



**OCCOQUAN TOWN COUNCIL**  
**Regular Meeting Minutes**  
**Town Hall - 314 Mill Street, Occoquan, VA 22125**  
**Tuesday, June 2, 2015**  
**7:00 p.m.**

**Present:** Mayor Elizabeth A.C. Quist, Vice Mayor Pat Sivigny, Councilmembers Joe McGuire, J. Matthew Dawson, Jim Drakes and Tyler Brown.  
Staff: Kirstyn Jovanovich, Town Manager; Bruce Reece, Town Engineer; Chief Sheldon Levi, Town Sergeant/Chief of Police; Karen Cohen, Town Attorney; Greg Holcomb, Town Clerk.

**Absent:** None

**1. Call to Order**

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

**2. Pledge of Allegiance**

**3. Citizen's Time**

None

**4. Approval of Minutes**

Councilmember Drakes requested that in the April 28, 2015 work session meeting minutes, Section 2, Fiscal Year 2016 Budget Work Session, in the last paragraph, that the word "consensus" be changed to "without objection."

Vice Mayor Sivigny asked for clarification in May 5, 2015 regular meeting minutes. He requested that the Engineer's Report, section "I" be changed from, "Mr. Reese stated that the developer has acknowledged our concerns" to "Mr. Reese stated that the developer has acknowledged that we have concerns; however, no action has been taken by the developer."

Vice Mayor Sivigny requested that in the April 28, 2015 work session meeting minutes, Section 2, Fiscal Year 2016 Budget Work Session, second paragraph, that "to include community programming and business outreach" be amended to read "to include River Mill Park programming."

It was moved to approve the amended minutes of the April 28, 2015 Council Work Session Minutes, May 5, 2015 Council Meeting Minutes, and the May 19, 2015 Work Session Minutes.

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

**5. Council Member Reports**

Councilmember Brown reported that he met with Kirstyn Jovanovich, Town Manager, to discuss a Transurban grant opportunity. He noted that he applied for a grant with Transurban.

### 6. Mayor's Report

1. On May 7, 2015 the Mayor, Town Manager and Assistant Town Engineer met with Fairfax Water Authority to discuss River Mill Park's turn over to the Town. Fairfax Water Authority also showed time lapse photography of the deconstruction of the site. The Mayor noted that the Town is working on getting these images onto the website and is working with Fairfax Water Authority to continue taking the photos while the new construction takes place.
2. On May 14, 2015, met with the Town Manager and Northern Virginia Regional Commission on public input for the community Comprehensive Plan and zoning update.
3. On May 18, 2015, attended Board of Zoning Appeals training with Town Staff and BZA members. She found the training very beneficial.
4. Met with the Town Manager and Discover Prince William to discuss positioning the Town within their literature as well as parking and signage for the Visitors Center.

### 7. Staff Reports

**Report of Town Attorney:** Karen Cohen representing Mr. Martin Crim, Town Attorney, reported on the following activities:

1. Craft Show Banners - Sent a letter to opposing counsel on May 8, 2015 and haven't heard anything back.
2. Houghton appeal to the Kiely site plan - Spoke today to Steve Bamberger, who represents the BZA. He agreed to notify him when a hearing is scheduled. With the council's consent, a short notice will be filed with the BZA indicating that the town's position is that this is not a matter for the BZA.
3. BZA ordinance amendment- Working on an ordinance to update portions of the Town Code dealing with BZA procedure to meet current Virginia Law. In light of the substantive changes taking effect July 1, of this year, this seems to be a good time to do that.
4. Public Art Project MOU - Ms. Jovanovich and I spoke twice about this and I've assigned it to Todd Levy to prepare a draft.

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

1. Land Disturbance Report:
  - a. Fairfax Water River Station tank demolition
  - b. Occoquan Heights
  - c. Gaslight Landing
  - d. Vistas at Occoquan
  - e. Rivertown Overlook

2. Approved two decks in Occoquan Heights.
3. Reviewing potential code changes due to VSMP ordinance and Chesapeake Bay ordinance.
4. Occoquan Heights bond release not moving any faster than last reported. The final bond release is unknown.
5. Fairfax County Supervisors are voting on the Vulcan Quarry rezoning today.
6. River Mill Park Update:
  - a. Fairfax Water Authority anticipates turning the park over in mid-June with limited access while grass is growing. They are also removing the barbed wire, however, a portion will remain on their fencing.
  - b. The structural consultant is working with VDOT on the pedestrian bridge modifications.
  - c. Initial bidding for Phase II came back higher than budgeted. Mr. Williams met with bidders to cut costs; new bids will be in by June 10, 2015.
  - d. Phase II site plan pushed back to finish bidding of Phase I.
7. Vice Mayor Sivigny asked about whether an arborist has come out to look at the Occoquan Heights hazardous trees. Mr. Reese verified that the arborist has come out and presented a report that was similar to the last report. Ms. Jovanovich stated that the Town is going to send the report to the developer and request that the situation be corrected.
8. Mr. McGuire asked what facilities were being protected by the barbed wire fencing at River Mill Park. Mr. Reese stated that it is considered to be protecting the dam itself and the water supply. Mayor Quist stated that she and the Town Manager are still working on getting the barbed wire removed.

**Report of Town Manager:** Ms. Jovanovich, Town Manager, reported on the following:

1. She noted that the Town has been in communication with the VFW regarding Business, Professional, and Occupational License tax they owe. Mr. Crim also has noted that the Town cannot waive owed taxes going back five years. Vice Mayor Sivigny stated that he has been in communication with the VFW as well and they were surprised that they owed any taxes because of their nonprofit nature.

Mayor Quist stated that Ms. Jovanovich has done additional research regarding other communities and how they collect Meals Tax for similar types of organizations. She has found various communities who collect Meals Tax from veteran's organizations. Mayor Quist stated that this has been an issue for well over a year. She noted that the exemption status must be provided by the organization and thus far they have not shown how they are exempt.

Mr. McGuire asked how far we are required to go back to collect delinquent taxes. Mayor Quist stated five years.

Vice Mayor Sivigny asked the Town Attorney to research if we can exempt all nonprofit organizations in the future.

2. Craftshow update - The last meeting had inaccurate figures for Spring 2014; we are projecting better than last year. She further noted that we have limited service vendors so the income figures reflect that decrease.
3. The Town issued seven ARB violations, Pink Bicycle is delinquent for April Meals Tax. The Town had 117 businesses file for new licenses, 29 businesses are delinquent or out of business. There are still nine delinquent property owners that involve five parcels, five of those properties are delinquent for multiple years. The total delinquency is \$4,971.
4. River Road is being prepared to be repaved next week. The contractor is waiting for asphalt. There was not an agreement reached with property owners to pave the private parking area. She further noted that at the end of the street a new fence will go up with some green space behind it, in an attempt to end some of the illegal parking.
5. There has been a preliminary agreement reached with the property owner for the public art project. Photos have been chosen. The fence line needs to be cleaned up to proceed.
6. A sign will be placed at the end of Mill Street to explain what is going in at River Mill Park. The conceptual design of the park will be shown.
7. An arborist is coming out to look at the tree in front of the lemonade stand. The roots are lifting the bricks and causing a safety hazard. If it is deemed that the tree needs to be removed, we will see if there is a possibility to replace with a street appropriate tree.
8. The Clerk and Town Manager will have VSMP training later this month.
9. Reminder that the Planning Commission training will be on June 11, 2015.
10. Ms. Jovanovich was appointed to the Keep Prince William Beautiful Board.

Mr. McGuire stated that he was uncomfortable with telling residents that they have to wait until 2016 to enter the new park. Ms. Jovanovich stated that there may be some safety issues due to the construction of the restroom facility, front entrance way, and the footbridge modifications. Mr. Reese stated that accommodations could be made if the Council wished to open the park early.

**Report of Chief of Police:** Chief Levi provided a report on public safety activities during May 2015.

Vice Mayor Sivigny commended Chief Levi on his stop sign compliance enforcement.

#### **Boards and Commissions:**

**Architectural Review Board Report:** Ms. Seefeldt, Chair stated that there was no meeting for May.

#### **8. Regular Business**

**8A. Request to Adopt an Ordinance to Amend Chapter 58 of the Town Code, Relating to the Tax on Food and Meals Served in Food Establishments or by Caterers**

It was moved to approve the ordinance to amend Chapter 58 of the Town Code, relating to the tax on food and meals served in food establishments or by caterers.

**A motion was made by Vice Mayor Sivigny, seconded by Councilmember McGuire that the Action Item be approved. The motion carried by poll vote, passing 4-1, with Councilmember Brown voting Nay.**

**8B. Request to Adopt an Ordinance to Amend Chapter 2 of the Town Code, Relating to Duties, Powers and Functions of Town Building Official**

It was moved to approve the ordinance to amend Chapter 2 of the Town Code, relating to duties, powers and functions of the Town Building Official.

**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. Request to Award Landscaping Contract, RFP 2015-001.**

It was moved to award the landscaping contract, RFP 2015-001, to Virginia Lawn Service in the amount of \$12,765, for a one year term effective July 1, 2015 through June 30, 2016, and may be renewed annually for up to three years.

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

**8D. Request to Purchase Work Order System**

It was moved to approve the request to purchase Maintenance Edge work management system for \$2,540 from the FY 2015 CIP fund.

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

**9. Closed Session**

No closed session.

**10. Adjournment**

The meeting was adjourned at 7:58 p.m.

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Greg Holcomb, Town Clerk