

OCOQUAN TOWN COUNCIL MEETING
TOWN HALL - 314 MILL STREET
September 3, 2013
Minutes

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

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

Citizens' Time: Leo Smith asked that the minutes of the meeting of August 6, 2013, be corrected to indicate that he complimented the Town Council and Strategic Planning Committee on the Strategic Plan itself, but strongly opposed filling an economic development position.

Kristyn Gleason of Polka Dot Divas informed the Town Council that she had arranged for Sentara Hospital to bring a mobile mammogram vehicle to Occoquan on October 5, from 10:00 – 4:00. She noted that she was coordinating the parking of the vehicle with Mr. Levi with a view toward not taking up any legal parking spaces. Ms. Gleason also informed the Town Council that in excess of 20 town business owners had agreed to sponsor a Halloween parade on Saturday, October 26. She is coordinating with Mr. Levi a rolling closure of Mill Street for the event, which should last approximately 45 minutes. Mayor Porta asked what start time was envisioned. Ms. Gleason responded that they had set a tentative start time of noon. Mayor Porta speculated as to whether or not earlier, perhaps 10:00 a.m., would not better accommodate traffic and parking. Ms. Gleason, several residents in the audience, and Mr. Sivigny, expressed the belief that 10:00 a.m. would be too early. Ms. Bush requested 10:00 a.m. Mr. Dean asked Ms. Bush why she wished for a 10:00 a.m. start, and Ms. Bush responded that business owners would then be starting to open after the parade was finished. Mayor Porta asked for a straw vote show of hands as to the times preferred by Council members. Ms. Bush preferred 10:00 a.m. Mr. Sivigny, Mr. Dean, Dr. Walbert, Vice-Mayor Quist, and Mayor Porta preferred 11:00 a.m., and so recommended. Ms. Bush indicated that she would like Ms. Gleason to consult with Business Guild members. Ms. Gleason responded that a number of the businesses who were sponsoring the parade are Guild members.

Consent Agenda: Dr. Walbert moved to approve the minutes of the August 6, 2013, meeting, as amended to reflect Leo Smith's request. Vice-Mayor Quist seconded. Ayes: All, by voice vote.

Review of Ordinance on Decks: Dr. Walbert moved to suspend the rules and move up on the agenda the review of the ordinance on decks. Vice-Mayor Quist seconded. Ayes: All, by voice vote.

Several members of the public spoke in favor of modifying the town's ordinance on decks. Mr. Reese briefly reviewed the ordinance and noted that while decks are prohibited in certain circumstances, patios are not. Mayor Porta remarked that in briefly reviewing the history of the ordinance, he thought it appeared that the Council at the time (2005) may have been trying to preserve green space and to use the deck ordinance as part of a strategy to limit the proliferation of townhouses. The former rationale, he noted, seemed inconsistent with allowing patios, and

the latter was a battle that he felt had been lost through court action some time ago. As a result, he questioned the continued utility and fairness of the ordinance. He asked others who were on the council in 2005 if they could share some of the historical background. Leo Smith (in attendance as a member of the public) and Dr. Walbert, provided some historical context as to why the ordinance exists in its current iteration, noting in particular that when the ordinance was adopted after much discussion in 2005, the Town Council was attempting to reduce the proliferation of residential townhouse units with closely-adjacent decks, and also to preserve green space. Dr. Walbert noted that over time, long-time Occoquan property owners have sold and subdivided their properties in such a fashion as to cause the proliferation of such units regardless of the ordinance. Dr. Walbert also noted that over time inconsistent attention by prior town building officials had resulted in permits being issued for decks that violated the zoning ordinance, thus contributing to the difficulty surrounding the current ordinance. The Town Council directed the Town Attorney and Town Engineer to provide at the next meeting possible variations to the town ordinance that would be more permissive regarding decks.

Craft Show Status Report: Dr. Walbert moved to suspend the rules and move up on the agenda the Craft Show status report. Vice-Mayor Quist seconded. Ayes: All, by voice vote.

Pat Thomas briefed the Town Council on the upcoming Fall Craft Show, noting in particular the expenses obligated to date, the number of vendors, and the vendor breakdown by new vendor, returning vendor, food vendor, crafter, and commercial. Thus far 247 spaces have been rented, consisting of 150 crafters, 45 commercial vendors, 12 food vendors, and 39 others. Ms. Thomas reported that there are approximately a dozen new vendors.

Storm Water Management: Dr. Walbert moved to suspend the rules and move up on the agenda the Storm Water Management item. Vice-Mayor Quist seconded. Ayes: All, by voice vote.

After a briefing by Mr. Reese and discussion, Dr. Walbert moved that the Town Council direct Mr. Reese to inform Prince William County that the Town has decided have the County administer the relevant new storm water regulations and program required by state law. Mr. Sivigny seconded. Ayes: All, by voice vote.

Attorney's Report: Mr. Crim reported the Town Council and Planning Commission are being asked to consider an updated Comprehensive Plan, based on the previous one with some changes such as steep slopes being identified as 20% or greater. He said the petition for the Boundary Line Adjustment has been prepared with attachments, but his associate Kris Spitler revised it during his vacation and he is expecting a new version.

Mr. Crim requested a closed session on the issue of the Craft Show and its associated website. He also reported he has been working with Ms. Breeding and Ms. Blackwell on the BPOL tax audit and collection of meals taxes.

Town Engineer's Report: Mr. Reese reported, as requested by Town Manager, the Engineering Groupe (EGG) to confirm whether a building permit was requested for a change in use from commercial to residential for 309 Mill Street. He said the public hearing for the Comprehensive Plan update and fee for Zoning Administrator interpretations was postponed due to a lack of a

quorum for the Planning Commission. The Town Attorney is to draft an ordinance revision to allow flexibility for decks on townhouse lots. EGG to assist as needed.

The Council decided not to do their own stormwater management ordinances as allowed by state code. Prince William County will be responsible. EGG to notify the Department of Environmental Quality and Prince William County of the decision. The EGG is to forward a comparison of the current A-1 zone encumbering the Fairfax County Water Authority parcel, subject to the annexation by the Town, with the possible B-1 use in the Town. Also, EGG to investigate need to notify D.R. Horton of deck restrictions at Occoquan Heights. The BB&T kiosk upgrade will be required to submit a site plan, due to 46-3 (1) for "...any use or development in district B-1." EGG suggested considering a modification to that portion of the code to allow small changes, such as the kiosk for the ATM.

EGG suggested the plans in the Town Annex be reviewed and catalogued. The plans could be scanned if necessary. The plans being stored in the Annex would be subject to retention regulations of public documents.

Mayor's Report: Mayor Porta reported that he had participated in the following activities as Mayor since the last Town Council meeting:

August 8 – OHS Lecture on Old Colchester Dig

August 12 – Met with group of travel writers at Secret Garden Café courtesy of Discover PW&M (CVB)

August 17 – Attended Sea Scout christening ceremony at Leesylvania State Park

August 26 – Met with Craig Gerhart on consulting project

August 30 – Met with Fairfax Water and County personnel regarding Park Lease Term Sheet

He also reported that he had received a letter from VF&N, noting that their hourly rate was being increased from \$200 to \$206 per hour.

Council Reports: Mr. Sivigny reported that the Arts and Crafts Show Committee had met for a second time. He complimented Vice-Mayor Quist on the financial information she had reviewed with the Committee. He noted that items raised included the status of the show as a separate entity relative to the town (and its implications for contracts, etc.), and the free admission of nonprofits, including political parties. After discussion and commentary from the Town Attorney, the Council reconfirmed that the Craft Show has no separate legal identity from the Town and that contracts and other transactions associated with the shows need to follow the same processes as other town activities. In response to a question from Mr. Levi, it was also reiterated that while getting multiple bids is a "best practice," except with regard to conflict of interest provisions, the town is not covered by the bid requirements of the Public Procurement Act, and need not solicit multiple bids. The Town Attorney also cautioned against trying to exclude political parties. Mayor Porta reviewed the past activity with regard to political parties and noted that the rules adopted several years ago, which basically prohibit distribution of signs, literature, etc. outside of a booth, seem to have been working well and to have resolved previous issues. He also noted that the policy with regard to nonprofits seems ripe for re-evaluation. His understanding was that the few nonprofits allowed in the show were those that had been grandfathered (e.g. the Prince William Arts Society), those that were sponsoring or promoting an event in town (e.g. the Duck Splash), or those that were providing a service that day (e.g. vision

screening by the Lions Club). He had recently learned, however, that another group that was fundraising for a project outside of town had been admitted to the fall show, which seemed inconsistent with past policy and practice.

Mr. Dean had nothing to report.

Ms. Bush and Ms. Seefeldt reported on Appearance Committee and ARB activity. They noted in particular that they had received another request for signage adjacent to Mamie Davis Park, and had concerns about the proliferation of signage near Mamie Davis Park. Mayor Porta noted in his capacity as owner of the Farmers' Market (previously run by the now-defunct OMA), he saw no need for the Farmers' Market sign near the park and authorized its removal. Ms. Bush referenced the possibility of the town considering installing a more robust promotional sign near the annex entrance to town.

Dr. Walbert expressed his intention to nominate Bryan Reese for appointment to the Planning Commission.

Vice-Mayor Quist had nothing to report.

Treasurer's Report: Ms. Breeding reported cash on hand has increased by \$87,000 over last year, and total assets have increased by \$109,000. Through the month of July, net income is approximately \$4,600 above budget and expenses are approximately \$2,400 above budget.

Ms. Breeding reported that Occoquan Inn/Virginia Grill is abiding with the meals tax payment plan and should soon be caught up. The Pink Bicycle Tea Room is five months behind, Sugar Buzz is three months behind, and the Coffee House is one month behind. The relevant letters will be sent.

Acting Town Manager's Report: Chief Levi noted that his report was in the meeting packets.

Resolution on "Day to Serve": Mr. Levi introduced a resolution on service recommended by the Northern Virginia Regional Commission and adopted by other local jurisdictions. Dr. Walbert moved its adoption. Vice-Mayor Quist seconded. Ayes: All, by voice vote.

Election Date Change: Mayor Porta noted that he had not received any email comments on the proposed election date change. Mr. Crim confirmed that the change could be done by ordinance. The Town Council agreed to advertise a public hearing on the proposed change on October 1, and to follow that with a vote at the October 1 Town Council meeting. Mr. Crim was directed to draft the relevant ordinance.

Draft Job Description for Economic Development Director: Mr. Dean and Vice-Mayor Quist presented the draft job description for a potential Economic Development Director. The Town Council agreed to review the document and to be prepared to discuss it at the next Joint Meeting of the Town Council and Strategic Planning Committee, which is scheduled for September 24.

Personnel Matters (Closed Session): Vice-Mayor Quist moved that the Town Council convene in closed session to discuss, as permitted by Virginia Code section 2.2-3711(A) (7), consultation with legal counsel regarding personnel matters. Dr. Walbert seconded. Ayes: All, by voice vote.

The Town Council reconvened in open session at 10:19 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. Dr. Walbert seconded. Ayes in a roll call vote: Sivigny, Dean, Bush, Walbert, and Quist.

The meeting adjourned at 10:20 p.m.



Peggy Blackwell, Town Clerk

