



OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes - DRAFT
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, April 4, 2017
7:00 p.m.

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

Staff: Kirstyn Jovanovich, Town Manager; Martin Crim, Town Attorney; Bruce Reese, Town Engineer; Stan Orndorff, The Engineering Groupe; Chris Coon, Town Clerk; Adam Linn, Interim Chief of Police

1. Call to Order

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

2. Pledge of Allegiance

3. Citizens Time

Lance Houghton, 440 Mill St., stated that he wanted to address the Town regarding two events that have taken place at Rockledge Mansion and "spilled out into the street." He stated that he now has the ability to turn away clients that are in search of similar services.

Steve Vonderheid, 311 Mill St., wanted to know what Town Council was planning on doing to enforce noise and sidewalk ordinances during events similar to the Rockledge parties previously mentioned. He also inquired about the Town Vehicle Licensing Fee and when residents were required to obtain the Town's vehicle license fee and when individuals could be ticketed for not displaying the vehicle license fee decal.

4. Approval of Minutes

It was moved to approve the minutes of the March 7, 2017 Regular Meeting, and the March 21, 2017 Work Session Meeting.

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

5. Councilmember Reports

Councilmember Fithian reported that Riverfest will be held on May 13, 2017, and that Occoquan Art on the Block will be held on the same day.

Vice Mayor Sivigny announced that the VFW will be hosting a horse parade and BBQ lunch on May 6, 2017. Vice Mayor Sivigny asked that the Town Manager reach out to the VFW to ensure proper coordination for the event between the Town and VDOT.

6. Mayor's Report

No Report.

7. Staff Reports

- A. Town Attorney:** Mr. Crim, Town Attorney, reported on the following:
- i. Kiely litigation-** There has been a notice of litigation delivered from Mr. and Mrs. Kiely indicating that they felt their civil rights have been violated. They felt those violations came from actions or inactions taken by the Town; this matter has been referred to our insurance carrier. Staff has been instructed to brief Mr. Crim on any further communication with Mr. Kiely. In the current litigation between Mr. Kiely and Mr. Houghton and the appeal from the State Technical Review Board, there is a motion to consolidate those two cases and set them for another date. The Town will not take a position on those matters.
 - ii. Rivertown Overlook-** The development document review has been completed.
 - iii. General Assembly Items-** The Governor has recommended amendments to the cell phone infrastructure bill. The short-term rental bill, Airbnb, has been signed by the Governor. This bill will allow the Town to require registration from Airbnb and similar rental properties.
 - iv. Town Manager Leave-** With Kirstyn Jovanovich's upcoming leave, there is a need for a designation by Council of an Acting Town Manager or someone to perform the duties of the Manager. Mr. Crim stated he would have draft resolution in the next couple weeks for action at the May 2, 2017 meeting.

Councilmember McGuire inquired about Mr. Kiely's complaints in regards to the notice of litigation. Mr. Crim stated that there are three main complaints: (1) Mr. Kiely stated that the Town should not have required him to abate the nuisance on his property when the sewer line leaked; (2) Mr. Kiely also complained about the Town not permitting him to cut and cap the sewer line after the State Technical Review Board overruled the Local Technical Review Board, but before the Court had heard there was an appeal in the Circuit Court; and (3) Mr. Kiely stated that the Town did not act as quickly to his complaint of Building Code violations at 440 Mill Street as they did when notified by Prince William County Health Department there was sewage on his property.

- B. Town Engineer:** Mr. Reese, Town Engineer, submitted a report as part of the meeting agenda. No questions were received.
- 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 submitted a manager's report as part of the agenda. Ms. Jovanovich went into further detail about the Occoquan clean-up day scheduled for April 22, 2017, from 9 am to 12 pm. She also stated that there was a 5k Run scheduled for April 23, 2017 starting at 8:30 am, after which a tree planting ceremony will be held at 11:00 am. She reminded Council of the Public Hearing on Proposed Tax Rates on April 25, 2017.

Councilmember McGuire inquired about why the Chief of Police/Town Sergeant job advertisement was closed after three weeks. Ms. Jovanovich stated that the process taken to advertise for this position was done at the direction she received from the Town Council after discussing the process, position description and position notice.

Vice Mayor Sivigny inquired about when the flag on the flag pole at Mamie Davis Park would be returned. Ms. Jovanovich stated that the Town's landscaper will be trimming the tree back, after which the flag will be returned to the pole.

- E. **Town Treasurer:** Ms. Jovanovich, Acting Town Treasurer, submitted the treasurer's report as part of the meeting agenda. No questions were received.
- F. **Chief of Police:** Interim Chief Linn provided his March 2017 report with the agenda packet. Chief Linn went into further detail regarding a new auxiliary police officer, Kevin Anderson, who is about to begin working with the Town of Occoquan. Chief Linn clarified that the Town Code requires that all vehicles garaged within the Town of Occoquan are required to display an annual Vehicle License Fee decal. Mr. Crim further noted that enforcement is permitted on private property if in plain sight from the public right of way.

Chief Linn stated that he took a proactive approach in regards to the Rockledge Mansion event as soon as he found out the number of potential participants. He stated that the Town was notified of the event by Mr. Houghton and Chief Linn worked with Mr. Houghton and the Prince William County Police Department to ensure that the event did not negatively impact the community. Chief Linn provided a detailed explanation of steps taken to prepare for the event and the town's public safety response.

Mayor Quist and Vice Mayor Sivigny commended Chief Linn for his coordination with Prince William County, and adjusting his schedule to ensure the Town was prepared and staffed for the event.

Councilmember McGuire inquired if Mr. Houghton allowed the event promoter to act with no oversight from Mr. Houghton. Chief Linn indicated that was not the case and that Mr. Houghton ensured that all of Chief Linn's concerns were addressed prior to the beginning of the event.

Councilmember McGuire inquired about any ordinances that would allow the Town to stop events of this size. Ms. Jovanovich stated that she would put this topic on a future work session for discussion by the Town Council.

- G. **Boards and Commissions:** Councilmember Dawson stated that Architectural Review Board met and approved two (2) Exterior Elevation applications, and that the updated design guidelines will be finalized at the next meeting.

8. Public Hearing on Proposed Fiscal Year 2018 Budget

Mayor Quist opened the public hearing at 7:34 p.m. and invited the public to provide comments on the Proposed FY 2018 Budget. No citizens spoke.

Mayor Quist closed the public hearing at 7:35 p.m.

9. Regular Business

9A. Request to Award Contract for Trail Improvements at River Mill Park

It was moved to award a contract to Prince William County Public Works Department for trail improvements at River Mill Park, including pavement and concrete installation, and set a not to exceed amount of \$82,000 from the FY 2017 CIP Fund.

A motion was made by Vice Mayor Sivigny, seconded by Councilmember Dawson that the Action Item be approved. Motion passed by poll vote, 4-1. Ayes: Vice Mayor Sivigny, Councilmembers Fithian, Drakes, Dawson. Nay: Councilmember McGuire.

9B. Request to Approve Parking Designations on Ellicott Street

It was moved to prohibit on-street parking on Ellicott Street north of Center Lane to Commerce Street utilizing yellow curb painting and no-Parking signs as appropriate.

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

9C. Request to Appropriate Funding for Business Guild 2017 Ad Request

It was moved to approve the Town's purchase of an ad in the Discover Prince William 2017-2018 Visitor's Guide in the amount of \$2,592.

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

9D. Request to Accept FYE 2016 Financial Audit

It was moved to accept the Fiscal Year End June 30, 2016 Financial Report.

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

9E. Request to Adopt Multi-Jurisdictional Hazardous Mitigation Plan Update

It was moved to approve adoption of the multijurisdictional Northern Virginia Hazard Mitigation Plan and authorize the Mayor to execute the proposed plan adoption resolution.

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

9F. Proclamation for Arbor Day

It was moved to approve the 2017 Arbor Day proclamation.

A motion was made by Councilmember Drakes, seconded by Councilmember Dawson that the Action Item be approved. The motion carried by poll vote, 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 consideration or interviews of candidates for employment or appointment, and promotion of particular Town officers or employees. Also, Virginia Code Section 2.2-3711(A)(3) a matter involving acquisition of real property within Town limits for public purposes. Also, Virginia Code Section 2.2-3711(A)(7) consultation with legal counsel, or another matter requiring advice of counsel, specifically the Miller Brothers claim. Councilmember Fithian seconded. The motion carried unanimously. Closed Session began at 8:01 p.m.

The Council came out of closed session at 9:16 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 Drakes seconded.

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

It was moved to appoint Carla Rodriguez as Town Treasurer contingent upon a background check and allocate not more than \$6,000 for closure of contract.

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

It was moved to direct the Town Attorney to proceed as discussed during the Closed Session on the Miller Brothers issue.

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

11. Adjournment

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

Christopher Coon
Town Clerk