



**OCCOQUAN TOWN COUNCIL**  
**Regular Meeting Minutes**  
**Town Hall – 314 Mill Street, Occoquan, VA 22125**  
**Tuesday, September 3, 2019**  
**7:00 p.m.**

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

**Absent:** Councilmember Laurie Holloway

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

**1. Call to Order**

Mayor Porta called the meeting to order at 7:06 p.m.

**2. Pledge of Allegiance**

**3. Citizens Time**

Walt Seiberling of 107 Poplar Lane noted that there are plans for the construction of an indoor ski facility in Fairfax County just to the northeast of the Town and suggested that the Town investigate potential impacts. Mayor Porta noted that the entity planning the facility had contacted the Town more than a year ago and that it might be possible to have them send a representative to provide an informational presentation to the public.

Lance Houghton of 127 Washington Street reported to the Council that he was concerned about the placement of construction materials, trash, and other items in the Town-owned right-of-way adjacent to Kiely Court. He distributed a photograph showing the items of concern. He suggested that the Town require the owner of Kiely Court to move the items. Staff noted that Mr. Kiely has been cooperative and responsive to staff requests on a variety of matters. Council directed staff to contact Mr. Kiely and ask if he could relocate or shield any particularly egregious items. Councilmember Fithian expressed concern about the placement of the temporary toilet facility and asked if the Town had or could adopt regulations that require such facilities be a minimum distance from establishments like the adjacent restaurant. The Town Attorney responded that such regulations were the province of the Health Department and that the Town does not have the authority to implement additional regulations of that type.

**4. Dredging Agreement**

Mayor Porta asked for unanimous consent to move up on the agenda the consideration of the Dredging Agreement agenda item. There were no objections.

Mayor Porta noted that this agreement drafted by the Town Attorney is the mechanism by which the Town will allocate the \$5,000 budgeted in the FY2020 Capital Plan to contribute to the removal of sediment buildup at the terminus of the Union Street Pipe portion of the Town's stormwater management system. The remainder of the cost will be borne by the Gaslight Landing HOA.

**A motion was made by Councilmember Perkins, seconded by Councilmember Fithian to approve the Dredging Participation Contract, for an amount not to exceed \$5,000, and to authorize the Mayor to sign the contract on behalf of the Town Council. Motion passed, unanimously.**

#### **5. On-Call Financial Consulting Services**

Mayor Porta asked for unanimous consent to move up on the agenda consideration of the On-Call Financial Consulting Services agenda item. There were no objections.

Staff requested that the Town contract with Quist & Associates, LLC to provide approximately 69 hours of additional on-call financial consulting services for the Town. Ms. Quist was available to respond to questions from the Town Council. After the conclusion of the discussion with Ms. Quist, Mayor Porta requested that the vote on the subject be deferred until after the closed session discussion of personnel issues scheduled for later in the meeting.

#### **6. Report of Events and Community Development Director**

Mayor Porta asked for unanimous consent to move up on the agenda the report of the Events and Community Development Director. There were no objections.

Julie Little provided a written update on the planning for the FY2020 RiverFest and the FY2020 Spirits & Spirits events. Mayor Porta asked to what extent, if any, plans were being developed to allow Town businesses to take advantage of the recently-adopted Virginia law that enables existing ABC license holders, working with the Town, to obtain permission for alcohol to be consumed off-premises in designated areas during events. Since this is now being done in Manassas and some businesses in Occoquan have expressed an interest in doing so in Town, the Mayor asked that the Town Council provide Ms. Little with guidance on the subject. A lengthy discussion ensued that centered on the types of events for which this would be appropriate, the potential effects it might have on beer garden vendors, and the benefits that would accrue to Town businesses. At the conclusion of the discussion the Town Council directed Ms. Little to identify and report back to the Town Council which ABC license holders in Town might be interested in such an arrangement for the FY 2020 RiverFest and for any other events she might consider appropriate (e.g. the Merchants Guild Holiday Shopping/Town Tree Lighting event). Mr. Dawson noted that to the extent permissible, the Town should refuse to pursue such permits for businesses who are delinquent on their Town taxes.

#### **7. Christopher Coon Day Proclamation**

Mayor Porta asked for unanimous consent to add an item to the agenda and address it at this time. There were no objections.

Mayor Porta read a proclamation honoring Christopher Coon, whose last day in his current position is September 6, 2019.

**A motion was made by Councilmember Fithian, seconded by Vice Mayor Sivigny to adopt the proclamation. Motion passed, unanimously.**

## 8. Approval of Minutes

**A motion was made by Councilmember Dawson, seconded by Vice Mayor Sivigny that the minutes of August 6, 2019 meeting be approved. Motion passed, unanimously.**

## 9. Mayor's Report

This report is a listing of selected activities that Mayor Porta has performed in his capacity as Mayor since his last report.

8/10 - Attended Town's 257<sup>th</sup> Army Band event.

8/13 - Participated in the Chamber of Commerce "Meet the Mayors" Breakfast.

8/14 - Attended the ACTS Prince William Food Rescue Launch.

8/14 - Participated in a site visit by the PWC Tourism Office and a travel agent.

8/17 - Attended the Town's Beer Garden/Monallo event.

8/28 - Met with Denise McPhail of the PWC Human Rights Commission

8/28 - Attended the dedication of the John D. Jenkins Elementary School

9/1 - Attended the Craven Kangen Ribbon Cutting

## 10. Councilmember Reports

Councilmember Perkins reported that he attended the Beer Garden/Monallo event on August 17.

Councilmember Fithian reported that she attended the 257<sup>th</sup> Army Band event, the Beer Garden/Monallo event, and the Craven Kangen ribbon cutting.

## 11. Staff Reports

### A. Town Attorney:

Mr. Crim reported that he (1) had worked with staff to prepare the legal ad and the staff report for the Mill at Occoquan public hear scheduled to take place before the Planning Commission later this month, (2) had worked with Town Manager on some potential property acquisition related to the pedestrian improvements project, (3) had provided staff with comments on the special events policy scope and legal issues related to that, (4) worked with staff on the close out of the web site contract, and (5) prepared the Dredging Agreement voted on earlier in the meeting.

### B. Town Engineer:

The Town Engineer's written report was submitted as part of the meeting agenda. Councilmember Perkins asked about the status of hiring a Project Manager for the kayak/canoe launch. Ms. Leidich responded that she is working with the County to identify potential candidates. She indicated that the Town is pursuing renewal of the relevant permits in the meantime. Mayor Porta noted that he is expecting staff to work diligently to complete the project by December 31. Councilmember Perkins also asked about the status of Tanyard Hill Park. Mayor Porta responded that he has scheduled a trail walk on the site for September 14.

**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 noted that it did not include the status of some violations he knows are outstanding. Staff responded that this report only includes reviews conducted in August and that the violations the Mayor is thinking about were cited in July.

**E. Town Treasurer**

The Town Treasurer's written report of audits and tax delinquencies was submitted as part of the meeting agenda. A discussion ensued about the Meals Tax and Transient Occupancy Tax delinquencies. After discussion Council directed staff to send notices indicating that the delinquencies need to be cleared or the Town will be forced to pursue garnishment.

**F. Chief of Police:**

Chief Linn submitted a written report as part of the meeting agenda. Chief Linn elaborated verbally on the issues involving racing groups in Town and the Council discussed potential enforcement actions, including collaborating with adjoining property owners on camera surveillance. Chief Linn plans to report further on such possibilities at a future meeting.

Mayor Porta asked about the ability of the Town to restrict parking on Poplar Lane to residents only. The Town Attorney will investigate the issue.

Mayor Porta asked if any progress had been made in determining how timed parking would be enforced if the Town were ever to implement such a system. Chief Linn noted several options and distributed an informational sheet on the iChalk system. Council directed the Town Manager to also investigate and report back on kiosk systems.

Mayor Porta also asked about the status of the sale of the old police vehicle. A discussion ensued about whether or not the Town could sell the vehicle to anyone other than another law enforcement agency without first decommissioning the vehicle (i.e. removing the light bar, etc.). Staff's current plan is to offer the vehicle on Gov deals as a police vehicle first before incurring the cost to decommission it.

**A motion was made by Vice Mayor Sivigny, seconded by Councilmember Perkins to authorize up to \$1,000 for the removal of Occoquan identification decals from the vehicle. Motion passed, unanimously.**

**Police Grant Funding**

Mayor Porta asked for unanimous consent to move up on the agenda the Police Grant Funding agenda item. There were no objections.

A motion was made by Councilmember Perkins, seconded by Councilmember Fithian to accept the National Highway Safety Traffic Administration pass-through grant from the DMV and approve the soft match of up to \$6,632.00. Motion passed, unanimously.

## 12. Energy Efficiency Proclamation

Mayor Porta asked for unanimous consent to move up on the agenda the Energy Efficiency Day Proclamation. There were no objections.

A motion was made by Councilmember Dawson, seconded by Vice Mayor Sivigny to adopt the Proclamation proclaiming October 2, 2019 as Energy Efficiency Day. Motion passed, unanimously.

## 13. Staff Reports (Continued)

### G. Public Works

Staff distributed a written Public Works report with the agenda. Councilmember Perkins indicated that this was a good start at keeping the Council informed of such activities. A lengthy discussion ensued about the need for staff to maintain a list of the regularly-scheduled tasks for Public Works staff (e.g. emptying overflowing trash cans every Friday and Monday; annual turning off of outdoor water sources). Council directed the Town Manager to provide such a schedule at the first meeting in October.

### H. Boards and Commissions:

Councilmember Perkins reported that the Planning Commission met on August 27 and reviewed some initial hand-drawn sketches on potential signs for the entrances to Town and discussed the discussed briefly the upcoming public hearing on the Mill at Occoquan.

### I. Town Manager:

Ms. Leidich submitted a written manager's report as part of the meeting agenda. In her verbal report she (1) indicated that she had scheduled some site visits to look at other projects comparable to the Mill at Occoquan, (2) noted that the Town's Administrative is planning on moving out of the area in the near future, (3) noted that the public art exhibit of historic photographs on Mill Street had been removed and would soon be updated with the new one, and (4) noted that the poems from the Write by the Rails were mounted in Town Hall.

Mayor Porta requested that Ms. Leidich double-check the numbers on the canoe/kayak launch project in her report as they do not seem to match the understood cost-sharing amount. Councilmember Perkins asked for an update on the status of the Visitor Center Kiosk. Ms. Leidich reported that she was still awaiting a response from County staff on that issue.

Ms. Leidich briefly reviewed the new Town web site, noting in particular the mechanism for public reporting of issues. Council requested that they receive a monthly report from staff regarding such issues, similar to what the Chief of Police

provides. Councilmembers and members of the public made several suggestions for improvement, including ensuring that the mobile version of the site works properly.

#### **14. Storm Water Work Plan**

The Town Manager gave a presentation on the staff Stormwater Work Plan. Highlights included an overview of the study conducted in April 2018 by Prince William County, examples of potential problem areas, a proposed maintenance plan, and proposed future remediation projects. Mayor Porta noted three particular items relevant to the report:

- (1) Residents who have experienced stormwater issues have been told for nearly three years to wait for the results of a comprehensive stormwater study before expecting Town action, so it is imperative that the Town start to address such concerns;
- (2) The study conducted by Prince William County was not, nor did the County intend it to be, comprehensive. Instead, it examined the three primary underground arteries in Town. The Council should not assume that these are the only items for which the Town should feel compelled to take some responsibility.
- (3) Major creeks, like Ballywhack Creek, are integral parts of the Town's stormwater management system. These were not examined by the County study, but are aspects of the Town's stormwater management system for which the Town should expect to bear some responsibility, regardless of whether or not they are on private property, since their condition directly impacts the underground conduits over which the Town is presuming to exert control.

The Town Attorney noted that while private property owners have a responsibility not to make the condition of creeks any worse, they have no obligation to maintain them in a manner that benefits the underground stormwater conduits. This, coupled with the fact that management of stormwater is a fundamental responsibility of government, argues for the Town to play some role in the maintenance and remediation of such creeks where warranted.

Mayor Porta emphasized to staff that it is important to review the grant opportunities suggested by our State Senator and State Delegate that might be available for stormwater management and stream remediation so that we are ready to submit the relevant applications by the next deadline.

#### **15. POW/MIA Commemoration**

Mayor Porta asked for unanimous consent to add to the agenda and address at this time a request from Vice Mayor Sivigny for the Town to partner with VFW Post 7916 to use River Mill Park on September 20, for the annual POW/MIA commemoration. There were no objections.

**A motion was made by Vice Mayor Sivigny, seconded by Councilmember Fithian, that the Town partner with VFW Post 7916 to use River Mill Park on September 20 for the annual POW/MIA commemoration. Motion passed, unanimously.**

**16. 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 assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town; and, as permitted by the Virginia Code Section 2.2-3711(A)(3) a matter involving acquisition of real property for public purposes within Town boundaries. Councilmember Dawson seconded. Ayes: all, by voice vote. Closed session began at 10:07 p.m.

The Council came out of Closed Session at 11:08 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 Fithian seconded. Result of roll call vote: Ayes: Vice Mayor Sivigny, Councilmembers Dawson, Fithian, and Perkins. Nays: None.

**17. On-Call Financial Consulting Services**

**Vice Mayor Sivigny moved, and Councilmember Perkins seconded the authorization of additional hours to complete the tasks covered by the Contract for Accounting and Related Service with Quist & Associates, LLC, for an amount not to exceed \$6,210. Result of roll call vote: Ayes: Vice Mayor Sivigny, Councilmembers Dawson, Fithian, and Perkins. Nays: None.**

**18. Clerk Services Contracts**

**Vice Mayor Sivigny moved, and Councilmember Fithian seconded entering into a contract with Christopher Coon for 10 hours per week to perform administrative duties for the Town of Occoquan at a rate of \$25 per hour and authorize the Mayor to execute the contract; and, entering into a contract with Luke Seigfried for Town Council meeting meetings at a rate of \$17.50 per hour and authorize the Mayor to execute the contract. Result of roll call vote: Ayes: Vice Mayor Sivigny, Councilmembers Dawson, Fithian, and Perkins. Nays: None.**

**19. Adjournment**

The meeting was adjourned at 11:12 p.m.



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Christopher Coon  
Town Clerk