



**OCCOQUAN TOWN COUNCIL**  
**Town Hall - 314 Mill Street, Occoquan, VA 22125**  
**Tuesday, February 2, 2016**

**Special Meeting Minutes**  
**6:30 p.m.**

**Present:** Mayor Liz Quist, Vice Mayor Pat Sivigny, Councilmembers Joe McGuire, Jim Drakes, and Tyler Brown  
Staff: Kirstyn Jovanovich, Town Manager

**Absent:** Councilmember Matt Dawson

**1. Call to Order**

Mayor Quist called the meeting to order at 6:35 p.m.

**2. Closed Session**

Vice Mayor Sivigny moved that the Council convene in closed session to discuss the following as permitted by Virginia Code Section 2.2-3711(A) (1), a personnel matter involving consideration or interviews of candidates for employment or appointment to Town Clerk. Councilmember Drakes seconded. The motion carried unanimously.

Mayor Quist noted that Councilmembers Joe McGuire and J. Matthew Dawson were absent at the time of the vote. Councilmember McGuire arrived after the Council convened into closed session.

The Council came out of closed session at 7:02 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 Brown seconded.

Motion passed, Ayes - Councilmember Brown, Councilmember Drakes, Councilmember McGuire and Vice Mayor Sivigny, by roll call vote.

**Regular Meeting Minutes**

7:00 p.m.

**Present:** Mayor Liz Quist, Vice Mayor Pat Sivigny, Councilmembers Joe McGuire, Jim Drakes, and Tyler Brown  
Staff: Kirstyn Jovanovich, Town Manager; Martin Crim, Town Attorney; Bruce Reese, Town Engineer; Sheldon Levi, Chief of Police; Stan Orndorff and Billy Flynn, The Engineering Groupe  
Planning Commission Members: Daniel Braswell, David Irwin, Ramsey Baerga, Joe McGuire

**Absent:** Councilmember Matt Dawson

**4. Call to Order**

Mayor Quist called the meeting to order at 7:03 p.m.

**5. Pledge of Allegiance****6. Citizen's Time**

David Irwin, Gaslight Landing, requested that the Town inquire about revising mail delivery services within the Town, specifically adding cluster boxes within HOA communities. He further stated that requiring mail to be picked up daily from one location adds to issues with pedestrian safety and traffic congestion in the historic district.

Ellalyne Brayman, Labella Bridal owner, commended the Town staff and Council on snow removal activities that were conducted by the town during the January blizzard. She thanked the Town for the extra efforts and helping businesses get back to business quickly after the snow storm.

Nathalie Quiveors-Omar, So Bohemian owner, also thanked the Town for their efforts in snow removal within the business district.

Mayor Quist commented that the Town received many compliments and positive comments on the town's snow removal efforts in January and commended the staff on their efforts.

Councilmember Drakes commended Maintenance Supervisor Bucky Brill for his dedication to the town in overseeing and coordinating snow removal activities during the blizzard. His determination and support for the Town was above and beyond the call of duty and much appreciated.

**7. Approval of Minutes**

It was moved to approve the minutes of the January 5, 2016 Regular Meeting and the January 19, 2016 Work Session Meeting minutes.

**A motion was made by Council Member Drakes, seconded by Vice Mayor Sivigny that the Action Item be approved. The motion carried by poll vote, unanimous.**

### **8. Council Member Reports**

None.

### **9. Mayor's Report**

None.

### **10. Staff Reports**

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

1. There is an appeal to the PWC Building Appeals Board for a denial of a plumbing permit made by the Town's Building Official to be held on February 17. The appeal is in reference to a plumbing permit denial for the Kiely Court project, of which the applicant requested to cut an existing lateral line that services upstream properties. It was denied based on public health and safety grounds. Mr. Crim stated that this is really a dispute between neighbors; however, the Town will attend and defend its position on the denial to the board.
2. In regards to body worn cameras, there are currently four bills in subcommittee, one of which would require the state pay half the cost of body worn cameras. Prince William County has circulated a draft body camera policy to the Bar Association for their input.
3. There is a bill this year to require the use of government emails for government business; anyone doing town business would need to be assigned an [occoquanva.gov](mailto:occoquanva.gov) email address. There is a bill that would require taping of closed sessions; currently in committee. There is a bill that would provide a one-year jail term for a knowing violation of the Freedom of Information Act. There is an Airbnb Bill – provide for a model ordinance to tax and regulate Airbnb-type relationships. There are a number of bills that will allow the town to post legal notices on the internet as opposed to paying to place in a newspaper. All of the house bills have been continued until next year, but there are still two senate bills that are in the Committee on Local Government.

Councilmember McGuire asked when the hearing was on February 17. Mr. Crim stated it was at 2 p.m.

Councilmember Drakes asked what the Town's role is in the building appeal hearing, further adding that if it is a matter between two private property owners, when does the town's involvement in this matter end. Mr. Crim stated that if the PWC Building Appeals should overrule the Town, then the Council could pursue the matter to the State Board of Building Code Appeals; that would be a policy decision for the Council to make. But, at this point, it is appropriate

for the town to defend its position with the appeals board, but how far the town pursues this matter is entirely up to the Town Council. From the staff point of view, the appeal is important to defend at the administrative level.

**B. Town Engineer:** Mr. Reese, Town Engineer, reported on the following engineering activities:

1. Matt Williams has resigned from The Engineering Groupe and introduced Billy Flynn and Stan Ordndorff who will be taking over Matt's responsibilities.
2. Land Disturbance Activity report
  - a. Vistas at Occoquan – revised plans to extend sidewalk to Rivertown project.
2. Occoquan Heights – the bypass has been installed and staff will continue to monitor.

Mayor Quist asked if we have seen any runoff conditions from the snow that are causing any issues at this point. Mr. Reese stated he has not seen any issues regarding the snowmelt at this time.

Councilmember Brown asked about the status of the Berrywood project. Mr. Reese stated that it is currently for sale and a sale is pending, to his knowledge. Mr. Reese stated it is not on the land disturbance list as it is a dormant site at this time.

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

**D. Town Manager:** Ms. Jovanovich, Town Manager, submitted a manager's report as part of the agenda and held further discussion on the following:

- a. Received a \$1,000 grant from VML for Risk Management and will be using it to purchase a security camera system for Town Hall.

Vice Mayor Sivigny inquired as to the state of the delinquent taxes owed to the Town. Ms. Jovanovich stated that once the new Town Clerk is brought on board, staff will focus on bringing those businesses up to date on taxes owed.

Councilmember Brown inquired as to the accuracy of the amount spent on snow removal listed within the Manager's report. Ms. Jovanovich is estimating that the Town spent around \$10,000 on snow removal during the January blizzard. Ms. Jovanovich stated that the overage on snow removal can be offset from the community and business support funding that was set aside during the FY16 budget process, as the snow removal activities directly benefited the business community in assisting them in opening their doors faster after the end of the snow event.

- E. **Chief of Police:** Chief Levi provided his January 2016 report with the agenda packet.

Councilmember McGuire inquired into the specifics of a DUI stop during Chief's shift on New Year's eve including whether he was the first, second or third person on scene, who pulled the vehicle over, how long he was on scene, his role in the process, who performed the field sobriety test, and inquired why Chief Levi left the Town. He further inquired if he was dispatched on the call by the County.

Chief Levi stated that he was the first to respond, he assisted with pulling the individual over, did not make the arrest, could not definitively recall how long he was on scene and stated that he assisted with this issue outside of town as PWC resources were in Dale City and not readily available in this area. Chief Levi stated he was dispatched on the call.

Councilmember McGuire inquired about the stop Chief Levi made at Woodbridge High School.

Chief Levi stated that he recognized the individual on the call as a town resident and made the decision to stop to assist. He stated that he did not get dispatched to the call.

Mayor Quist inquired as to whether or not there was a concern with procedure.

Councilmember McGuire stated he is concerned about Chief Levi responding to incidences outside of the confines of the Town.

- F. **Boards and Commissions:**

Councilmember McGuire had no report from the Planning Commission.

Ms. Brenda Seefeldt reported for the Architectural Review Board – during the January meeting no actions were taken.

## 11. Public Hearing

### A. Joint Public Hearing of the Planning Commission and Town Council on Revised Floodplain Ordinance and Association Subdivision Amendments

Mayor Quist called the public hearing to order at 7:30 p.m.

Councilmember McGuire called the Planning Commission meeting to order at 7:31 p.m.

No comments were received from the public.

Councilmember McGuire moved to close the public hearing. The public hearing was closed at 7:32 p.m.

## 12. Regular Business

### **A. Request to Approve Floodplain Management Ordinance and Associated Subdivision Amendments**

It was moved that the Planning Commission recommend approval of the ordinance and associated subdivision amendments to the Town Council.

**A motion was made by Planning Commission Chair McGuire, seconded by Planning Commission Member Irwin that the Action Item be approved. The motion carried, roll call: Ayes – David Irwin, Ramsey Baerga, Joe McGuire and Dan Braswell. Nays – none.**

Councilmember Brown inquired whether these revisions were going to impact development on the riverfront. Ms. Jovanovich stated that it would impact riverfront development as it relates to its existence in the floodplain. Development would still be permitted; however, there will be certain requirements that would need to be met in order to limit flooding impacts on properties.

Mr. Reese added that this is related to the National Flood Insurance Program in order to ensure the Town's continued participation in the program.

It was moved to approve the revised Floodplain Management Ordinance and associated subdivision amendments.

**A motion was made by Councilmember Drakes, seconded by Council Member Brown that the Action Item be approved. The motion carried, unanimous.**

### **B. Request to Award Contract for Construction of Phase II of the River Mill Park Project**

Ms. Jovanovich stated there is a funding gap between the total cost of the project and the funding provided by Prince William County in the amount of approximately \$95,000, should the project be implemented as planned. She further stated that the amount of the total budget meets the budgeted amount prior to the County cutting back on that amount during the last budget cycle from \$1.5 million to \$1.3 million. The town has reached out to the County and they have advised that the town needs to stay within the current budget of \$1.3 million, and Mayor Quist has reached out to Supervisor Anderson's office to seek assistance. In addition, Ms. Jovanovich stated that she looked into current financing options that the Town could put toward the park project to address the funding gap. She stated that there is funding set aside in the CIP in the Mill Street Revitalization project that could cover the gap, and still accomplish some items including intersection improvements

and parking improvements under the Route 123 bridge within this fiscal year and not impact the reserves. If the Town cannot cover the funding gap, the Town will need to reduce the scope of the project in order to meet currently available funding from the County. Ms. Jovanovich stated that the engineers performed value engineering with the top two contractors and reduced the project costs by changing the shade vendor, and removing pavement stamping and repaving on the Mill Street cul-de-sac.

Mr. Drakes inquired as to what was the shade reduction. Ms. Jovanovich stated that it was a different manufacturer and reduced the cost by \$40,000.

Councilmember Brown asked whether or not in the County's next budget cycle we could lose more funding. Ms. Jovanovich stated that no funding is set aside in the FY 17 Budget as we expect to have the project completed by June 30, 2016.

Ms. Jovanovich stated that if the Town did not apply additional funding to cover the project's funding gap, she would suggest removing the completion of the stone dust trail and focus on installing the pavilion and park lighting.

Councilmember Drakes expressed concerns about cutting the scope with the expectation the Town would come back in a future year to complete the project. He stated that we have the resources available that can be applied to the downtown area and that applying it to this project is within the intent of what that funding was tasked for during the budget process.

Councilmember McGuire expressed concerns about taking funding that was expected to be used to spruce up Mill Street and putting it toward the park.

Mayor Quist stated that the reason we set that funding aside during FY2016 was because we recognized that we had sufficient funding within the reserve and still had additional funding available above and beyond current CIP plans. She stated that there is still opportunity to obtain funding from the County to assist with the overage.

Vice Mayor Sivigny stated that the Town needed to get the park done, and get it done properly and suggested moving forward with re-appropriating funding from the Mill Street project toward the Park and ask that the Mayor continue to reach out to the County to obtain some funding from the County to cover the gap.

It was moved to award a contract in the amount of \$288,590 to Dominion Construction Group, and re-appropriate \$96,000 from the Mill Street Revitalization Project in the FY2016 CIP to the River Mill Park project. It was further moved to authorize the Mayor to sign all associated agreements, contracts and other documentation related to the construction of the project.

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

### 13. Closed Session

Vice Mayor Sivigny moved that the Council convene in closed session to discuss the following as permitted by Virginia Code Section 2.2-3711(A) (1), a personnel matter involving consideration or interviews of candidates for employment or appointment to Town Clerk and appointment or promotion of particular officers or employees, specifically Town Clerk. Councilmember McGuire seconded. The motion carried unanimously.

The Council came out of closed session at 8:46 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 McGuire seconded.

Motion passed, Ayes - Councilmember Brown, Councilmember Drakes, Councilmember McGuire and Vice Mayor Sivigny, by roll call vote.

It was moved to offer the position of Town Clerk to Christopher S. Coon, contingent upon successful completion of a background check.

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

### 14. Adjournment

The meeting was adjourned at 8:48 p.m.

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Kirstyn Jovanovich  
Town Manager/ Acting Town Clerk