



**OCCOQUAN TOWN COUNCIL**  
**Regular Meeting Minutes**  
**Town Hall - 314 Mill Street, Occoquan, VA 22125**  
**Tuesday, October 1, 2019**  
**7:00 p.m.**

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

**Absent:** None

**Staff:** Kathleen Leidich, Town Manager; Adam Linn, Chief of Police; Martin Crim, Town Attorney; Bruce Reese, Town Engineer.

**1. Call to Order**

Mayor Porta called the meeting to order at 7:01 p.m.

**2. Pledge of Allegiance**

**3. Citizens Time**

Before beginning Citizens Time Mayor Porta spoke to thank Julie Little, Kathy Leidich, Adam Linn, and all the Town staff for their efforts during the recent Arts & Crafts Show. He also thanked all the volunteers, including all the Town Council members, each of whom had also volunteered for the Show. The sentiment was echoed by all the Town Council members.

Lance Houghton of Washington Street noted that he had recently discovered that the Prince William County landfill charges Occoquan residents when they take materials there for disposal. Mayor Porta explained that this is because the Town decades ago opted out of having its residents pay the annual Solid Waste Management fee charged other County residents (currently \$70 per single family home). He noted that given the distances to the Prince William County landfills, some residents find it more convenient to pay by load and dispose of waste at the nearby Lorton landfill in Fairfax County.

Mr. Houghton also expressed concern about the possible proliferation of video surveillance cameras on private property in Occoquan. The Town Attorney suggested that the Town likely did not have the authority to regulate such activity, but that he would look into such authority.

Brenda Seefeldt of Commerce Street brought forward an example of a sandwich shop's popsicle sign that she had removed from a public right-of-way in Town. She requested that the Town take a more active approach in enforcing the prohibition on such signs. Council members agreed and directed the Town Manager to make this a part of the Maintenance Supervisor's checklist.

**4. Approval of Minutes**

**A motion was made by Councilmember Holloway, seconded by Councilmember Fithian that the minutes of the September 17, 2019, work session meeting be approved. Motion passed unanimously, by voice vote.**

## **5. Mayor's Report**

Mayor Porta reported on the following activities in which he participated.

- 9/7 - Attended the ribbon cutting for Curate and for the Taproom.
- 9/13 - Attended an annual fundraiser for Court Appointed Special Advocates (CASA).
- 9/14 - Led the hike on the proposed Tanyard Hill Park trail.
- 9/14 - Attended the annual awards ceremony of Friends of the Occoquan (FOTO) and received a volunteer award from them.
- 9/15 - Emceed a portion of the Arts Alive! Event at the Hylton Performing Arts Center.
- 9/20 - Attended the staff meeting with the Mill at Occoquan applicant.
- 9/20 - Attended the VFW Post 7916 POW/MIA Recognition Day Ceremony in River Mill Park.
- 9/21 - Attended the Local Colour ribbon cutting.
- 9/24 - Attended the Planning Commission Special Meeting.
- 9/25 - Gave a slide presentation on Occoquan History to Old Bridge United Methodist Church Senior Pilgrims group.
- 9/28-9/29 - Attended and volunteered for the fall Arts & Crafts Show.

Mayor Porta also asked staff for the status of the sale of the excess police vehicle. The Town Manager indicated that the auction of the vehicle on Govdeals.com would be ending shortly. Mayor Porta also stated his intent to pursue clarification of the Town's noise ordinance, which currently lacks an enforceable objective standard. After consultation with the Town Attorney and Councilmember Perkins, he indicated that he would be seeking an advisory recommendation on the matter from the Planning Commission.

## **6. Councilmember Reports**

Councilmember Perkins reported that he had also participated in the Tanyard Hill Park trail hike and in the staff meeting with the Mill at Occoquan applicant. He noted that during the recent Arts & Crafts Show he had solicited vendor feedback and found all the vendors but one to whom he spoke to be positive about the show. Mr. Perkins also indicated that he was pleased with the turnout and public comment at the recent Planning Commission meeting at which the Mill at Occoquan project was discussed. Last, Mr. Perkins asked for clarification as to why the Town is using the County as its Building Official, and inquired as to whether or not it was appropriate to reconsider hiring an individual or firm. Mayor Porta noted that the Town has switched between an individual and the County multiple times and called on former Mayor Quist, who was in the audience, for her input, noting that the prior Council had first switched from the County to an individual and then switched back to the County (the current situation). Ms. Quist noted that during her tenure they had first moved from the County to an individual, but subsequently found that an individual could not adequately provide the needed services. The Town Manager indicated that she is satisfied with the current service provided by the County. Both the Town Attorney and the Town Engineer indicated that the County resources were significantly greater than what could be offered by

an individual or firm. Mayor Porta suggested that this issue be reviewed when the Town next sought bids for contracted services.

Councilmember Holloway reported that she had attended the most recent meeting of ASAP, for which she serves as the Town representative. She expressed her regret at being unable to attend the Tanyard Hill Park trail hike and hopes to participate in a future one. Ms. Holloway also commended Mr. Perkins on his oversight of the recent Planning Commission meeting at which the Mill at Occoquan project was discussed. Last, she reported on some of the difficulties associated with the Friday evening set up of vendors for the recent Arts & Crafts Show. This resulted in a discussion of the set up rules. Mayor Porta, Vice Mayor Sivigny, and Councilmember Dawson revisited some of the history of this issue, noting that vendors were previously only allowed to set up the morning of the show so as minimize inconvenience to Town businesses. Those rules were modified over the years to provide vendors with the opportunity to set up as early as 9:00 p.m. Friday evening provided their space was not occupied by a vehicle (after 2:00 a.m. vehicles in vendor spaces are towed). This accommodation has resulted, however, in some tension between vendors and Town businesses and their patrons. Now that only one business in Town stays open past midnight (Madigan's Waterfront Restaurant), it was agreed that the Events and Community Development Director should review the current rules to see if an earlier towing and a later setup time might minimize disputes.

Councilmember Fithian reported that she had also attended the Curate, Taproom, and Local Colour ribbon cuttings, the Tanyard Hill Park trail hike, and the recent Planning Commission meeting at which the Mill at Occoquan project was discussed. She noted that she also had spoken with various vendors at the recent Arts & Crafts Show and found that many were happy to learn that RiverFest in the spring would be a two day event. Ms. Fithian also had several suggestions regarding improvements to the Arts & Crafts Show that she agreed to provide to the Events and Community Development Director.

## **7. Staff Reports**

### **A. Town Attorney:**

Mr. Crim reported that he was working with staff, the Mayor, and the Chair of the Planning Commission on matters related to the Mill at Occoquan project and that he had participated in the September 20 staff meeting with the applicant. He also noted that that there is a January 1, 2020, deadline to adopt either a pilot program or an ordinance to regulate motorized skateboards, scooters, etc. If the Town misses the deadline, then any person may offer motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire. Several Council members favored considering possible regulations on this subject and the Town Attorney agreed to review what other jurisdictions have done and report back to the Town Council.

### **B. Town Engineer:**

The Town Engineer's written report was submitted as part of the meeting agenda. Mayor Porta asked the status of hiring a project manager for the kayak/canoe/SUP launch ramp. Ms. Leidich and Mr. Reese indicated that they are in discussions with a candidate. Mayor Porta asked if Ms. Leidich had made any progress on locating the

Occoquan flags for a potential “topping out” ceremony suggested by a Town resident. While the flag that used to fly on the Town flag pole appears to be missing, a flag is pole-mounted in Town Hall. Mayor Porta also asked that Ms. Leidich continue to keep in mind the spring deadlines for state stormwater management grant applications.

**C. Building Official:**

The Building Official’s written report was submitted as part of the meeting agenda.

**D. Zoning Administrator**

The Zoning Administrator’s written report was submitted as part of the meeting agenda. Mayor Porta expressed skepticism that it contained the status of all identified outstanding violations. He asked that a copy be provided to the Chair of the ARB.

**E. Town Treasurer**

The Town Treasurer’s written report of audits and tax delinquencies was submitted as part of the meeting agenda, as were draft financial results for July. Staff was directed to pursue garnishment of meal tax delinquencies for anyone more than a year in arrears.

**F. Chief of Police:**

Chief Linn submitted a written report as part of the meeting agenda. Mayor Porta commended the Chief on the conduct of his officers in an interaction with young people he had witnessed at River Mill Park during the Arts & Crafts Show. Rather than rousting the youth from congregating on and around the Love sign in the park, the officers assisted the youth in taking photographs and through their interaction no doubt contributed to the youth having a pleasant experience in Occoquan. This, Mayor Porta noted, was in his opinion an example of sound community policing in which officers use their experience and discretion to determine when and where a rigid enforcement of rules is or is not warranted.

**G. Public Works**

Staff distributed the updated Maintenance Supervisor checklist, highlighting items that had been added since the last meeting. Ms. Leidich confirmed that monthly and annual activities will be added at a later date.

**H. Boards and Commissions:**

Councilmember Perkins reported that the Planning Commission is looking forward to the Public Hearing on the Mill at Occoquan project. After discussion, it was agreed that in order to accommodate attendance by all Planning Commission members, the Public Hearing would be held on Thursday, November 7 [subsequently changed to November 6].

**I. Events and Community Development Director**

The Events and Community Development Director, Julie Little, submitted a written report with the agenda. It contained some updates to the planning for Spirits & Spirits and Riverfest.

**J. Town Manager:**

Ms. Leidich submitted a written manager's report as part of the meeting

**8. Regular Business****A. Request to Award Contract for the Construction of the Kayak Ramp Project**

**A motion was made by Councilmember Holloway, seconded by Councilmember Perkins to award a contract for IFB 2017-002, "Occoquan River Water Trail Access – Installation of a Non-motorized Watercraft Launch under Route 123" to Delta Marine for the construction of the project and to authorize the Mayor to sign the contract and construction agreement documents on behalf of the Town Council. Motion passed unanimously. Ayes: Vice Mayor Sivigny, Councilmembers Dawson, Fithian, Holloway, and Perkins, by roll call vote. Nays: None.**

**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 as Town Clerk. Councilmember Perkins seconded. Ayes: all, by voice vote. Closed session began at 8:18 p.m.

The Council came out of Closed Session at 8:39 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 Holloway seconded. Motion passed unanimously. Ayes: Vice Mayor Sivigny, Councilmembers Dawson, Fithian, Holloway, and Perkins, by roll call vote. Nays: None.

**10. Town Clerk Appointment**

At the recommendation of the Town Manager, Vice Mayor Sivigny moved to authorize the Town Manager to offer the position of Town Clerk to Katy Nicholson at a salary of \$45,000. Councilmember Holloway seconded. Councilmember Fithian moved to substitute for the pending motion a motion that the Town Manager be authorized to offer the position of Town Clerk to Katy Nicholson at a salary of \$46,000. Councilmember Holloway seconded the motion to substitute. The motion to substitute passed unanimously by voice vote.

Councilmember Fithian moved to authorize the Town Manager to offer the position of Town Clerk to Katy Nicholson at a salary of \$46,000. Councilmember Holloway seconded. Ayes: Vice Mayor Sivigny, Councilmembers Dawson, Fithian, Holloway, and Perkins, by roll call vote. Nays: None.

**11. Adjournment**

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

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Town Clerk