



OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes
Town Hall - 314 Mill Street, Occoquan, VA 22125
Wednesday, August 7, 2018
7:00 p.m.

Present: Mayor Earnie Porta, Vice Mayor Pat Sivigny, Councilmembers Matthew Dawson, Cindy Fithian, Laurie Holloway, and Eliot Perkins.

Staff: Elizabeth Quist, Interim Town Manager; Martin Crim, Town Attorney; Bruce Reese, Town Engineer; Adam Linn, Chief of Police; Christopher Coon, Town Clerk;

1. Call to Order

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

2. Pledge of Allegiance

3. Citizens Time

Walt Seiberling, 107 Poplar Lane, stated the Town should ensure the Building Official has not required a building permit for work that does not require one. He wanted to know what visibility the Town was going to provide to the residents in regards to the recodification of the Town Code. Finally he wanted to know what visibility the Town was going to provide in regards to Prince William County's assessment and recommendations for the Town's watershed management.

Nick Roper, 188 Washington Street, requested a waiver of the rental fees for River Mill Park on September 21, 2018 for a P.O.W. and M.I.A. Recognition Ceremony.

4. Response to Citizens Time

It was moved to waive the rental fee for River Mill Park on September 21, 2018.

A motion was made by Vice Mayor Sivigny, seconded by Councilmember Perkins that the Action Item be approved. Motion passed, unanimous.

Stormwater Management System- Mayor Porta stated that the Town recently received a report from Prince William County on the town's underground stormwater system. The county assessment included numerous photos and there will be a town meeting on August 21, 2018 to share the overall results of the study, including some photos, with the community. Mayor Porta stated the County estimates that if town residents and businesses were charged the stormwater management fee as other county residents and businesses, it would generate approximately \$30,000 per year. That amount is far below the amount it would cost to bring the town's stormwater management system up to the county standards.

Building Official - Mayor Porta requested clarification from Mr. Seiberling regarding his comments at Citizen's Time. Mr. Seiberling explained that prior to the town retaining Prince William County for building official services, the town building official had required permits for the replacement of shingles on roofs even though the State Building Code does

not require permits in such cases. Interim Town manager Quist reviewed the history of the issue with the Council and noted that the town had corrected the error many months ago and had refunded the money of those who had been inappropriately charged for a permit. As to Mr. Seiberling's inquiry regarding the requirement for a permit for roof work at 313 Mill Street, Ms. Quist confirmed that the nature of the work was substantively different than that for which permits had incorrectly been required in the past, and did, indeed, require a permit.

Recodification – Ms. Quist stated the recodification is an entire recodification from an external company, in addition to a legal review of our Town Code. The company will ensure references to the Virginia State Code are still valid, and clean up formatting issues. She also stated that the Town received the legal comments from their review last week. Mr. Crim also stated that any proposed changes would be advertised, as necessary, before approval. Mayor Porta also stated that any potential changes to the Town Code will be made available for review on the Town's website.

5. Approval of Minutes

It was moved to approve the minutes of the July 3, 2018 Regular Meeting.

A motion was made by Vice Mayor Sivigny, seconded by Councilmember Holloway that the Action Item be approved. Motion passed, unanimous.

6. Councilmember Reports

Councilmember Fithian reported the Home Owners' Association and attorney for The Moorings of Occoquan have received her request to allow Town residents membership to the pool located at the end of Poplar Lane outside of Town.

7. Mayor's Report

Mayor Porta reported a list of events he attended as a representative for the Town of Occoquan.

8. Staff Reports

A. Town Attorney: Mr. Crim reported on the following two items:

- i. **River Mill Park** – He stated that current discussions have stalled and Town Staff would like input and direction from the Town Council.
- ii. **Recodification** – He stated that he responded to the legal review and questions associated with that review.

B. Town Engineer: Mr. Reese submitted a report as part of the meeting agenda.

Mayor Porta asked Mr. Reese if he could do a regulatory inspection of a BMP located behind the Lynn property on Union Street, and asked Mr. Crim what remedies were available to require adjoining property owners to mitigate the flow of water. Mr. Crim stated that it would be determined based on the requirements in place when the property was developed. He stated other factors could play a role in the outcome. However, if there were no records of the stormwater issues the dispute would be a civil

dispute. Mayor Porta stated that he would let Ms. Lynn know that the Town Engineer would review the BMP for regulatory violations.

- C. **Building Official:** The Building Official's report was submitted as part of the meeting agenda. No questions were received.
- D. **Town Manager:** Ms. Quist submitted a manager's report as part of the meeting agenda. Additionally, she provided an update on the Mill Street Intersection Improvement project. The update showed the Town's cost would be about \$149,000 to improve the Mill and Washington Street intersection and the Mill and Ellicott Street intersection. Town Council conferred and decided to have an additional discussion on a later date.

Councilmember Perkins inquired if there had been any update in regards to the additional funding for the Canoe and Kayak Ramp. Ms. Quist stated there is no update and that she has reached out to the DCR contact, who was on vacation.

Mayor Porta stated that he spoke with Supervisor Anderson about debris along the top of the Occoquan Dam. He stated that she is trying to create a working group to help resolve and mitigate those issues. Councilmember Fithian nominated Councilmember Holloway as a Town Council representative to that working group.

- E. **Town Treasurer:** Ms. Rodriguez submitted the Treasurer's report as part of the meeting agenda. No questions were received.
- F. **Chief of Police:** Chief Linn submitted a report as part of the meeting agenda. He also reported the following:
 - i. **ASAP Program** - Chief Linn congratulated Councilmember Holloway as the Town representative.
 - ii. **Grants** - Chief Linn stated that the Town has received a grant and he will have to report the amount at a later date.

Vice Mayor Sivigny commended the Police Department on stop sign enforcement.

Councilmember Holloway inquired about the apparent change of focus from the issuance of parking tickets to traffic enforcement. Chief Linn stated that one large change to the reduction in parking tickets issued was because they were being used as a way to bring residents into compliance with regards to auto decals in the prior year.

Mayor Porta stated a Councilmember asked him about the incident that occurred at Touch of Gold. He stated that the business door was not locked and a customer went into the business while no employees were on site. The customer then contacted the police and resolved the issue.

Mayor Porta also stated that he would like to have a discussion with Town Council about adopting an ordinance to allow golf carts to be used in the town.

G. Boards and Commissions: Councilmember Perkins reported the Planning Commission and ARB held a joint meeting for the developer of the Jennings Mill property to give them a presentation. The Planning Commission went into the meeting for the potential development project with questions in line with the Comprehensive Plan.

Chairperson Seefeldt reported the ARB had many concerns with the potential plans that were presented. The ARB created a document to list all of those concerns and provided it to the developer. She also stated that they are going to use that document during a work session meeting to discuss each of their concerns. She wanted to bring to the Town Council's attention that enforcement of ARB items is not consistent. She also stated that in March 2017, the new sign guidelines were approved by ARB but have yet to come before Town Council for approval.

Mayor Porta stated that he would like to meet with her and Ms. Quist to discuss some of the issues she brought forth.

9. Regular Business

9A. Request to Approve 113 Poplar Lane Site Plan

It was moved to approve the site plan for 113 Poplar Lane - Pool Improvement, contingent on the purchase of phosphorus credits and completion and submission of erosion and sediment control bond and agreement.

A motion was made by Councilmember Holloway, seconded by Councilmember Perkins that the Action Item be approved. Motion passed, unanimous.

9B. Request to Approve Bond Release Request for 113 Poplar Lane Pool

It was moved to approve the release of the 113 Poplar Lane Erosion and Sediment bond in the amount of \$3,570.

A motion was made by Councilmember Perkins, seconded by Councilmember Fithian that the Action Item be approved. Motion passed, unanimous.

9C. Request to Award Contract for Snow Removal Services

It was moved to extend the existing contract with Virginia Lawn Service for snow and ice removal services for one year, Fiscal Year 2019, and to set a not-to-exceed amount of \$5,000.

A motion was made by Councilmember Fithian, seconded by Councilmember Dawson that the Action Item be approved. Motion passed, unanimous.

9D. Request to Amend Town Code Section 30-33

It was moved to amend Sec. 30-33 as presented, and further move to resume enforcement of this residential refuse ordinance on River Road, pending 30-day notice provided to residents.

A motion was made by Councilmember Fithian, seconded by Councilmember Holloway that the Action Item be approved. Motion passed, Ayes - Councilmember Perkins,

Councilmember Holloway, Councilmember Fithian, and Vice Mayor Sivigny, by roll call vote.

9E. Discussion to Define Parameters for On-call Labor for Stormwater System Debris Removal

It was discussed and Council agreed to allow Mayor Porta to obtain quotes for on-call labor to remove debris from stormwater system during storms..

9F. Request to Accept VMLIP Grant for Public Safety Equipment

It was moved to accept the grant funds from the Virginia Municipal League Insurance Program and approve the purchase of the proposed supplies for the use in public safety.

A motion was made by Councilmember Holloway, seconded by Councilmember Perkins that the Action Item be approved. Motion passed, unanimous.

10. 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 the appointment of promotion of particular officers or employees and a personnel matter regarding appointment of a specific individual. Councilmember Fithian seconded. The motion passed, unanimous. Closed Session began at 8:16 p.m.

The Council came out of closed session at 9:12 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 Perkins, Councilmember Holloway, Councilmember Fithian, Councilmember Dawson, and Vice Mayor Sivigny, by roll call vote.

9G. Request to Appoint Member to the Boards and Commissions

It was moved to appoint Jenn Mathis to the Planning Commission effective August 7, 2018.

A motion was made by Councilmember Perkins, seconded by Councilmember Dawson that the Action Item be approved. Motion passed, unanimous.

9H. Request to Appoint Member to the Boards and Commissions

It was moved to appoint Johnathan Torres to the Architectural Review Board effective August 7, 2018.

A motion was made by Councilmember Holloway, seconded by Vice Mayor Sivigny that the Action Item be approved. Motion passed, unanimous.

9I. Request to Approve the Letter Agreement Employment Contract

It was moved to approve the employment contract with Elizabeth Quist.

A motion was made by Councilmember Dawson, seconded by Councilmember Fithian that the Action Item be approved. Motion passed, unanimous.

11. Adjournment

The meeting was adjourned at 9:18 p.m.

Christopher Coon
Town Clerk