



**OCCOQUAN TOWN COUNCIL**  
**Regular Meeting Minutes**  
**Town Hall – 314 Mill Street, Occoquan, VA 22125**  
**Tuesday, February 5, 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; Bruce Reese, Town Engineer; Adam Linn, Chief of Police; Julie Little, Events and Community Development Director

**1. Call to Order**

Mayor Porta called the meeting to order at 7:02 p.m.

**2. Citizens Time**

None.

**3. Mayor Porta asked for unanimous consent to move item 7F and 8F up on the agenda; no Council objection.**

**7F. Chief of Police:**

Chief Linn submitted a report as part of the meeting agenda. No questions received.

**8F. Request to Adopt Resolution Related to Lease Purchase for Police Vehicles**

Councilmember Perkins moved to reopen discussion of the lease purchase of a police vehicle.

**A motion was made by Councilmember Perkins, seconded by Councilmember Holloway. Motion passed, unanimous by voice vote.**

Councilmember Fithian moved to approve the lease agreement of police vehicles.

**A motion was made by Councilmember Fithian, seconded by Councilmember Perkins.**

Councilmember Perkins moved to offer a substitute motion to adopt the Resolution related to the lease purchase agreement and any other future required documentation to complete the purchase of the two 2019 Ford Police utility vehicles.

**A motion was made by Councilmember Perkins, seconded by Councilmember Fithian. Motion passed, unanimous by voice vote.**

Councilmember Perkins moved to adopt the Resolution related to the lease purchase agreement and any other future required documentation to complete the purchase of the two 2019 Ford Police utility vehicles.

**A motion was made by Councilmember Perkins, seconded by Councilmember Holloway. Result of roll call vote: Ayes: Councilmember Perkins, Holloway, and Fithian. Nays: Councilmember Dawson and Vice Mayor Sivigny. Motion passed 3 - 2.**

Vice Mayor Sivigny and Councilmember Dawson felt that the Town having three Police Vehicles was unnecessary and expensive.

#### **4. Approval of Minutes**

Vice Mayor Sivigny moved to approve the minutes of January 2, 2019 Regular Meeting, as amended.

**A motion was made by Vice Mayor Sivigny, seconded by Councilmember Perkins that the amended minutes of January 2, 2019 be approved. Motion passed, unanimous.**

Vice Mayor Sivigny moved to approve the minutes of January 15, 2019 Work Session Meeting, as amended.

**A motion was made by Vice Mayor Sivigny, seconded by Councilmember Perkins that the amended minutes of January 15, 2019 be approved. Motion passed, unanimous.**

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

Mayor Porta reported he met with Imagine about the Town website and attended a VFW ceremony where awards were provided for an essay and a video speech.

#### **6. Councilmember Reports**

Councilmember Perkins reported he will be working with Heather Hill Nursery to help layout landscape plans for the town for free. He wanted to discuss the possibility of purchasing video equipment later during the meeting.

Councilmember Holloway reported she would be out of Town on business during the Budget Work Session and she sent an email to Town Council about the Town Budget.

Town Council gave the directive to Town Staff to produce a budget with no increase in tax rate and then one that staff recommends.

Mayor Porta wanted to thank Mr. Seiberling for reviewing the recodification of the Town Code. He stated that Mr. Seiberling had some questions from his review. His first question concerned the outdated nature of some items in the Town Charter. Mayor Porta noted that this issue has come up in the past and asked Mr. Crim to explain how the Town Charter and Town Code differ when it comes to the processing of updating the former.. Mr. Crim explained that Town charters often contain outdated items that nevertheless are retained for their historical value. Additionally, he noted that the process for updating the Town Charter is quite cumbersome and requires action by the Virginia General Assembly.

#### **7. Staff Reports**

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

- i. **Miller Brothers** - Completed the installation of the heaters at River Mill Park; the related building violations are being taken care of by Town Staff.
- ii. **Kiely Court** - Working with Town Staff regarding the erosion and sediment control and ice problems.
- iii. **Zoning Text Amendment** - Comments have been sent to Town Staff for minor edits before the final adoption.
- iv. **Draft Registration Ordinance for Short-term Rentals** - Working with the Town Manager to present a Registration Ordinance to be presented to Town Council for their consideration.

Councilmember Perkins inquired about what the Town can do with regard to the continued mud and water coming off of Kiley Court. Ms. Leidich stated she has been working with the Engineering Group about the ice, the erosion of sediment, and ensuring the street is cleaned daily in accordance with the relevant permit. When appropriate, citations have been sent to the developer for the ice on the sidewalk and sediment in the street.

Councilmember Holloway inquired what process is there to ensure the cleaning continues. Ms. Leidich indicated that the Zoning Inspector comes twice a month and within 24 hours of a rain event.

Mayor Porta wanted to articulate that a citation is a zoning violation. Ms. Leidich also stated when someone receives a zoning violation, they need to correct the violation in a specified amount of time or the Town will have a contractor do the work and charge the person who was in violation. She also indicated that the developer has been responsive and hopes that the Town can get this matter under control shortly.

Councilmember Fithian inquired what the developer is responsible for regarding cleaning snow, ice, or sediment on a daily basis. Ms. Leidich indicated that the developer needs to clean the sediment off the street on a daily basis.

Mr. Reese stated that there is a process that is followed from an erosion and sediment control regulatory standpoint. Virginia State Regulations dictate what enforcement actions the Town is able to take and in what order. He stated that he agrees with the Town Manager that we need more time to work with the developer to resolve this issue and keep the street clean.

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

Mayor Porta inquired about the Infiltration Trench and noted that Town Staff was going to reach out to the landscape contractors for a quote. Mr. Coon indicated we do not have a quote at this time.

Councilmember Perkins inquired about the Canoe and Kayak Ramp and how often we are contacting the Department of Conservation and Recreation, DCR, for the additional

funds. Mayor Porta stated that even if the Town would have received the funds we are in the period of the year that the Town can not engage in construction due to various environmental regulations.

Councilmember Perkins inquired about the amount of time the Town would need from the time funds were received until construction could start. Mr. Reese stated that it could be done quickly if the bids for construction were still valid. Mayor Porta also indicated that in this matter we do not have the option to press the DCR for the funds.

Councilmember Perkins inquired about the reason the Town needs to wait for the additional funds. Mr. Reese indicate he did not have a clear understanding as to why the money has not been released. He stated that it could have been allocated to other projects and the DCR needs to receive the money back from localities that are unable to use the funds. Mayor Porta indicated that based on his conversations with DCR they were de-obligating money from multiple projects to fund the Town's shortfall.

Councilmember Perkins inquired about how often the Town is communicating with DCR. Ms. Leidich stated that she has tried to reach out several times but has not made contact. Mr. Reese stated that he has spoken with DCR and stated that they are difficult to contact, but they are interested in getting this project completed.

**8. Mayor Porta asked for unanimous consent to move item 8C and 8D up on the agenda; no Council objection.**

**8C. Request to Adopt Resolution to Initiate Zoning Text Amendment: Home Occupation Certificate Section 157.010**

Motion was combined with item 8D.

**8D. Request to Adopt Resolution to Initiate Zoning Text Amendments: Special Use Permit Section 157.123 (Setback Regulations) and Section 157.124 (Height Regulations)**

Councilmember Fithian moved to adopt the resolution to Initiate Zoning Text Amendments for Revision to Chapter 157 of the Town Code to Modify the Standards Governing Home Occupations and to Permit Increases in the Maximum Height and Decreases in the Minimum Setback by Special Use Permit in the B-1 Zoning District. This resolution sends all of these items to the Planning Commission for a recommendation and a Joint Public Hearing.

**A motion was made by Councilmember Fithian, seconded by Councilmember Perkins. Result of roll call vote: Ayes: Councilmember Perkins, Holloway, Fithian, Dawson, and Vice Mayor Sivigny. Nays: None. Motion passed unanimous.**

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

**D. Town Manager:** Ms. Leidich submitted her report to Council at the dais. The report included an update on the website redevelopment and the new Occoquan Town Logo. She also reported the River Mill Park bath house had the heaters installed and passed

the building code inspection. She stated that winter hours of operation for the bath house will be from 8 a.m. to 8 p.m. Monday through Friday and closed Saturdays and Sundays except for special events. Ms. Leidich indicated that town staff has found a platform to utilize group text messages. Town staff is going to begin compiling cell phone numbers via an opt-in process for this purpose and the alerts are going to be called OCQ Alerts. She also reported that the town will begin a sidewalk repair program that will have town staff marking broken bricks in the winter and the maintenance supervisor will repair them in the spring or as soon as possible.

Councilmember Fithian inquired about the River Mill Park bath house being closed during the week. Mr. Coon stated that this is the first winter that the bath house will be open and the schedule is to ensure we do not have pipes freeze over the weekend while staff is not able to correct the problem.

Mayor Porta inquired about who will be able to sign up for the OCQ Alerts. Ms. Leidich indicated that it will be for residents, business owners, and patrons.

Councilmember Holloway inquired about the reasoning to make OCQ Alerts an opt-in program opposed to an opt-out one. Mayor Porta indicated that we do not have the data to be able to make this an opt-out program. Mr. Coon stated that while the Town does have phone numbers from residents, many of them could also be home phone numbers. You pay for each message sent which could cost a significant amount to send something that no one would receive. Mr. Coon indicated that the town's plan for receiving information for the OCQ alerts is going to combine several items in one saturation mailer that will be sent to every Post Office Box in Town. The mailer will ask if they want to participate in emergency alerts through text messages or email, event notifications through text messages or email, and finally if they would like to continue to receive hardcopies of the Town Newsletter.

Councilmember Fithian inquired about how to contact the Town Maintenance Supervisor. Mayor Porta indicated that all requests or contact attempts should go through the Town Manager.

Vice Mayor Sivigny inquired if we can reach out to Washington Gas to allow the VFW to get their trash collected. Ms. Leidich stated it won't be a problem to get that done.

Mayor Porta inquired about getting the intersection of Mill Street and Washington Street cleared of the mud that has built up next to the sidewalk. Councilmember Perkins also indicated that some clean-up needs to occur around the Town Annex. Mayor Porta also asked Ms. Leidich to discuss a regular review process for the Maintenance Supervisor.

**9. Mayor Porta asked for Unanimous Consent to move item 8E and 8H up on the agenda; no Council objection**

**8E. Request to Approve Town Code Amendment: Use of Streets (Section 111.42)**

Councilmember Holloway moved to adopt Ordinance O2019-04.

**A motion was made by Councilmember Holloway, seconded by Councilmember Dawson. Result of roll call vote: Ayes: Councilmember Perkins, Holloway, Fithian, Dawson, and Vice Mayor Sivigny. Nays: None. Motion passed unanimous.**

Councilmember Dawson moved to name the Town Manager and Events and Community Development Director as the Town Council designees for matter involving Use of Streets.

**A motion was made by Councilmember Dawson, seconded by Councilmember Fithian. Motion passed, unanimous by voice vote.**

**8H. Request to Adopt Ordinance to Update Town Code (Section 71.02)**

Vice Mayor Sivigny moved to adopt Ordinance O2019-03.

**A motion was made by Vice Mayor Sivigny, seconded by Councilmember Holloway. Result of roll call vote: Ayes: Councilmember Perkins, Holloway, Fithian, Dawson, and Vice Mayor Sivigny. Nays: None. Motion passed unanimous.**

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

Councilmember Perkins asked to have the FY 2018 Actual amounts to be included in the Treasurer reports.

Mayor Porta inquired if the money for the intersection has already been spent or if it is only allocated for the intersection project. Mr. Coon indicated that the funds have been paid to Prince William County to move forward on the intersection projects.

Mayor Porta inquired about the Bricks Money Market Account and where the funds are allocated. Town Staff will have to provide that answer at a later date.

**G. Events and Community Development Director:** Ms. Little submitted the Events and Community Development Director report as part of the meeting agenda. She also inquired about using funds allocated for movies to purchase equipment. She indicated that if the Town purchased the equipment, the money saved renting the equipment would cover the cost after only one year.

Mayor Porta inquired about who would be responsible for the movie equipment. Ms. Little indicated she would be responsible.

Councilmember Perkins moved to set a not-to-exceed amount for \$2,500 to purchase movie equipment.

**A motion was made by Councilmember Perkins, seconded by Councilmember Fithian. Motion passed, unanimous by voice vote.**

**H. Boards and Commissions:** Councilmember Perkins reported that the Planning Commission has been working on specific areas. Also, Jenn Mathis is about to complete the Certified Planning Commissioner Training. He indicated that there is a high likelihood there will be another member of the Planning Commission by the next Regular Meeting.

Councilmember Holloway inquired about the next steps for the Parking Recommendations. Councilmember Perkins indicated that he would like any resident or business owners with questions to contact himself or Town Staff. He also indicated that Planning Commission is currently discussing how to implement the recommended timed parking. The Town Clerk had sent out a letter to the Occoquan Merchants Guild asking for feedback and opinions and a survey as also been sent to the Business Community for them to complete and return to Town. That information will be utilized to help guide future discussion.

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

## 10. Regular Business

### **A. Bags to Benches Program**

Ms. Leidich indicated that Patriot Scuba will be collecting plastic to try and provide a bench for Town. The goal is to collect 500 pounds of plastic to have a bench made. Town Council wanted to thank Mr. and Mrs. Curren for their support to the Town and the environment.

### **B. Request to Adopt Town Logo and Brand Guidelines**

Councilmember Holloway moved to adopt the Town Logo identified in the Brand Guidelines (January 2019) and also to adopt the Brand Guidelines (January 2019) to govern the use of the Town Logo.

**A motion was made by Councilmember Holloway, seconded by Councilmember Fithian. Motion passed, unanimous by voice vote.**

### **G. Request to Remove Overgrowth Between Commerce Street and Poplar Alley**

Councilmember Perkins moved to set a not-to-exceed amount of \$1,660 for the removal of overgrowth between Commerce Street and Poplar Alley

**A motion was made by Councilmember Perkins, seconded by Councilmember Holloway. Motion passed, unanimous by voice vote.**

## 9. Adjournment

The meeting was adjourned at 9:12 p.m.



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Christopher Coon  
Town Clerk