feet.

Mayor Quist asked what the impact was of licensing the porch and vacating the façade portion of the right of way on construction of the property. Mr. Crim stated that the addition isn't coming into the street, it's going up, so in relation to the non-conformity in the zoning ordinance, it will not have an impact. In the license, the Town could expressly state that they could build up to the height of the building, which could be a condition of the development of that property.

Councilmember McGuire inquired how the property value should be calculated should the Town choose to vacate a portion of the right of way. Mr. Crim stated that there are several methods to determine the value of the property: (1) appoint three viewers who are citizens of the Town to view the property and make a report to Council; (2) hire an independent appraiser to appraise the property and

set a value and (3) Council will make a determination of what they believe the value to be per square foot and set the value.

Councilmember McGuire inquired when the property was purchased. Mr. Adam Schmidt, owner of 302 Commerce Street, stated that the property was purchased in December of 2013. He further stated that he purchased it with the understanding that entire property was within his property line. He expressed a concern that if the Town had provided information on the existence of encroachments to the County, it would have been caught in the title search. Mr. Crim stated that he disagreed with that assumption and that it was a responsibility of his title company. Mr. Reese stated that the survey he saw showed the encroachment and that during the purchasing process Mr. Schmidt would have been provided with that survey. Mr. Schmidt stated that he was away on government business and the survey was not conducted by the title company until he had already closed on the house.

It was moved that staff be directed to develop a street vacation up to the façade based on tax assessment value and a porch license that would address the anticipated improvements at 302 Commerce Street.

A motion was made by Councilmember McGuire, seconded by Councilmember Dawson, that the Action Item be approved. The motion carried by poll vote, unanimous.

4. Occoquan Heights

Sent a Notice to Comply for erosion and sediment control issues from a recent storm at Occoquan Heights and Elm Street responded relatively quickly. Matt Williams, Assistant Town Engineer, has been working with Elm Street to ensure the necessary improvements were made.

Vice Mayor Sivigny questioned the appearance and stability of the site. Mr. Reese stated that they were asked to stabilize the site, and not necessarily regrade the site at this time. He further noted that he felt they acted in good faith to avoid the need for a stop work order.

5. Vistas at Occoquan

They are working on releasing their bond and are having to make modifications to their sidewalk and handicap ramp. They will escrow the value of the sidewalk and will use that escrowed money to construct the sidewalk once the Rivertown Overlook property is completed.

6. 160 Washington

Previously reported on having runoff issues at 160 Washington Street. The conclusion that has been reached is that this is an issue between two property owners and have advised the owners of this.

7. Fairfax County

- a. The landfill was denied by the Board of Supervisors who turned down both the proffer amendment and special exception. At this time, the expected life of the landfill is through 2019.
- b. Vulcan Quarry and Fairfax County Water Authority have approved the comprehensive plan amendment to convert the quarry into a future water source in the year 2080. Planning Commission has deferred the public hearing to October 1, 2014.

Vice Mayor Sivigny inquired into the status of the hazard trees at Occoquan Heights. Mr. Reese stated he has no additional information. Mayor Quist asked what the next step is regarding hazard trees. Mr. Crim stated that the short term tool is that if they create a hazard, then under the ordinance recently adopted, Town Council can require them to provide the Town with a plan to remedy the hazard. A staff report would need to be generated to support that assertion, and the Town Manager would be tasked with working with the property owner to address the issue. The long-range tool is the releasing of the bonds.

Vice Mayor Sivigny asked what we would need to do to move forward. Mr. Crim stated the staff would need to be directed to generate the report and whether or not the ordinance should be invoked by Council action.

Mayor Quist asked if that could be placed on a future work session agenda.

Report of the Town Manager: Ms. Barr, Town Manager, reported on the following activities:

1. Currently working to identify the ownership of a hazardous tree on Poplar Avenue behind Secret Garden.
2. Interested in obtaining uniforms for the maintenance supervisor and will be brought to Town Council in September for consideration after researching tax implications.
3. The Chief of Police has requested to attend the Annual Chiefs conference in Roanoke, VA for a total cost of \$750, which has been included in the public safety budget for this fiscal year. In accordance with travel policy, advanced approval from Town Council for travel is required.

It was moved to allow the Chief of Police to attend the Annual Chief of Police conference in Roanoke, VA in September 2014.

A motion was made by Vice Mayor Sivigny, seconded by Councilmember McGuire, that the Action Item be approved. The motion carried by poll vote, unanimous.

4. We expect to have the new entrance sign at Route 123 and Commerce Street installed by mid-August, prior to the September craft show.

Report of the Chief of Police: Provided Town Council with a report on public safety activities in July 2014.

Councilmember Brown expressed concern about traffic control issues and pedestrian safety at the intersection of Mill and Washington Streets. Mayor Quist and Councilmember Dawson noted that they have seen Chief Levi conducting traffic stops at the location recently. Chief Levi stated he works that area and will continue to do so.

8. Regular Business

8A. Request to Initiate Zoning Text Amendment to Address Ramps, Structures and Equipment for Emergency Services Access

It was moved to refer the Proposed Zoning Text Amendment to the Planning Commission for consideration of adoption and a joint public hearing.

A motion was made by Councilmember Drakes, seconded by Councilmember Brown, that the Action Item be approved. The motion carried by poll vote, unanimous.

8B. Request to Endorse Concept Plan and Project Schedule for River Park

It was moved to approve the River Park Concept Plan and the River Park Project Schedule, prepared by the Engineering Groups, Inc., dated July 30, 2014, as may be modified to accommodate construction issues as they arise.

A motion was made by Councilmember McGuire, seconded by Councilmember Dawson, that the Action Item be approved. The motion carried by poll vote, unanimous.

8C. Proposed Ordinance to Amend Section 2-124 of the Town Code, Treasurer Attendance at Town Council Meetings

It was moved to adopt the ordinance to amend Section 2-124 of the Town Code, generally relating to the duties of the Treasurer.

A motion was made by Councilmember McGuire, seconded by Councilmember Dawson, that the Action Item be approved. The motion carried by poll vote, unanimous.

8D. Request to Replace Meeting Recording System

It was moved to approve the purchase of replacement recording equipment in an amount not to exceed \$5,000 from CIP funding and direct the Town Manager to research and select the appropriate recording solution.

A motion was made by Councilmember McGuire, seconded by Councilmember Dawson, that the Action Item be approved. The motion carried by poll vote, unanimous.

8E. Request to set "Not To Exceed" Amounts for Fall Arts and Crafts Show

It was moved to approve a not-to-exceed limit of \$10,000 for advertising for the Fall 2014 Arts and Crafts Show.

A motion was made by Vice Mayor Sivigny, seconded by Councilmember McGuire, that the Action Item be approved. The motion carried by poll vote, unanimous.

It was moved to approve a not-to-exceed amount of \$2,000 to contract portable toilets for the Fall 2014 Arts and Crafts Show.

A motion was made by Vice Mayor Sivigny, seconded by Councilmember McGuire, that the Action Item be approved. The motion carried by poll vote, unanimous.

It was moved to approve a not-to-exceed amount of \$2,000 for trash collection and removal for the Fall 2014 Arts and Crafts Show.

A motion was made by Vice Mayor Sivigny, seconded by Councilmember McGuire, that the Action Item be approved. The motion carried by poll vote, unanimous.

It was moved to approve a not-to-exceed amount of \$700 to contract the rental of tables and chairs for the Fall 2014 Arts and Crafts Show.

A motion was made by Vice Mayor Sivigny, seconded by Councilmember McGuire, that the Action Item be approved. The motion carried by poll vote, unanimous.

It was moved to approve a not-to-exceed amount of \$9,500 to contract security for the Fall 2014 Arts and Crafts Show.

A motion was made by Vice Mayor Sivigny, seconded by Councilmember McGuire, that the Action Item be approved. The motion carried by poll vote, unanimous.

It was moved to authorize the Mayor to sign contracts related to the Fall 2014 Craft Show on behalf of the Town Council.

A motion was made by Vice Mayor Sivigny, seconded by Councilmember McGuire, that the Action Item be approved. The motion carried by poll vote, unanimous.

It was moved to approve the purchase three banners to be placed at Gordon Boulevard (Route 123)/Commerce Street, Washington Street/Commerce Street and Tanyard Hill Road/Old Bridge Road in an amount not to exceed \$800.

A motion was made by Vice Mayor Sivigny, seconded by Councilmember McGuire that the Action Item be approved. The motion carried by poll vote, unanimous.

9. Closed Session

Vice Mayor Sivigny 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 and appointment of particular officers or employees. Councilmember McGuire seconded. **The motion carried by poll vote, unanimous.**

The Council came out of closed session at 8:51 p.m. Vice Mayor Sivigny 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. Councilmember McGuire seconded. **The motion carried by roll call. Ayes: Sivigny, Brown, Dawson, Drakes, McGuire.**

It was moved to appoint Greg Holcomb to the position of Town Clerk with the Town of Occoquan, contingent upon the successful completion of a background check, and to direct the Town Manager to negotiate an employment contract.

A motion was made by Councilmember Dawson, seconded by Councilmember McGuire that the Action Item be approved. The motion carried by poll vote, unanimous.

It was moved to appoint Krista Forcier to the position of Craft Show Director with the Town of Occoquan, contingent upon the successful completion of a background check, and to direct the Town Manager to negotiate an employment contract.

A motion was made by Councilmember Dawson, seconded by Councilmember McGuire that the Action Item be approved. The motion carried by poll vote, unanimous.

10. Adjournment

Mayor Quist adjourned the meeting at 9:00 p.m.

Kirstyn L. Barr, Town Manager