



**OCCOQUAN TOWN COUNCIL**  
**Regular Meeting Minutes - DRAFT**  
**Town Hall - 314 Mill Street, Occoquan, VA 22125**  
**Tuesday, June 6, 2017**  
**7:00 p.m.**

**Present:** Mayor Liz Quist, Vice Mayor Pat Sivigny, Councilmembers Matthew Dawson, Jim Drakes, and Cindy Fithian

**Absent:** Councilmember Joe McGuire

**Staff:** Martin Crim, Town Attorney; Bruce Reese, Town Engineer; Chris Coon, Town Clerk; Adam Linn, Interim Chief of Police

**1. Call to Order**

Mayor Quist called the meeting to order at 7:01 p.m.

**2. Pledge of Allegiance**

**3. Citizens Time**

Lance Houghton, 440 Mill St., stated that during the Craft Show some vendors drove through and parked in Rockledge. He stated that he would like to arrange something with the Town ahead of the next Craft Show. He also stated that litigation with his neighbor has concluded and he will have some work done to the sewer lateral and the work should be completed by July 8, 2017.

Chris Kiely, 430 Mill St., wanted to warn future developers wanting to develop in Occoquan. He stated that if you want to lawfully use your own property come with money and lawyers. He listed court cases that involved the Town of Occoquan. He stated it took him over a year to receive his copy of the Certificate of Appropriateness. He stated the Town didn't know they had an Architectural Manual until he made the Town find it. He stated that the Architectural Review Board has no credentials or education to judge or weigh architecture. He stated that the Town spent over \$40,000 on a police SUV with a land area of .2 square miles and in his opinion 99% of which is driven outside of town. He stated that the Town unlawfully denied him a permit to use his own property. He stated that his neighbor was shocked that the Town denied him the permit. It took him almost a year to get to the appeals court, which ruled in his favor. It then went to the Circuit Court and again the ruling was in his favor. He stated the Town has still not issued the permit he paid for. He stated that now the Town is recoding the zoning to take away property owners right to build residences on their own property. He said after 283 years of property owners being able to choose what they built on their property in the Business District and now owners need to come begging Town Council. He stated that this is from a Town Council with an embezzler in its ranks. He stated soon they will begin reading from the Embezzlers Sanction Order so the Town has the sense of the kind of people that are on their Council.

Chris Jabs, 103 Edgehill Dr., had new shingles place on his roof and was required to get a permit. He did get a permit but had already started the work, therefore, he was charged

double the regular fees. He indicated his biggest concern was that even if a permit was required, the way it was executed without warning or friendly reminder was not appreciated. He stated that the citizens should have a chance to get a permit before doubling the fees. He noticed the Town website had been updated to include more information but, he believes that the Town could use Prince William County's website examples so citizens know what jobs need permits. He stated that he called for final inspection and there was no reference to an inspection in Building Official's Report. He asked if the Town had informed the Department of Housing and Community Development about the permits being required when they are not needed for reroofing and what was being done to resolve it. He stated that he read in minutes that there was going to be a letter sent to citizens impacted and he wanted to know when to expect a refund.

#### **4. Approval of Minutes**

It was moved to approve the minutes of the April 25, 2017 Work Session Meeting, April 29, 2017 Work Session Meeting, May 2, 2017 Regular Meeting, and May 16, 2017 Work Session Meeting Minutes.

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

#### **5. Councilmember Reports**

Councilmember Fithian wanted to thank the Town Staff, Mayor, Town Council members and most of all the volunteers. She said that everyone helped to make the Craft Show a success. She was thankful for two days of good weather and she stated there was a lot of positive feedback.

Vice Mayor Sivigny stated he had some inquiries from citizens. One item was there was a sign that stated "no pets allowed" that was posted in Mamie Davis that was taken down and he wanted to know if it was going to be replaced. The second item was in regards to Verizon cables on power poles that seem to be abandoned.

#### **6. Mayor's Report**

Mayor Quist stated the Craft Show was great and she was happy to report the highest bus revenue in any spring show. She said there was a great volunteer crew of about 50 people. She stated the Town Manager did attend the Craft Show but left when she felt the show was in good hands. She reported that Julie Little did a great job and was only working for six weeks prior to the show. An email was sent to all volunteers to receive feedback for the after action meeting.

Mayor Quist stated she attended a meeting regarding the establishment of the NOVA Arts and Cultural District and all members signed a Memorandum of Understanding. The Town's ordinance to establish this district is currently anticipated for adoption at the July or August Council meeting.

The bid documentation for the re-advertisement of the Canoe/Kayak Ramp project has been completed and advertisement will begin shortly.

## 7. Staff Reports

**A. Town Attorney:** Mr. Crim, Town Attorney, reported on the following:

- i. Kiely litigation-** The litigation regarding has been resolved and he has seen draft Court Orders that have been signed, but have not been entered by the judge yet. He stated that it is relevant to the Agenda Item 8A. He stated that until the Court enters the Order, it is not a Court Order; it is an agreement between two parties.
- ii. Short-term Rental Agreement-** Mr. Crim reported that he presented on the topic of short-term rentals at Virginia Municipal League's Regional Supper. He forwarded the outline and PowerPoint to Mayor and Town Staff. Burns and McDonnell was also given the presentation to incorporate in the Zoning and Subdivision update.
- iii. Miller Brothers -** Mr. Crim stated that he corresponded with Miller Brothers as directed by Town Council and he stated there is a scheduled site visit.
- iv. Roof Permit Refunds -** Mr. Crim stated that he worked on a letter with the Mayor and Staff to send to affected property owners.
- v. Police General Orders -** Mr. Crim and Chief Linn worked on the General Orders draft for the use of force. Mr. Crim reviewed the draft and provided feedback. He also stated that the draft was created with the help of Virginia Municipal League's insurance program.
- vi. Updated Closed Session Form-** Mr. Crim stated that he updated the Closed Session form to reflect laws that will go into effect on July 1, 2017.
- vii. Kayak/Canoe Ramp -** Mr. Crim stated that he worked with Mr. Reese to update the Invitation for Bid for its reissuance.

Councilmember Drakes inquired if the General Orders use of force draft would be available for review. Mr. Crim stated that it would be and it is public record.

**B. Town Engineer:** Mr. Reese, Town Engineer, submitted a report as part of the meeting agenda. He reported some changes to his report:

- i. Kayak/Canoe Ramp -** He stated that the Invitation for Bid #2 should be ready for advertisement this week. He stated that all bids will be due on July 31, 2017.
- ii. Vistas of Occoquan -** He stated that they were a scheduled Agenda Item, but were not able to have everything completed by the date of the Meeting.

Councilmember Dawson inquired about the height of the bathhouse roof on the upper part of the trail in regards to it being a hazard for pedestrians. Mr. Reese stated that he would speak with the Engineering Groupe and see what can be done.

Councilmember Fithian inquired about the Kayak/ Canoe Ramp dates of restrictions. Mr. Reese stated that from February 14 through June 30 there is a restriction from building in the river due to fish migration.

**C. Building Official:** Mr. Barbeau was not present, however, his report was submitted as part of the meeting agenda. No questions were received.

Vice Mayor Sivigny inquired about the process for refunding fees for the citizens who purchased roofing permits that were not required. Mayor Quist stated that a letter will be sent asking citizens affected for specifics about how they would like to receive refund. She also indicated that the Town was going to refund all permit, administrative, and in certain cases, double fees associated with roofing permits.

- D. Town Manager:** Mr. Coon submitted a manager's report as part of the meeting agenda. He also reported on the street sweeper needing maintenance. He stated that the sweeper got a flat tire while in use and that it was parked on Washington St. and would need to be serviced to move it from that location.

It was moved to set a not to exceed amount of \$1,500 for street sweeper maintenance.

**A motion was made by Councilmember Fithian, seconded by Councilmember Drakes that the Action Item be approved. Motion passed by poll vote, unanimous.**

- E. Town Treasurer:** Ms. Rodriguez was not present, however, her treasurer's report was submitted as part of the meeting agenda. No questions were received.
- F. Chief of Police:** Interim Chief Linn provided his May 2017 report with the agenda packet.

Vice Mayor Sivigny inquired if Chief has increased patrol including nights and weekends. Chief stated that he has not established a baseline for the amount of patrol during those times. He did state that since he was hired, more night patrol and weekend patrol has been done.

Vice Mayor Sivigny inquired about the Chief prioritizing community meetings outside of Town. Chief stated that he prioritizes meetings that he attends outside of Town to those meetings that directly impact the public safety of the Town or for training.

Vice Mayor Sivigny inquired about traffic enforcement and patrol hour graphs. Chief then explained the differences between the graphs and the reasoning for the patrol hour graph.

**G. Boards and Commissions:**

ARB and Planning Commission did not meet in May 2017.

**8. Regular Business**

**8A. Request to Consider Extension of Building Period for Kiely Court Project**

It was moved, Pursuant to Virginia Code 15.2-2261 B.1., that the Town Council extend the approval of the Kiely Court subdivision plat and site plan for a period of five years effective upon entry of the Circuit Court order dismissing the case of Kiely V. Houghton, and to

remove the contingency on the approval of the Kiely Court subdivision effective as of the entry of that Court Order, if such order is entered within 60 days of today's date.

**A motion was made by Councilmember Drakes, seconded by Councilmember Fithian that the Action Item be approved. Motion passed by poll vote, unanimous.**

#### **8B. Request to Approve Gaslight Landing Maintenance Bond Release Request**

It was moved to approve Gaslight Landing Maintenance Bond Release Request and to approve the release of \$446, the Gaslight Landing Maintenance Bond on installed landscaping as surety with the Town of Occoquan.

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

#### **8D. Request to Approve FY 2018 Refuse Contract**

It was moved to contract with Bates Trucking and Trash Company, Inc. for weekly refuse, recycling, bulk and yard waste collection within the Town of Occoquan for an annual cost of \$49,800 contingent on final Town Attorney review.

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

#### **8E. Request to Approve Fee Schedule and New Signage for Dock**

Mayor Quist provided a proposed flat-fee schedule for use of the town's dock: Daytime (out by 4 p.m.), \$5.00; Overnight (4 p.m. – 10 p.m.), \$35.00; fees also apply to rafting watercraft; commercial use, \$500 permit (contact Town Hall).

It was moved to approve the proposed dock fee schedule and install updated signage as presented effective June 6, 2017.

**A motion was made by Councilmember Drakes, seconded by Councilmember Fithian 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 the following as permitted by the Virginia Code Section 2.2-3711(A)(1), a personnel matter involving appointment or promotion of particular officers or employees namely Town Sergeant/Chief of Police. Councilmember Fithian seconded. The motion carried unanimously. Closed Session began at 8:11 p.m.

The Council came out of closed session at 8:18 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 Fithian seconded.

Motion passed, Ayes – Councilmember Fithian, Councilmember Drakes, Councilmember Dawson, and Vice Mayor Sivigny, by roll call vote.

It was moved to appoint Adam Linn as Police Chief/Town Sargent effective June 7, 2017.

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

#### **10. Adjournment**

The meeting was adjourned at 8:19 p.m.

---

Christopher Coon  
Town Clerk