



OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes
Town Hall – 314 Mill Street, Occoquan, VA 22125
Tuesday, January 7, 2020
7:00 p.m.

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

Absent: Councilmember Eliot Perkins

Staff: Kathleen Leidich, Town Manager; Bruce Reese, Town Engineer; Adam Linn, Chief of Police; Julie Little, Events Director; Katy Nicholson, Town Clerk

1. CALL TO ORDER

Mayor Porta called the meeting to order at 7:05 p.m., noting that he would like to move the establishment of the Community Partnership Award to the top of the agenda. Council had no objections to this change.

2. REGULAR BUSINESS

a. Community Partnership Award - Resolution

Mayor Porta read a resolution establishing a Community Partnership Award for the Town.

Motion to approve the resolution establishing a Community Partnership Award:

Moved by Councilmember Holloway; seconded by Councilmember Fithian.

Motion **passed** unanimously by voice vote.

Mayor Porta presented the 2020 Community Partnership Award to Jeff and Merial Curren of Patriot Scuba, noting that the concept for the award was inspired by their consistent contributions to the Town.

3. CITIZENS' TIME

- Lance Houghton, 440 Mill Street, said he received a letter from the town requiring a Certificate of Appropriateness from the Architectural Review Board for a fence on his property. Mr. Houghton asked whether such letters are typically sent due to resident complaints, or whether the Zoning Administrator patrols the town looking for violations. Mayor Porta told him that such letters are typically motivated by observations by Architectural Review Board members and the public. Mr. Houghton asked whether such complaints are subject to the Freedom of Information Act; Mayor Porta replied that most information of that sort is subject to FOIA. Mr. Houghton asked whether a fence at 426/430 Mill Street has received a Certificate of Appropriateness. Mayor Porta requested that Town staff look into the matter for Mr. Houghton. Regarding a zoning ordinance limiting the number of bedrooms per parking space, Mr. Houghton asked whether the town has established a definition for "bedroom." He noted that the ordinance is not enforceable without a definition of what a bedroom is. Ms. Leidich responded that she would consult with the Town Attorney on the matter. Mr. Houghton noted that he has given permission for the contractor for 426 Mill St. to pour concrete from his driveway, and the contractor has in turn agreed to clean up the town-owned right-of-way in front of the property.

- Betsy Merklein, 402 Mill Street, thanked the Town for its support of the Un-Trim-A-Tree program on behalf of the Occoquan Merchants' Guild. She reported that Town residents and business owners donated nearly 90 gifts to children in the local school district. Mayor Porta thanked Ms. Merklein for facilitating the Town's involvement in the program, noting that it has become an Occoquan holiday tradition.

4. APPROVAL OF MINUTES

a. December 3, 2019 Regular Business Meeting Minutes

Moved by Vice Mayor Sivigny, as written; seconded by Councilmember Fithian.

Motion **passed** unanimously by voice vote.

5. MAYOR'S REPORT

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

- 12/7 – Judged Prince William Marina Boat Lighting
- 12/13 – Judged the Community Gingerbread Contest
- 12/13 – Participated in an event with business owners honoring JoAnn Barney
- 12/14 – Participated in WinterFest, including judging the Lake Ridge Santa Parade, greeting Santa at the Town Dock and escorting him to Town Hall, and introducing the Rockledge Elementary Music Program at Town Hall
- 12/19 – Served on an economic development panel for Leadership Prince William's Economic Development and Tourism Day
- 12/30 – Spoke with Delegate Torian regarding Stormwater funds
- 12/30 – Met with representative regarding real estate in Town
- 1/3 – Participated in meeting on Mill at Occoquan
- 1/6 – Attended the swearing-in of the Sheriff, Commonwealth Attorney, and Board of County Supervisors.

Mayor Porta also reported on or inquired of staff regarding the following items:

- Mayor Porta asked the Town Manager about the updates to the Town Code on the Town website. The Town Manager responded that the updates had been made.
- Mayor Porta asked the Town Manager about ensuring that the final minutes of meetings have been signed and then placed on the Town website. The Town Manager responded that this had been completed.

6. COUNCILMEMBER REPORTS

- Councilmember Holloway expressed her disappointment at having been unable to attend the Town's recent holiday events. She also thanked staff for bringing her some food from their holiday luncheon.
- Councilmember Fithian noted that she was glad Councilmember Holloway was on the mend.

7. STAFF REPORTS

a. Town Attorney

The meeting agenda included a written report from the Town Attorney.

No further discussion.

b. Town Engineer

The meeting agenda included a written report from the Town Engineer.

Mayor Porta proposed moving up the Kayak Ramp and Stormwater Management agenda items in consideration of the Town Engineer's time. Council had no objections.

8. REGULAR BUSINESS (CONTINUED)

b. Update on Kayak Ramp Project – Change Order

Ms. Leidich explained that there was discussion between the Town and the project manager regarding financial responsibility for the building permit and related costs. These discussions resulted in the change order that was submitted in the agenda packet for Council's consideration. Ms. Leidich said that she had just spoken with the project manager, and that they expected the building permit application to be ready for submission to Prince William County by the end of the following week. She added that the Town and the project manager were working to ensure that pile driving would be complete by February 15, in accordance with construction regulations for fish spawning season.

Mayor Porta asked Ms. Leidich to keep him apprised as to the status of the building permit application, as he wanted to ensure it was reviewed as quickly as possible.

Motion to approve a change order not to exceed \$8,500 for the Kayak Ramp Project:

Moved by Councilmember Fithian; seconded by Councilmember Holloway.

Ayes: Councilmember Holloway, Councilmember Fithian, Councilmember Dawson and Vice Mayor Sivigny, by roll call vote.

Nays: None.

c. Stormwater Management Work Plan

Ms. Leidich explained that she was working with the Prince William County Public Works Department to determine the costs of projects included in the Town's Stormwater Management Plan, and to create a five-year work plan. Ms. Leidich noted that:

- The proposed work primarily focused on the three pipes that run through Occoquan. It also included three streams that run through Town, as there may be future opportunities to improve those. She planned set up a time in the next couple of weeks to walk along the streams with Mr. Reese and Prince William County Public Works staff.
- Additional projects may be identified as the Town works with the Department of Environmental Quality to implement the Virginia Stormwater Management Program.
- Projects planned for FY2020 include the installation of a trash rack entrance to the pipe in Cooper's Alley on Washington Street to keep out debris, followed by cleaning and epoxying trouble spots in all three pipes that run through Town. Additionally, the Town has already spent a portion of its FY2020 Capital Improvement Plan funding on its share of a dredging project in the vicinity of the Gaslight Landing condominiums.
- She recommended that Council budget at least \$25,000 in the Capital Improvement Projects fund for stormwater management projects going forward.
- Potential projects for FY2021-2023 also were listed in the work plan.

- One potential candidate for grant funding was the lining of the Ellicott and Union street pipes, which would cost approximately \$850,000.

Regarding one of the FY2022 recommended projects, “Inspection/Repair of Vantage Point Infiltration Ditch,” Mayor Porta asked why the cost was listed as \$550.00 when the repairs would significantly exceed that amount. Ms. Leidich responded that the price quoted was for an inspection of the ditch by Prince William County staff. Depending on the outcome of the inspection, the county may be able to perform repairs at a reduced cost. Mayor Porta asked Ms. Leidich to remove “repair” from the project title to avoid confusion.

Mayor Porta also noted that Delegate Luke Torian, chair of the state’s House Appropriations Committee, had taken an interest in the Town’s stormwater management issues. Mayor Porta said he planned to work with Ms. Leidich and Mr. Reese to compile information about projects with grant funding potential, and to pass that information along to Del. Torian. Vice Mayor Sivigny requested that the streams mentioned in the work plan be added as potential Capital Improvement Projects.

Mayor Porta asked whether any discussion has taken place regarding Boundary Branch on Poplar Lane. Ms. Leidich responded that she had spoken with the Virginia Department of Transportation (VDOT) about its propensity for flooding, and that VDOT had not submitted a cost estimate for remediation. Mayor Porta asked that Mr. Reese take a look at the stream, as he had heard from a resident who was concerned about the flooding and had been unable to reach a resolution with Prince William County or VDOT. Mayor Porta also noted that he would like an engineer to take a closer look at a collapsed retaining wall further up Boundary Branch.

Councilmember Dawson recommended adding two areas to the Stormwater Management Plan list: The storm drain in front of Gaslight Landing and the storm drain in front of Kiely Court. Mayor Porta asked Ms. Leidich to go outside the next day after it rained and observe those areas, and to note any other problem areas that could be added to the plan.

Councilmember Holloway asked whether the Boundary Branch flooding on Poplar Lane was eroding the road. Mayor Porta responded that it did not seem to be damaging the road, but that the flooding of the road was generally a problem that should be addressed. Mayor Porta asked Ms. Leidich to confirm that there were reflectors at the location to prevent vehicles from driving into the ditch.

9. STAFF REPORTS (CONTINUED)

c. Building Official

Mayor Porta asked Ms. Leidich whether an item from April 25, 2014 had been sent to enforcement; Ms. Leidich confirmed that the matter was being handled by the Prince William County Building Department.

d. Zoning Administrator

The meeting agenda included a written report from the Zoning Administrator.

Mayor Porta asked Town staff to find out for Mr. Houghton whether the fence at 426/430 Mill Street had been approved or cited by the Zoning Administrator.

e. Town Treasurer

The meeting agenda included a written report from the Town Treasurer.

Mayor Porta noted that Ms. Leidich had made a few clarifications to the Treasurer's Report:

- The "Accounts Receivable" number (\$277,000) on the Balance Sheet included anticipated real estate receipts.
- Two extra line items in revenues (fuel reimbursement for public safety and e-ticket for public safety) had been added to the Profit/Loss document. Mayor Porta asked Ms. Leidich to ensure that those items would be moved to the "Other Revenues" category in the future, as he did not want to add revenue categories that were not in the approved budget.
- The Profit/Loss document was titled "As of 10/31/2019." This should have read "As of 11/30/2019."

Vice Mayor Sivigny asked for clarification about Madigan's, which was noted to be seven months' delinquent and in a weekly payment plan. Ms. Leidich explained that the Town sometimes creates payment plans with restaurants that are in arrears, and that Madigan's is trying to catch up by making weekly payments rather than the usual monthly Meals Tax payments. Mayor Porta noted that the more frequent payments should result in a decrease in the length of delinquency; otherwise, the payment plan is not effective.

f. Chief of Police

The meeting agenda included a written report from the Chief of Police.

Vice Mayor Sivigny asked about a note in the report stating that intersection control would be conducted when two officers were available, and whether that was different from what had been conducted previously. Chief Linn explained that the Police Department had increased intersection control activities at Commerce and Union streets during the previous month. He found that two officers were necessary for their efforts to be effective, as a second officer was needed to prevent drivers from cutting through Center Lane to avoid the officer at the main intersection.

Vice Mayor Sivigny noted that such an issue would not exist if the officer were stationed at Washington and Commerce. Chief Linn responded that the Department had tried enforcement at that intersection and received many complaints from Town residents. He explained that at Commerce and Washington, all traffic, including Occoquan Residents, is affected. At Commerce and Union, enforcement primarily affects traffic cutting through Town to get from Route 123 to Old Bridge Road. Mayor Porta noted that he was concerned about officer safety, and that he thought the Department could conduct intersection control more safely and efficiently in a police vehicle.

Councilmember Holloway said she had recently asked Chief Linn for an update on intersection control, and that he told her that pedestrians had thanked him, and she had also heard positive feedback from pedestrians. She also expressed her hope that traffic apps might divert some through traffic away from Town due to the police presence and subsequent slower speeds. She and Councilmember Fithian confirmed that they have noticed a decrease in vehicles speeding through town during rush hour since enforcement began.

Mayor Porta said in his experience, vehicles often rev their engines on the uphill streets due to the stop signs they encounter as they make their way uphill. He asked Chief Linn to look into the feasibility of two-way traffic on Commerce Street, which would prevent drivers from needing to circle around Town. Councilmember Holloway responded that she did not want to make it more convenient for people to cut through Town. Mayor Porta replied that people cut through regardless of the inconvenience, and that two-way traffic on Commerce Street would at least reduce the need for many Town residents to circle around the Town.

Councilmember Dawson suggested changing Tanyard Hill Road to a one-way street, changing directions during rush hour to discourage through traffic. He noted that the road is not designed to carry large amounts of traffic. Mayor Porta responded that the Route 123/Old Bridge Road intersection also is overwhelmed at rush hour, so the County may be unwilling to resolve the Tanyard Hill Road issue until Route 123/Old Bridge is addressed.

Mayor Porta asked Chief Linn to look into the safety implications of alternate traffic patterns and provide a recommendation for Council. He also asked Ms. Leidich to find out whether VDOT had performed a recent traffic count on Tanyard Hill Road. Councilmember Fithian asked whether the Town had given any consideration to roundabouts. Mayor Porta responded that he is a proponent of roundabouts, and that VDOT determined several years ago that there was not enough space within Town boundaries to create any roundabouts.

Regarding an January 3 incident in the weekly police report, Councilmember Holloway expressed her thanks to the officer who purchased \$5 of gas for a mother and baby who had run out of gas and were stranded on Route 123.

Vice Mayor Sivigny asked whether the Town had undertaken any initiatives to promote individual officers on the Town website. Ms. Leidich responded that she discussed the idea with Chief Linn and that there was some concern about officer safety and security. Mayor Porta said he appreciated the improvement in police-community relations of late, and that there may be some opportunities to familiarize residents with the officers without compromising the officers' safety. Councilmember Fithian suggested officer profiles in the Post Office. Ms. Leidich said staff could likely include information about the officers in the Town newsletter.

g. Public Works

No discussion.

h. Events and Community Development Director

The meeting agenda included a written report from the Events and Community Development Director.

Mayor Porta said he thought the Winterfest Event was a success, and he had heard from residents and business owners who had a good time. Ms. Little noted that she would continue to develop tactics to drive more people to the end of Mill Street near River Mill Park.

Ms. Little presented her social media report, noting that the next big social media campaign would be the promotion of Riverfest.

Vice Mayor Sivigny said that he wanted staff to be careful to avoid “mission creep” as the Events and Community Development Director worked to market the town as a regional destination. Mayor Porta explained that in the past, some people pushed for an economic development director position, which was outside of the Town’s budget, and that he did not want the Events and Community Development Director to become a full-time marketing or economic development position. Councilmember Holloway asked if there was a particular reason for this concern; Mayor Porta and Vice Mayor Sivigny responded that their concerns were precautionary.

Councilmember Holloway commended Ms. Little on the content and frequency of the Town’s recent social media posts. Councilmember Fithian said she liked one of the future promotional campaign ideas: “50 Top Things to Do in OCQ.” Mayor Porta suggested that 25 ideas might be more manageable. Regarding another future promotional idea, “Invite Media Influencers to Endorse the Town,” Mayor Porta suggested that Ms. Little contact the Prince William Tourism Office for their ideas and support.

i. Boards and Commissions

Councilmember Holloway said the Architectural Review Board met December 10 and approved a new venting system for the Bottle Stop Wine Bar.

Councilmember Holloway also noted that a representative from the Prince William County Tourism Office presented the proposed concept for a new Visitor Center kiosk, and that the proposed placement had shifted slightly. Councilmember Holloway also noted that the board had some concern about placement of specific materials within the kiosk. Ms. Leidich said she and Ms. Little planned to meet with County staff regarding the materials. Mayor Porta noted that the Visitor Center (as well as the kiosk that will replace it) is a County Tourism Office and it is required to promote attractions throughout Virginia in order to maintain its status and keep the signage for the location on I-95. In light of this, he encouraged staff to be realistic in their negotiations with County staff. He also asked any councilmembers who were interested in participating in these discussions to let Ms. Leidich know.

Councilmember Fithian pointed out that map signage at the end of Mill Street was oriented backward and was confusing. She requested that the sign be replaced. Mayor Porta said this had been included in a sign review by the Planning Commission and that it would be replaced when the sign fails. Councilmember Fithian also requested a larger parking sign to direct visitors to the parking lot under the Route 123 bridge.

j. Town Manager

The meeting agenda included a written report from the Town Manager.

Ms. Leidich noted that she had received a resignation letter from the Town Treasurer, and that she was requesting a closed session to discuss the recruitment of a new Treasurer.

Vice Mayor Sivigny asked about the River Mill Park bathhouse item in Ms. Leidich’s written report. Ms. Leidich said the project was still underway and that the project manager that had been hired for the kayak ramp project also had substantial experience relevant to the bathhouse project. She added that the Town had submitted a plan to Prince William County and was awaiting a response. Mayor Porta asked Ms. Leidich to keep Council informed about the status of the project.

Vice Mayor Sivigny also asked about the outcome of a January 3 meeting regarding the Mill at Occoquan development. Mayor Porta explained that the developer and the architect discussed their draft revisions, which incorporated some suggested changes, with the Town Attorney. Mayor Porta added that the developer and architect planned to undergo another round of revisions based on suggestions from the January 3 meeting. Mayor Porta noted that the latest updates included an increased setback from the sidewalk in some locations, structural changes, and potentially a wider boardwalk and restaurant. The meeting also included discussion of public comments on the project.

Councilmember Fithian asked whether there was a timeline for the Mill at Occoquan project. Mayor Porta responded that he expected the plans to be revised again in the next couple of weeks, and that he hoped the developer would be amenable to providing additional opportunities for public input besides the formal public hearings.

Councilmember Holloway asked whether the height of the project was discussed at the meeting. Mayor Porta said he made it clear that building height is a significant issue for the project, but the varying heights and grades of other properties in Town complicate the discussion. Mayor Porta noted that there would be more to discuss when Planning Commission Chair Eliot Perkins was present and when the next round of revisions to the building plans were submitted.

Councilmember Fithian asked whether the building façade had been discussed. Mayor Porta said the updated plan included more variations in the façade to give the appearance of five separate buildings, but that the rear side of the building was not as visually interesting.

10. REGULAR BUSINESS (CONTINUED)

d. Walter D. Bailey Volunteer Award – Resolution

Mayor Porta noted that this award was originally established in 2007, but the information about past recipients had been removed from the Town website in recent years. He suggested that Council reaffirm the award and ensure future documentation of award/recipient information.

Motion to adopt resolution to reaffirm the Walter D. Bailey Volunteer Award:

Moved by Councilmember Dawson; seconded by Councilmember Fithian.

Motion **passed** unanimously by voice vote.

e. Confirmation of 2020-2021 Council Focus Areas

Mayor Porta noted that a document from 2019 had been included as part of the agenda item, which had caused confusion because it included proposed focus areas that had not ultimately been approved by Council. Mayor Porta explained that Ms. Leidich had included the old document as background information, and he requested that in the future, Ms. Leidich further clarify the focus areas approved by Council versus background information.

Vice Mayor Sivigny noted that the focus areas were listed in alphabetical order rather than by order of priority. Mayor Porta said he thought the 2019-2020 items had been listed in order of priority. Councilmember Holloway said she thought the 2020-2021 items should be listed in order of priority. Vice Mayor Sivigny said he would like public safety to be listed first. Ms. Leidich explained that the focus areas would be used as a framework for the

Town's budget. Mayor Porta said he would like to see the proposed budget prior to finalizing the focus areas, in order to see the costs associated with each item.

Mayor Porta noted that he would like to change "Be the shopping, dining and entertainment hub of the premier leisure destination in Prince William, southern Fairfax, and northern Stafford counties" to "Be a shopping, dining and entertainment hub..." Councilmember Holloway responded that she preferred the "aspirational" wording, with the understanding that Council would have realistic expectations.

Mayor Porta pointed out that a Council meeting scheduled for May 5 coincided with the Town's election day and would need to be changed. Ms. Leidich noted that she expected the FY2019 audit report to be presented at the February 4 Council meeting.

11. CLOSED SESSION

Motion to 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, specifically dealing with the Town Treasurer.**
- **As permitted by the Virginia Code Section 2.2-3711(A)(3) a matter involving acquisition of real property for public purposes.**

Moved by Vice Mayor Sivigny; seconded by Councilmember Holloway.
Motion **passed** unanimously by voice vote.

Closed session began at 8:49 p.m.

Closed session ended at 9:18 p.m.

Motion to 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.

Moved by Vice Mayor Sivigny; seconded by Councilmember Holloway.

Ayes: Councilmember Holloway, Councilmember Fithian, Councilmember Dawson and Vice Mayor Sivigny, by roll call vote.

Nays: None.

Motion to authorize the Town Manager to advertise the Town Treasurer position as a full-time position with a cost not to exceed \$56,305 annually:

Moved by Vice Mayor Sivigny; seconded by Councilmember Holloway.
Motion **passed** unanimously by voice vote.

Motion to authorize the Town Manager to retain Carla Rodriguez to provide Treasurer services for the Town up to 20 hours per week at a rate of \$25 per hour:

Moved by Councilmember Holloway; seconded by Councilmember Fithian.
Motion **passed** unanimously by voice vote.

12. ADJOURNMENT

The meeting was adjourned at 9:20 p.m.



Katy Nicholson

Katy Nicholson
Town Clerk