



OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes
Town Hall – 314 Mill Street, Occoquan, VA 22125
Tuesday, October 2, 2018
7:00 p.m.

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

Staff: Christopher Coon, Town Clerk; Martin Crim, Town Attorney; Bruce Reese, Town Engineer; Adam Linn, Chief of Police; Julie Little, Events and Community Development Director

1. Call to Order

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

2. Citizens Time

Pat Duvall, 211 West Locust Street, expressed concerned about a short-term rental near her home in the residential district. She articulated that she is not concerned about short-term rentals in the business district, just the residential district. She stated that she would like this issue addressed now rather than waiting until it becomes a significant issue later.

Lance Houghton, 127 Washington Street, expressed his views to the Town Council on the Kiely Court Development updated site plan. He stated there was a provision in the comments received for the updated site plan that Mr. Kiely would need to receive permission from the adjacent property owner. Mr. Houghton stated that the updated site plan has been approved and there was no permission given from himself or Mr. Lin, the adjacent property owners. He wanted to bring to the attention of council that he believes the site plan has flaws. The flaws would direct stormwater onto the street. He claimed this was brought to the Town Council's attention in 2015 and the response from the Engineering Groupe at the time was that stormwater would not come across Mill Street. Mr. Houghton stated that he is requesting the audio recording of that meeting to be sure that statement was accurate. He also described what he has observed during rain events.

Trish Martinelli, 113 E. Colonial Drive, stated that it is difficult to identify food delivery services that serve the Town of Occoquan. She recommended polling the Town residents to receive a comprehensive list of what food delivery services do not service Occoquan. She then wanted the Town to reach out to those food delivery services to try and have them deliver to Occoquan. She stated there is a similar problem with issuing drivers licenses because the DMV will not mail drivers licenses to a PO Box.

Colin Mackenzie, 115 River Road, spoke to the Council on the impact of the trash ordinance requiring that trash cans not be visible from the street. This has become an issue within the last year on River Road. He stated that some of the residents on River Road have to either drag their trash cans around the back of the houses or through their homes. He requested the Town help investigate an option to create alternative solutions like a communal area for trash on River Road.

3. Response to Citizens Time

In response to Ms. Duvall, Mr. Coon indicated that in the residential districts short-term rentals are allowable as an accessory-use. Mayor Porta inquired if the short-term rentals need to register with the Town to be compliant with the transient tax. Mr. Crim indicated that is not the case because the Town does not have a registration ordinance for short-term rentals. Mayor Porta stated that Town Council should discuss at a later time if the Town should have a registration ordinance. Mr. Crim indicated that the Zoning Administer will need to evaluate the situation and make a determination as to whether or not the situation Mr. Duvall raised constitutes an accessory use.

In response to Mr. Houghton, Mayor Porta stated that the Town Staff and Town Council are aware of the water runoff onto Mill Street. He also stated that the Town will not be able to know how the development will handle stormwater during rain events until the development is complete. Also, Mayor Porta noted that there is stormwater runoff onto Mill Street from several locations along Mill Street, including not only the Kiely Court Development, but the Houghton and Lin properties as well.. With regard to the updated site plan not receiving adjacent property owner approval, Mr. Coon and Mr. Reese indicated that more than likely the first round of comments had requested adjacent property owner permission for a specific item in the plan, but Mr. Kiely then changed that item so that in no longer required the permission of adjacent property owners. Town Staff stated they would confirm that with Mr. Marshall.

In response to Ms. Martinelli, Mayor Porta stated that Town Council and Staff will look into these issues and reach out to the State Legislators in regards to receiving Drivers Licenses in Occoquan.

In response to Mr. Mackenzie, Mayor Porta stated that he was surprised when he was notified of the issues on River Road because there had not been issues there for years. He also stated that previously when River Road had issues with parking, the Town authorized residents to park in the gravel area that is owned by the Town. He asked Mr. Makenzie if the communal trash area was placed in the gravel area if that would be sufficient. Mr. Makenzie stated that the residents need that parking and there was no location agreed upon by the majority of the residents. Mayor Porta asked that Mr. Makenzie identify a location where the majority of the residents can agree upon to place a communal trash area and let Town Staff know when that decision is made.

4. Approval of the Minutes

Vice Mayor Sivigny moved to approve the amended minutes of the August 7, 2018 Regular Meeting.

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

Councilmember Fithian moved to approve the amended minutes of the August 21, 2018 Work Session Meeting.

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

5. Councilmember Reports

Councilmember Dawson wanted to report his appreciation to Ms. Little and the job she did on the Fall Arts and Craft Show.

Councilmember Fithian reported that after speaking with the pool owners at the end of Poplar Lane, that HOA's attorney is investigating any potential increase in liability of allowing Occoquan residents to purchase entry to the pool. She inquired into what could be done to rotate the stop sign on Ellicott Street near Union Street. She also reported that her investigation continues on potentially changing Town ordinances to allow businesses conducted in homes to have clients come to the residence. She has reached out to localities in the surrounding areas to compile information for discussion at a later meeting.

Councilmember Perkins reported that he had the opportunity to speak with several of the vendors for the Fall Arts and Craft Show and they expressed their pleasure with the Show and thought it was great.

6. Mayor's Report

Mayor Porta reported on the following activities (1) on 9/14 attended the ribbon cutting of the new art gallery in Town, (2) on 9/18 attended the PWC Emergency Operations meeting, (3) on 9/21 attended the VFW POW/MIA ceremony, (4) on 9/24 attended two meetings with Occoquan District Supervisor Ruth Anderson on the Occoquan Greenway Trail and various other issues, (5) on 9/25 met with Ms. Quist and Mr. Sills regarding the Jennings Mill project, (6) on 9/27 attended a meeting with Fairfax Water regarding siren testing for the Occoquan High Dam, (7) on 9/28 attended a meeting with Occoquan District Supervisor Ruth Anderson and representatives of Fairfax Water regarding Occoquan reservoir debris, and (8) on 10/1 attended a meeting with Councilmember Holloway at Imagine, Inc. to discuss the Town logo project.

7. Staff Reports

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

- i. **River Mill Park and Miller Brothers** – Mr. Crim has provided a revised settlement agreement and is waiting for a response from Miller Brothers. Mr. Crim is currently working through disputes regarding River Mill Park and any updates will be provided to Council.
- ii. **Dominion Franchise Agreement** – Mr. Crim stated that the negotiation has stalled and they are currently operating on their previous agreement, which can continue indefinitely.
- iii. **Short-term Rental** – Mr. Crim stated that he did a presentation for Virginia Municipal League regarding short-term rentals and will share that with Town Council.

B. Town Engineer: Mr. Reese submitted a report as part of the meeting agenda. Mr. Reese also reported that the Canoe and Kayak Ramp project has the potential to receive an

additional \$180,000 from the state. The Town will need to submit an update to the budget of the project in the near future. He also stated that there is minimal work that needs to be done to verify that all permits are active. Mr. Reese wanted to remind Council that the project still requires a 20% match from the Town.

Mayor Porta reported on a potential long-term solution that had emerged from discussions with Mr. Reese and Mr. Marshall for the issue of the stormwater flow near Kiely Court, Rockledge, 408 Mill Street, and 416 Mill Street. The solution would involve cutting out a section of the sidewalk and covering it with a grate to allow water to flow underneath the sidewalk directly to the street.

- C. **Building Official:** The Building Official's report was submitted as part of the meeting agenda. No questions were received.
- D. **Town Manager:** Mr. Coon reported on the following two items:
- i. **Property Damage-** The Annex building, next to Mom's Apple Pie, has sustained damage and he is currently working with contractors and VML Insurance to resolve the issue.
 - ii. **Intersection Improvements-** Prince William County's estimated quote for the Town's portion of the intersections was incorrect. After review they have updated the Town's portion to an obtainable price for the Town.

Mayor Porta inquired if the Town had received the draft agreement from Prince William County and how much money was budgeted for the project. Mr. Coon indicated that the Town currently has the draft agreement from Prince William County and it was given to Mr. Crim for review. He also indicated that the Town's budgeted amount was \$84,000.

- 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.

Councilmember Perkins inquired about the number of traffic stops and traffic summons. Chief Linn reported that the noticeable monthly differences present in the report have to do with the Craft Show obligations taking priority, as well as Chief Linn being the only police officer on duty at certain times.

- G. **Boards and Commissions:** Councilmember Perkins reported that the Planning Commission approved a site plan revision for Kiely Court.

Councilmember Holloway reported the ARB was working on revisions of the signage guidelines. She stated that the Town Council should see the finalized document shortly.

8. Regular Business

Mayor Porta moved Agenda Items 8A, 8D, and 8E to after the Closed Session.

8B. West Locust Street BMP

Mayor Porta reported that he has been working with Mr. Reese to identify contractors that would be willing to make a bid on the work needed for the West Locust Street BMP. He stated they will follow-up with this item at a later meeting. He also asked Mr. Reese and Mr. Crim draft documents that would go to property owners impacted by the BMP and that would give them an update on the next steps the Town will be taking.

8C. Request to Adopt 2019 Meeting and Holiday Calendar

Councilmember Perkins moved to approve the resolution to establish the 2019 Town Council meeting schedule.

Moved by councilmember Perkins, seconded by Councilmember Holloway. Motion passed, Ayes Councilmember Perkins, Councilmember Holloway, Councilmember Fithian, Councilmember Dawson, and Vice Mayor Sivigny, by roll call vote.

Councilmember Fithian moved to approve the 2019 Town observed holiday schedule.

Moved by Councilmember Fithian, seconded by Councilmember Perkins. Motion passed, unanimous by voice vote.

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 consideration or interviews of candidates for employment or appointment and employment or promotion of particular officers or employees, specifically for Town Manager. Councilmember Fithian seconded. The motion passed, unanimous. Closed Session began at 8:15 p.m.

The Council came out of closed session at 8:20 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 Dawson seconded.

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

8A. Logo, Tagline, and Branding Discussion

Mayor Porta and Councilmember Holloway had a discussion with the contractor and gave very specific concepts to move forward with a 4th logo at the cost to the Town of \$250.

8D. Request to Set Not-To-Exceed Amount for Wreath Installation

Councilmember Perkins moved to set a not-to-exceed amount of \$3,000 for the purpose of mounting and maintaining holiday wreaths, and repairing electrical outlets on Dominion poles.

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

8E. Interim Town Manager Discussion

Mayor Porta indicated that the Town Council did not make a determination on the Interim Town Manager. He also indicated that all Town Manager tasks will be delegated to Mr. Coon.

10. Adjournment

The meeting was adjourned at 8:43 p.m.

Christopher Coon
Town Clerk