



OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes
Town Hall – 314 Mill Street, Occoquan, VA 22125
Tuesday, January 2, 2019
7:00 p.m.

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

Staff: Kathleen Leidich, Town Manager; Christopher Coon, Town Clerk; Martin Crim, Town Attorney; Adam Linn, Chief of Police; Julie Little, Events and Community Development Director

1. Call to Order

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

2. Citizens Time

Rick Fitzgerald, 186 Washington Street, congratulated Mayor Porta on receiving his doctorate. Mr. Fitzgerald suggested ideas for improving the Commerce Street entrance to Town: 1.) He suggested the Town replace the wooden retaining wall at the southwestern corner of the intersection of Commerce and Washington Streets with a stone wall that matches the wall at the southeastern corner of Commerce and Washington streets. 2.) He suggested removing the vines and brush overgrowth along Commerce Street. 3) He suggested moving the maintenance annex from the Town entrance at Route 123 and Commerce Street to another location. 4.) He suggested removing overhead wiring from poles and placing them underground.

Lance Houghton, 127 Washington Street, suggested to give the Mayor the ability to text residences of Occoquan. He also wanted to bring to the Town's attention the definition of bedrooms. He also wanted to know why revised site plans do not have the ability for public comment. He stated that site plans come before the Town Council and the population has the ability to comment at a public hearing. He indicated that there have been several enforcement opportunities missed because the Town has not taken certain steps to ensure the developer of Kiely Court, develops safely for the adjacent property owners and ensure the developer adheres to the Town's Zoning Code. Mr. Houghton also indicated that with the revision to the site plan he believes that the height of Kiely Court will not be in compliance with the Zoning Code.

3. Citizens response

Mayor Porta thanked Mr. Fitzgerald for his comments and noted that several of the items he mentioned are important to every member of the Town Council and have been under consideration; some will likely be part of the Town's budget and capital plans. Mayor Porta noted that the replacement of the wooden retaining wall with one that matches the town's stone wall across the street is a new idea that the Town has not contemplated, but that will be considered. He also noted that the Town has in the past investigated moving utility wires underground, but has found the cost prohibitive. The Town is considering, however, encouraging or requiring new developments to put utilities underground.

Mayor Porta responded to Mr. Houghton that the Town has done everything they legally can to ensure that development at the Kiely Court is done properly. There is nothing the Town can do to penalize violations in advance of those violations actually occurring. Mayor Porta also stated that he would suggest that Mr. Houghton contact the Zoning Administrator to gain a better understanding of how building height is measured under the Zoning regulations. Town staff informed Mr. Houghton that a site plan does not require a public hearing and its approval is not a legislative or discretionary decision.

4. Approval of Minutes

Councilmember Perkins moved to approve the minutes of November 7, 2018 Regular Meeting, as amended.

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

Councilmember Dawson moved to approve the minutes of November 20, 2018 Work Session Meeting, as amended.

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

Councilmember Fithian moved to approve the minutes of December 4, 2018 Regular Meeting, as amended.

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

5. Mayor's Report

Mayor Porta reported on some of the meetings and events he had participated in as Mayor over the last month. These included: (1) serving on a Leadership Prince William Economic Development Day panel on 12/6, (2) staffing a CASA fundraiser on 12/6, (3) participating on 12/8 in the Winterfest Lake Ridge Santa Parade and the judging of the PWM boat lighting contest, (4) giving a talk on activities and developments in Occoquan to the men's breakfast group at Westminster on 12/13, and (5) attending the Barrington Pointe/Occoquan Pointe Holiday event on 12/15. Mayor Porta also asked staff to look into whether or not the Kiely Court contractor could be contacted about removing the mud that had flowed on to Mill Street from the project. Staff agreed to look into the matter.

6. Councilmember Reports

Councilmember Perkins enjoyed Winterfest and stated there was a great turnout. Councilmember Holloway attended the ASAP Meeting and Winterfest. She also fielded questions about fireworks not happening at the Marina. Councilmember Fithian thanked Mayor Porta for organizing the Caroling around town.

7. Staff Reports

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

- i. **Miller Brothers** – Working to implement settlement. The Town has ordered heaters and will order drywell. Also, the Town is scheduling the work on these items to be completed. He also is working with the Town Manager to resolve the notices of violation.
- ii. **Budget Calendar** – Worked with Town Manager on updating the Budget Calendar.
- iii. **Text Updates** – The Town of Haymarket already has text message capabilities.

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

Councilmember Holloway inquired about Kiely Court shoring plan being approved while stop work order is still in place. Ms. Leidich stated that the stop work order is only for work on the retaining wall. The work that has been done has only been for the shoring plan.

C. **Building Official:** The Building Official's report was submitted as part of the meeting agenda. No questions were received.

D. **Town Treasurer:** Ms. Rodriguez submitted the Treasurer's report as part of the meeting agenda.

Mayor Porta inquired about the location of a property that has been delinquent for two years. Town staff indicated they would have to provide that information at a later time. Mayor Porta inquired if the information provided indicates that Town will be under budget for Real Estate Taxes. Town staff indicated that the Real Estate Tax due date is February 15 and they will not have an accurate estimate until then. Mayor Porta inquired what items are included in the Fines and License. Also, he requested that revenue and expenses for each account be presented together to avoid confusion.

E. **Town Manager:** Ms. Leidich submitted her report to Council at the dais. The report included an update on the status of the Town Logo and the website mockup that was received. She indicated that she completed and submitted the Tree City USA application. She informed Town Council that the heaters for River Mill Park have been received and the order for the drywell will be made soon. She also reported that there has been a meeting scheduled with the Building Official to explain what items need to be addressed on the lower level of the River Mill Park bathhouse.

Councilmember Fithian inquired when the River Mill Park restrooms will be open and if they will remain open throughout winter. Town staff indicated that once the heaters have been installed the restrooms will be open.

Vice Mayor Sivigny wanted to know if the maintenance supervisor could replace the mirror at the intersection of Union Street and Poplar Alley.

- F. **Chief of Police:** Chief Linn submitted a report as part of the meeting agenda. He also reported the following:
- i. **Pedestrian Signs** - The police department has received movable pedestrian signs, from a grant they received. Chief is looking forward to utilizing them in high pedestrian traffic areas.
 - ii. **Mountain Bikes** - Chief reported they were able to receive two police mountain bikes for free from another law enforcement agency.

Vice Mayor Sivigny indicated that he has witnessed individuals walking on Washington Street without reflective material or lights and would like that to be addressed however possible.

Councilmember Holloway inquired if there were any updates on the Touch of Gold incident. Chief Linn indicated that matter is still an active investigation but, the theft occurred with one individual distracting an employee while the other stole the item(s).

Mayor Porta wanted to share with Town Council that he had received some complaints about the Town police enforcing speed and other traffic laws at the intersection of Route 123 and Commerce Street. He brought those complaints to Chief Linn and wanted to share the chief's response with Council. Chief Linn stated that the Town received a Highway Safety Grant to patrol and enforce traffic laws at that intersection and that is the main driving force of those actions at that intersection. The second reason for action at the intersection is the Don't Block the Box enforcement from complaints by residents about getting blocked at the intersection. Mayor Porta also reported that this explanation is going to be in the January Newsletter to help make residents aware.

- G. **Boards and Commissions:** Councilmember Perkins reported that the Planning Commission has been working on specific Budget recommendations. Also, the Planning Commission approved the 2018 Annual Report, which is before Town Council tonight.

Chairperson Seefeldt had no report. There was no Architectural Review Board Meeting in December.

8. Regular Business

8A. Request to Accept Events and Community Development Director Report

Councilmember Dawson moved to acknowledge receipt of the Events and Community Development Director Report and authorize posting on the Town website with the disclaimer that acknowledgement of receipt and authorization to post does not constitute adoption of the recommendations in the report.

Moved by Councilmember Dawson, seconded by Councilmember Holloway. Motion passed, unanimous by voice vote.

8B. Request to Enter into Lease Purchase Agreement for Police Vehicles

Councilmember Fithian moved to authorize the Town to enter into a lease purchase agreement, approved by the Town Attorney with the Virginia Local Government Finance Corporation to

obtain two 2019 Ford Police utility vehicles in an amount not to exceed \$87,998 over a 5 year term.

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

8C. Request to Accept Revised Budget Schedule

Councilmember Perkins moved to accept to FY2020 Budget Calendar.

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

8D. Request to Accept the Planning Commission 2018 Annual Report

Councilmember Perkins moved to acknowledge receipt of 2018 Planning Commission Annual Report.

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

9. Adjournment

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

Christopher Coon
Town Clerk