



OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, December 6, 2016
7:00 p.m.

Present: Mayor Liz Quist, Vice Mayor Pat Sivigny, Councilmembers Jim Drakes, Matthew Dawson, 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; Mike Vanderpool, Vanderpool, Frostick & Nishanian

1. Call to Order

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

2. Pledge of Allegiance

3. Citizens Time

Chris Kiely, 430 Mill Street, stated that the Town purchased an approximately \$40,000 police vehicle and he estimated that the police vehicle had 40,000 miles on it and that the Town is 0.2 square miles. He believes that the reason for that, is that it is a take home vehicle. He stated that it should only be used for when the Sheriff is responding from home to emergencies in Town. He stated that the Sheriff is not responding to emergencies and he believes that means that a take home vehicle would be considered salary. He stated that he doesn't believe that the Town has approved pay in that amount.

He also stated that a federal judge has issued a nationwide preliminary injunction on the Department of Labor's Federal Overtime Rule. He asked that this be brought up because in his opinion it does not benefit the Town.

4. Approval of Minutes

It was moved to approve the minutes of the November 1, 2016 Regular Meeting and November 15, 2016 work session.

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 stated that the Winterfest will be Saturday. She also stated that she has been meeting with Mrs. Ozuna about the Main Street America partnership. They are working toward Occoquan's application.

Councilmember Drakes stated that there is a Budget Committee Meeting next Friday December 16, 2016. Mayor Quist noted that Councilmember Drakes has volunteered to participate on the Town's budget committee this year.

Councilmember Dawson stated that the Architectural Review Board did not have a meeting in November.

Councilmember McGuire stated that the Planning Commission did not have a meeting in November.

6. Mayor's Report

No Report. Mayor Quist added that the Winterfest fireworks sponsored by Prince William Marina are in honor of our Nation's Active Duty Military.

7. Staff Reports

A. Town Attorney: Mr. Crim, Town Attorney, reported on the Kiely property. He asked the Council to add a Closed Session to provide an update on the Kiely matter. He also stated that at the last meeting, the Town Council instructed Town Staff to inform Mr. Kiely that he needed to abate the sewage spill on his property. He stated that the abatement of the sewage spill has been completed. He also stated that there was a hearing in Circuit Court on November 23, 2016 in which the Court granted a temporary injunction against cutting the sewer line. Mr. Crim stated that this will maintain the current status and there is a jury trial set for the end of May 2017. Mr. Crim stated that the Town is only involved in this matter as a result of the appeal that Mr. Houghton has filed.

B. Town Engineer Mr. Reese, Town Engineer, submitted a report as part of the meeting agenda. No questions were received.

Stan Orndorff, The Engineering Groupe, provided an update on the River Mill Park project, specifically in regards to proposed improvements to the Stone Dust Trail. He stated that a preliminary design has been submitted and approved by Fairfax Water. He stated that they are in the process of completing the final engineering drawing. There was also a request for asphaltting the upper portion of the trail that was approved through email by Fairfax Water.

Ms. Jovanovich stated that the Town has reached out to Prince William County Public Works to see if they would be able to install the storm water system and asphalt the approved portion of the trail. She stated that Prince William County Public Works will be able to do it as per the MOU agreement between the Town and County.

Councilmember Dawson inquired about the timeline for the lights to be installed on the foot bridge. Mr. Orndorff stated that the Town has approval from VDOT to install the lights. As part of the approval, VDOT wants to replace the planks where the lights will be installed on the foot bridge. Mr. Orndorff stated that he has reached out to

VDOT and inquired about a timeline as to when the planks will be repaired and has not been given a response to date.

- 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 was present and her report was submitted as part of the meeting agenda. No questions were received.
- E. **Chief of Police:** Chief Linn was present and his report was submitted as part of the meeting agenda. No questions were received.
- F. **Boards and Commissions:** No ARB or Planning Commission meetings were held in November.

8. Regular Business

8A. Request to Extend Contingencies on Kiely Court Final Subdivision Plat

Chris Kiely, owner of 430 Mill Street, requested for all contingencies on the Kiely Court Subdivision Plat be removed. Town Staff recommended the contingencies on the Kiely Court Subdivision Plat be extended for one year. It was moved to extend the Town Council's conditional approval of the Kiely Court Final Subdivision Plat for one year, under the same conditions imposed by the original contingent approval dated December 1, 2015.

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

8B. Request to Consider Extension of Building Period for Kiely Court Project

Due to litigation pending in Circuit Court regarding Kiely Court, it was moved to continue this matter without action until the June 2017 Town Council Regular Meeting.

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

8C. Request to Designate No Parking on Section of W. Locust Street

The Town Council requested additional information regarding VDOT parking standards. It was moved to continue this matter until the January 2017 Town Council Regular Meeting.

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

9. Closed Session

Vice Mayor Sivigny moved that the Council convene in closed session to discuss the following as permitted by Virginia Code S 2.2-3711(A)(3), a matter involving: acquisition of real property for public purposes. Also, as permitted by Virginia Code S 2.2-3711(A)(7) consultation with legal counsel, or the pending case of Christopher and Jillian Kiely 430 Mill

Street, Occoquan Virginia and Prince William County Circuit Court. Councilmember Fithian seconded. **The motion carried by poll vote, unanimously.** The Council convened in closed session at 7:45 p.m.

The Council came out of closed session at 8:50 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 Fithian, Councilmember Drakes, Councilmember Dawson, and Councilmember McGuire, Vice Mayor Sivigny, by roll call vote.**

It was moved to approve the contract with OBC LLC for 1.05 acres at 401, 403, 405, 407 and 411 Mill Street and authorize the Mayor to sign the contract and appropriate a not to exceed amount of \$39,000 for due diligence.

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

10. Adjournment

The meeting was adjourned at 8:52 p.m.

Christopher Coon
Town Clerk