



OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes
Town Hall – 314 Mill Street, Occoquan, VA 22125
Tuesday, February 4, 2020
7:00 p.m.

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

Absent: None

Staff: Kathleen Leidich, Town Manager; Bruce Reese, Town Engineer; Martin Crim, Town Attorney; 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 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. CITIZENS' TIME

No speakers.

4. APPROVAL OF MINUTES

a. January 7, 2020 Regular Business Meeting Minutes

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

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

8. REGULAR BUSINESS

b. Confirmation of FY 2021 Budget Calendar

Mayor Porta noted that Ms. Leidich modified two dates on the calendar to accommodate the Virginia Primaries and the Town Elections.

Motion to confirm the FY 2021 Budget Calendar:

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

d. Stormwater Management Report Discussion

Mayor Porta noted that he planned to send the Stormwater Management Plan to Delegate Luke Torian once it was approved by Council. He explained that he made two minor changes to the document: a title change to "Town and County Issues" and adding the words "heavily developed" to a reference to an "upland watershed."

Motion to endorse the Stormwater Management Program Review dated January 8, 2020, as revised:

Moved by Councilmember Fithian; seconded by Vice Mayor Sivigny.

Motion **passed** unanimously by voice vote.

- e. **Resolution Establishing Town Signatories During Recruitment for Town Treasurer**
Ms. Leidich explained that due to the departure of the Town Treasurer, the Town needed a second signatory for financial documents.

Motion to approve the resolution to designate the Town Manager as the second signatory with the Mayor on Town financial documents during the recruitment process for Treasurer, as presented:

Moved by Councilmember Holloway; seconded by Councilmember Perkins.

Motion **passed** unanimously by voice vote.

- c. **Update on Kayak Ramp Project – FY 2020 Budget Adjustment (Recognizing Kayak Ramp Grant Funding)**

Mayor Porta explained that the actual cost for the Kayak Ramp Project was more than the amount approved in the FY 2020 Capital Improvement Plan, and that this increase in expenditures could potentially require a budget amendment in accordance with state law if all other budgeted capital expenditures were incurred. The budget adjustment would require a public hearing and public advertisement process, he said.

Mayor Porta added that the state would allow the Town to use costs incurred prior to FY 2020 – such as engineering, environmental and staff expenses – to help meet its 20 percent grant match.

Ms. Leidich noted that the Town’s local match for the grant would be \$70,913 and that invoices for the project would be submitted to the state for reimbursement by July 15, 2020.

Mr. Crim said the Town is dealing with two sets of figures: the overall cost for the project throughout several years, and the FY 2020 costs. Mayor Porta responded that the budget for FY 2020 should not reflect costs incurred prior to FY 2020. Mr. Crim said the Town could refine the number for public advertisements.

Motion to place Budget Amendment #2020-001, which amends the FY 2020 Adopted Budget, on the agenda of the March 17, 2020 Work Session, conditionally on the determination of final numbers:

Moved by Councilmember Perkins; seconded by Councilmember Fithian.

Motion **passed** unanimously by voice vote.

7. STAFF REPORTS

b. Town Engineer

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

Mayor Porta asked about the status of the Kayak Ramp construction. Ms. Leidich responded that she anticipated the contractor would be driving piles the following week. She added that the plan was for all piles to be driven before February 15. Councilmember Perkins asked which day the piles would be driven. Ms. Leidich responded that the work was weather-dependent, but the poles were expected to arrive on Thursday.

Mr. Reese noted that the Geotech specialist determined that no blasting would be necessary for driving the piles.

Councilmember Holloway asked whether a kayak rack would be provided for visitors who paddle to Town. Mayor Porta explained that a rack had not been included in the original plan because the ramp had been envisioned as a launch site. He added that this would be a good idea to pursue in the future. Councilmember Fithian requested that staff look into this, as she would like a rack to be there for the opening of the ramp. Ms. Leidich said this would be a good subject to discuss as part of the Capital Improvement Plan. Mayor Porta suggested that Penguin Paddling and Occoquan Regional Park may have suggestions for a rack. Councilmember Holloway noted that visitors who kayak into town may help to alleviate parking congestion.

8. REGULAR BUSINESS (CONTINUED)

a. FY 2019 Audit Report Presentation

Mike Moran of Robinson, Farmer, Cox & Associates PLLC briefed the Council on the FY 2019 Town audit. Mr. Moran noted that the Town received an unmodified opinion, which he explained is a good audit rating. The firm did not identify any deficiencies or weaknesses in the Town's internal controls, and no significant difficulties were encountered while performing the audit.

Mr. Moran noted that as of June 30, 2019:

- The Town's net position was \$3,655,065, a \$1,150 increase over the previous year.
- The change in the Town's fund balances was \$48,877.
- The Town's long-term obligations amounted to \$84,300.

The audit included two recommendations for the Town:

- Adopt a formal credit card policy.
- Adopt a formal policy establishing approval of electronic fund transfers.

Motion to accept the Fiscal Year End June 30, 2019 Financial Report:

Moved by Councilmember Perkins; seconded by Councilmember Dawson.

Motion **passed** unanimously by voice vote.

5. MAYOR'S REPORT

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

- 1/10 – Met with Town Manager and Engineer onsite for storm water issues
- 1/25 – Attended ribbon cutting for The Spot
- 1/25 – Attended Town Hall of local legislators in our Town Hall
- 1/25 – Attended Dale City Civic Association awards
- Met with HOA officers regarding Boundary Branch near Mill Cross Lane
- 2/4 – Attended with the Vice-Mayor the beginning of VFW Post 7916's award ceremony for their Patriot's Pen, Voice of Democracy, and Teacher of the Year Awards.

7. STAFF REPORTS (CONTINUED)

i. Boards and Commissions

Brenda Seefeldt, chair of the Architectural Review Board, reported that the board had approved applications for signage and an awning at its last meeting.

Ms. Seefeldt also noted that the Architectural Review Board was concerned about a “flag battle” taking place in Town. She explained that the town had revised its flag guidelines around the time that the Supreme Court ruled that architectural review boards and homeowners’ associations could not disallow flags. During that time, the intent of the Town’s guidelines was lost, with the exception of a limit of four signs per lot and the requirement that they not obscure architectural details.

Councilmember Fithian asked for the definition of temporary versus permanent signage. Mr. Crim said one weakness of the Town’s ordinance was that it did not address what would happen if someone took down a sign for a day and put it back up. He noted that other localities have placed restrictions on the size and condition of signs.

Mayor Porta said he would set up a meeting with Councilmember Holloway, Ms. Seefeldt and Ms. Leidich to review the ordinance and guidelines for flags and banners, and to discuss the properties in question.

Ms. Seefeldt noted that some properties had been displaying string lights for more than a year, and that it was her understanding that Council had been planning to update the string light regulations in the Town Code. She also expressed her concern about enforcement of zoning violations. Mayor Porta requested that Ms. Leidich ensure that they discuss the string lights policy in their next Mayor/Town Manager meeting. He also requested that staff ensure the Architectural Review Board receives the Zoning Administrator’s monthly report in the future for Councilmember Holloway to review with the ARB.

Councilmember Holloway, also a member of the Architectural Review Board, said the Board understands that enforcement of zoning violations takes time. She added that it is nonetheless frustrating when violations are not remedied. Mayor Porta agreed, and noted one particular sign for a business that had not paid its Town taxes. Mr. Crim explained that if a sign or any other part of a building is unsafe, the locality’s maintenance department can address the issue. He also noted that state code allows localities to remove signs belonging to businesses that no longer exist. Ms. Seefeldt responded that the Town is allowed to remove obsolete signs under Town Code, but that more recent regulations prohibit accessing private property. Mr. Crim suggested that he discuss this issue later with those who were interested.

Councilmember Fithian said she was concerned that any correspondence with property owners regarding flag violations be clear about current Code violations, as the Code had changed through the years. Mayor Porta confirmed that any violation letters would only address current Code violations and that the meeting he had mentioned earlier would clarify what was included in the Code. He added that he would also seek the guidance of the Town Attorney and Zoning Administrator, and would report back to Council.

6. COUNCILMEMBER REPORTS

Councilmember Perkins presented a proposed design and locations for Town entrance signs, noting that the entrances are symbolic of how the Town sees itself and how it wants to be seen. He explained that the Planning Commission had researched ideas for sign styles, and that Planning Commission Member Darryl Hawkins had developed a proposed design based on that research.

Mr. Hawkins noted that the Planning Commission thought the design of the current signs was not representative of the Town. He added that the Commission wanted to incorporate stone into the design to represent the granite in the area. He also added a rust-colored metal component with cut-out letters; Councilmember Perkins noted that this tied in with the signage at Occoquan Regional Park. A curve in the sign would allow the sign to be visible from various angles, Mr. Hawkins added. Councilmember Perkins also pointed out a light that was included in the design.

Mayor Porta asked whether Councilmember Perkins envisioned the new signage being included in the next Capital Improvement Plan. Councilmember Perkins responded that depending on the cost, the project would likely be completed in phases.

Mayor Porta said he wanted to ensure that the Architectural Review Board had input in the design. Councilmember Perkins responded that he already had solicited feedback from the ARB.

Ms. Leidich noted that she had included \$10,000 for potential signage each year through FY 2024 in the proposed FY 2021 Capital Improvement Plan budget.

Councilmember Perkins also provided an update on the Mill at Occoquan project. He presented the most recent plans for the project and asked Mr. Hawkins to discuss the evolution of the plans since the Town submitted its mitigation strategies and public comments to the developer. He added that he expected to see additional updates in the near future.

Mr. Hawkins explained that the additional articulation and three-dimensional features in the latest drawings added visual interest to the design and helped it to better fit in with its surroundings.

Councilmember Perkins noted that the drawings he presented were not a finished product, and that the developer seemed open to suggestions from the Town. He explained that his main concern was that the plans were moving in the right direction. Mayor Porta added that the developer's architect had attended the last meeting and had seemed responsive to suggestions.

Mayor Porta noted that he informed the developer that the height of the building is a significant issue, and he expressed concern that the building design incorporates vertical lines, which give the illusion of additional height. Councilmember Perkins responded that height was an important factor to the developer, and that the need for a height variance would give the Town some room to negotiate other aspects of the development. Mayor Porta replied that he thought the number of units was more important to the developer than the height. He added that while the developers latest drawings showed substantial progress, he still had concerns about the plans.

Mr. Hawkins noted that there are ways to create more architecturally desirable units while decreasing square footage. Mayor Porta agreed, adding that it would be crucial to develop a design that was attractive to the Town and also maximized the developer's profits.

Councilmember Perkins listed several improvements to the latest design, including: an increased setback, stepped ends of buildings, reduced staircase stacks, varying façade materials on each building section, varying building entrances, balconies on eastern and western ends, Mansard roofs with slate shingles and copper accents, a wider Riverwalk with public access, and a restaurant facing the river. He added that the plans were still evolving and that there would be more opportunities for public comment. Mayor Porta noted that the Town was not in a hurry to approve the project, and that he would rather have it done properly than quickly.

Councilmember Fithian asked when a public hearing would be held. Mayor Porta responded that he did not know, and that he would like to provide a less formal public comment opportunity with the developer prior to a public hearing.

Councilmember Holloway commended Mayor Porta and Councilmember Perkins for their work with the developer. She said she saw improvements in the newer plans, but she did not want to feel pressured to approve any plans of which the community would disapprove. Councilmember Perkins responded that he did not intend to make anyone feel pressured and that he hoped the developer would continue to cooperate with the Town. Councilmember Holloway said she did not feel pressured but thought it was an important point to make. Mayor Porta said he thought that a public comment opportunity with the developer and architect would help to ensure that the community's opinions were considered. He added that any such meetings would need to be moderated. Councilmember Fithian noted that she would like a high-quality projector to be used for any future public comment meetings.

Councilmember Holloway noted that Judy Brineger, a 30-year head of the ASAP alcohol safety program, had passed away the previous week.

Councilmember Fithian mentioned that she had participated in the grand opening of The Spot of Mill Street and an event at Patriot Scuba.

7. STAFF REPORTS (CONTINUED)

a. Town Attorney

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

Mr. Crim noted that a consortium of Loudoun and Prince William county towns had been formed to solicit a request for proposals for solid waste collection. He added that he had shared the information with Ms. Leidich for future reference.

Mr. Crim also reported on a legal ethics opinion from the Virginia Supreme Court. The opinion stated that attorneys for parties adverse to the Town could contact elected officials or the Town Manager to discuss policy issues, including settlements in which the Town was adverse. He explained that this did not include attempts to solicit a declaration or admission against the town's interests.

Councilmember Perkins asked Mr. Crim if he thought it was likely that an adverse attorney would contact members of Town Council for policy matters. Mr. Crim responded that this was a frequent occurrence. Councilmember Perkins asked whether this related specifically to attorneys engaged in litigation against the Town. Mr. Crim said no, and explained that anyone with interests that differed from those of the Town could be considered an adverse party.

Councilmember Holloway asked if Mr. Crim would like council members to notify him of such contact. Mr. Crim replied that council members should email him if such contact took place.

c. Building Official

The meeting agenda included a written report from the Town Engineer.
No further discussion.

d. Zoning Administrator

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

Mayor Porta reminded staff to ensure that this report was sent to the Architectural Review Board in the future.

e. Town Treasurer

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

Mayor Porta noted that the same businesses were delinquent on their taxes as in previous months.

Councilmember Holloway noted that the status of The Pink Bicycle had been “Serving a Warrant in Debt” for a substantial amount of time, and asked what the next steps would be. Chief Linn responded that the Town had filed a criminal complaint for failure to pay taxes, a misdemeanor charge that needed to be served by the sheriff in the county where the owner lived. He explained that the sheriff of that county had not yet served the summons.

Mayor Porta noted that several businesses had been delinquent on their Business, Professional and Occupational License taxes for a year. He asked whether the Town would serve a warrant in debt to those businesses. Ms. Leidich responded that a new Town Treasurer would be able to work through the process. Mr. Crim explained that a Treasurer would have several tools to enforce business taxes. Mayor Porta requested that Ms. Leidich submit a plan to Council regarding the next steps of enforcement for the delinquent businesses, noting his concern that several businesses were on the delinquent list month after month with no repercussions.

Mayor Porta asked whether staff would take action on the delinquent Transient Occupancy Taxes for Ballywhack Inc. Ms. Leidich said she would work on a plan to address this. Mr. Crim noted that Meals and Transient Occupancy taxes were to be collected specifically for those purposes. Mayor Porta responded that because those funds were to be collected separately from other income and were being withheld from the Town, those delinquencies

were the priority cases for serving warrants in debt. He noted that the Town's practice has been to take action if Transient Occupancy Taxes were delinquent for more than a year and some of the delinquencies would thus need to be pursued the following month.

f. **Chief of Police**

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

Mayor Porta asked Chief Linn whether any action had been taken on a recent hit-and-run. Chief Linn responded that there had been no eyewitnesses and that charges were not being pursued. Mayor Porta explained that an individual had requested special permission to allow a bus to park in one of the Town parking lots for a weekend. He subsequently received reports of inappropriate conduct by the bus occupants, including an alleged hit-and-run. He explained that he had planned to send a letter about the inappropriate conduct to the person who made the parking request, but if no charges were going to be filed, he would not send a letter and would simply deny any such requests from that person in the future. Council agreed that this was the best plan.

Chief Linn noted that in response to a request from Council, he had provided an assessment of anticipated public safety issues related to the potential conversion of Commerce Street to a two-way street. Mayor Porta thanked Chief Linn for his work on the report and Council agreed that the report illustrated the safety issues that would be caused by two-way traffic.

Councilmember Holloway noted that she appreciated a communication from Chief Linn regarding suspicious activity in Town.

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.

Ms. Little highlighted some additional activities that would be included in the upcoming RiverFest event: a shrimp boil run by a veterans' group, various water-related activities, conservation presentations and hiking.

Ms. Little noted that International Limo provided shuttle service for past events, and that they were purchased by another company that did not provide shuttle service. She received a quote for shuttle service from ABC Limo, and the cost would be higher than it was in the past. Mayor Porta responded that International Limo's prices were very low, so he was not surprised that there would be a price increase. He asked Ms. Little if she planned to adjust the shuttle prices for passengers, or whether she expected bus fees to cover the increased cost. Ms. Little responded that she expected the bus fees to cover the shuttle costs.

Councilmember Fithian suggested adding the Town website to a promotional card for RiverFest.

Councilmember Holloway asked whether three shuttle lines were necessary, or if they could be decreased to two lines. Ms. Little responded that she was hesitant to make changes to the shuttles this year, as RiverFest itself would be a significant change. She added that she

would be open to adjusting the shuttles next year.

Mayor Porta noted that Kenny Boddye, Prince William County Board of Supervisors, Occoquan District, had joined the audience, and that he would like to give Supervisor Boddye an opportunity to speak.

Supervisor Boddye said he met with the Prince William County Transportation Department to reaffirm that the I-95/Route 123/Old Bridge Road flyover ramp is one of the county's top priorities for a recently-passed road bond referendum. He added that the department is considering several designs for the ramp.

Supervisor Boddye also noted that Prince William County recently funded a construction project at the intersection of Old Bridge and Occoquan roads. He explained that the project timeline overlapped with construction plans for Occoquan Elementary School, so he initiated dialogue between the Transportation Department and the School District to encourage collaboration for the two projects.

Supervisor Boddye also requested that Council let him know if his office could help with promoting Town events. He noted that the County recently hired a new Economic Development Director, and that she may also be of assistance in promoting the Town. Council thanked Supervisor Boddye.

Mayor Porta noted that he had informed Supervisor Boddye that he would receive copies of any materials that were sent to Del. Torrian, as the funding for those projects would likely be distributed through the Virginia Department of Transportation or the County.

j. Town Manager

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

Ms. Leidich noted that she was recruiting a Town Treasurer and that she had two interviews scheduled for the following week. Mayor Porta expressed concern that the candidates should be aware of the salary for the position. Ms. Leidich responded that she had informed the candidates of the salary range.

Ms. Leidich said the FY 2021 budget presentation would take place at the February 18 Council Work Session.

Ms. Leidich noted that she had provided a signage and parking work plan in her report, as requested by Council. As first steps, she recommended the placement of a free parking sign at the corner of Washington and Mill streets, and the development of a striping plan for the Town's parking spaces.

Councilmember Perkins said he was hoping for more specific, robust plans for both signage and a timed parking plan – plans that could be implemented sooner. Mayor Porta added that those items were included in the FY 2020 budget, and that action would need to be taken in the remaining five months of the fiscal year. Councilmember Dawson said it was his understanding that Council was waiting for a cost analysis.

Councilmember Sivigny asked whether the restriping plan would include the widening of parking spaces. Ms. Leidich said it would be considered. Councilmember Perkins noted that Council still needed to decide whether to widen the spaces.

On behalf of the entire Council, Councilmember Fithian presented Councilmember Sivigny with a gift for his recent wedding.

8. CLOSED SESSION

Motion to convene in closed session to discuss, as permitted by the Virginia Code Section 2.2-3711(A)(1), a matter involving personnel matters, specifically the performance review of the Town Manager.

Moved by Vice Mayor Sivigny; seconded by Councilmember Perkins.

Motion **passed** unanimously by voice vote.

Closed session began at 9:37 p.m.

Closed session ended at 10:11 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 Perkins.

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

Nays: None.

9. ADJOURNMENT

The meeting was adjourned at 10:24 p.m.



Katy Nicholson
Town Clerk