



OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes
Town Hall – 314 Mill Street, Occoquan, VA 22125
Tuesday, May 6, 2020
7:00 p.m.

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

Absent: None

Staff: Kathleen Leidich, Town Manager; Martin Crim, Town Attorney (participated electronically); Adam Linn, Chief of Police; Jason Forman, Town Sergeant; Katy Nicholson, Town Clerk

1. CALL TO ORDER

Mayor Porta called the meeting to order at 7:04 p.m. Councilmembers Dawson and Fithian participated electronically from home due to COVID-19 health concerns.

2. PLEDGE OF ALLEGIANCE

3. CITIZENS' TIME

Ann Meyer, an Occoquan Point resident, said she had lived in the community for 5 ½ years. Approximately two months prior, Ms. Meyer began hearing yelling, profanity, loud music and the sound of furniture moving between the hours of 10:00 p.m. and 6:00 a.m. She attended her March condo association meeting and learned that one of her neighbors had been hearing the same sounds. She said that she and the neighbor had called police and Child Protective Services. She noted that Prince William County police had responded to the calls, and that Occoquan police shared her concern but they usually were not on duty when the problems occurred. She stated that she and her neighbor were frustrated about the situation and that they believed it was a community issue.

Katie Bioty, 472 Overlook Drive, identified herself as Ms. Meyer's concerned neighbor. Ms. Bioty explained that she had lived in her home since 2018 and that three residents moved into an adjacent unit in February 2020. She said she had heard what sounded like bodies hitting walls, children screaming and people yelling. She noted that she also had seen a child alone outside after midnight on numerous occasions and that she was concerned for the child. She also stated that her condo association was slow to act on the situation, and that she had called the police eight times and met with Chief Linn. Ms. Bioty requested that Council strengthen the Town's noise ordinance.

Michelle Lentini, 461 Fortress Way, said she had lived in her home since 2017 and had struggled with loud music and late-night parties in the unit above hers. She noted that she had approached her neighbor about her concerns, but that he seemed to be intoxicated and hostile. She explained that she had called the Prince William County Police Department and that they had told her there was nothing they could do. She stated that she wanted support and protection from the Town.

Councilmember Perkins asked how the condo associations had handled these situations. Ms. Bioty responded that she and Ms. Meyer had attended a condo association meeting in March and had written 30 complaints to the association. She said the management company and condo association had not been responsive until she hired an attorney. She added that the condo association would be holding a hearing with the owner later in the week and that she would pursue further action if the hearing did not yield positive results.

Councilmember Holloway asked if the owner of the unit in question lived outside of Town. Ms. Bioty responded yes.

Councilmember Fithian asked if Child Protective Services had responded to the situation. Chief Linn responded that he had spoken with Child Protective Services about the matter earlier that day.

Chief Linn noted the distinction between the Barrington Point Condo Association (Ms. Lentini's association) and the Occoquan Point Condo Association (Ms. Meyer's and Ms. Bioty's association). Mayor Porta added that there also was a distinction between Town versus condo association issues, and that while the Town could not enforce most condo covenants, it could act on the noise issue.

Councilmember Holloway asked whether there was video evidence of the problems. Chief Linn responded that there was video evidence, and that police had witnessed the problems.

Mayor Porta asked about the penalty for violations of the proposed noise ordinance. Mr. Crim responded that noise ordinance violations were Class 2 misdemeanors, punishable by up to six months in jail and up to a \$1,000.00 fine.

Councilmember Holloway asked whether the proposed noise ordinance would apply to loud vehicles, as she was aware of drag racers in Town. Mr. Crim responded that the ordinance would apply to loud vehicles.

Mayor Porta noted that he would like to adopt the ordinance immediately, but the Town likely would need to make some future adjustments.

Vice Mayor Sivigny asked whether the proposed ordinance would address the concerns of the residents who had spoken. Mr. Crim responded yes.

Councilmember Fithian noted that she was concerned about residents having to put up with this type of behavior, and she was particularly worried about the child involved. She asked Chief Linn to follow up on the matter with Council. Ms. Bioty stated that Chief Linn had been responsive, but the neighbors often would leave before the police arrived.

Mayor Porta asked Council for unanimous consent to add an item to the agenda regarding the Town's noise ordinance. No objections.

Motion to adopt Ordinance #O-2020-03 An Ordinance to Repeal and Replace Town Code 92.02 Generally Relating to Noise:

Moved by Councilmember Holloway; seconded by Councilmember Perkins.

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

Nays: None.

Mayor Porta asked staff to certify the posting of the ordinance. He asked if the ordinance would be effective once it was posted. Mr. Crim responded that the Town could not impose a penalty until the ordinance had been posted for 30 days. Mayor Porta said he understood this to mean that the Town could impose a penalty after 30 days for anyone cited within the 30-day period. He asked Ms. Meyer, Ms. Bioty and Ms. Lentini to meet with Chief Linn regarding the implementation of the new ordinance.

Mayor Porta requested Council's unanimous consent to address the Budget Work Session item next on the agenda. No objections.

9. FY 2021 Budget Work Session

a. Consideration/Action FY 2021 Budget to be Advertised

Mayor Porta asked Ms. Leidich to correct two minor typos on the budget announcement, and to make two clarifications to the supporting documents.

Mayor Porta recommended that Council consider whether to lower the Town real estate tax rate slightly (from 12 cents to 11.7161 cents per \$100.00) in order to keep residents' tax bills the same as the previous year, as assessments had increased. He noted that Council could advertise the current rate of 12 cents per \$100.00 and would have the option of adopting the lower tax rate. He added that this would be a gesture of good will toward Town residents in response to the financial difficulties imposed by the COVID-19 pandemic, and that it would mean a \$4,000.00 to \$5,000.00 total loss of revenue for the Town.

Mayor Porta stated that he thought the Town had a Facilities Maintenance issue, and that he was uncomfortable decreasing this budget line significantly. He noted that the Town might want to modify the amount of funding allocated to a timed parking system versus Facilities Maintenance, and the Town could investigate timed parking at a later time.

Motion to authorize staff to advertise the proposed budget and tax rates with corrections:

Moved by Vice Mayor Sivigny; seconded by Councilmember Perkins.

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

Nays: None.

Mayor Porta requested Council's unanimous consent to address the Drone item next on the agenda. He explained that Councilmember Fithian needed to leave the meeting early and wanted to be involved in this discussion. No objections.

8. REGULAR BUSINESS

a. Drone usage

Councilmember Fithian said she had heard from a resident who was almost hit by a drone while walking in River Mill Park. This resident suggested designating a location in the park for drone take-offs and landings. Councilmember Fithian said she knew the park already had quite a few regulations but she hoped Council could develop a solution for this problem.

Mayor Porta noted that he did not want to add many more regulations on activity at River Mill Park, but he thought drone safety was an issue and the take-off and landing location designation made sense.

Councilmember Holloway said she knew of three licensed drone pilots in Town. She agreed that River Mill Park had a lot of regulations, but noted that regardless of where drones took off or landed, they could hit people. She added that the drone pilots she had spoken with did

not think a designated take-off and landing location would prevent these problems, and that a lot of parks disallowed drones for that reason.

Mayor Porta said he thought more people were coming to Town to fly drones due to COVID-19 restrictions. He asked whether the Town could prohibit drones flying over the park. Councilmember Holloway responded that the Town could not control airspace, but it could regulate take-off and landing activity.

Councilmember Perkins asked where the licensed drone pilots in Town took off and landed. Councilmember Holloway responded that they usually took off and landed in River Mill Park and across the footbridge. She added that it was technically illegal to fly drones over people, but that this rule generally was not enforced.

Councilmember Perkins noted that River Mill Park was a small park and that he did not think drones should be taking off and landing in the park outside of special events. Mayor Porta responded that people could take off and land in other areas in Town, so this would not be a major inconvenience for drone operators. Councilmember Holloway noted that all Federal and Virginia state parks had similar rules.

Mayor Porta asked about the issue of it being illegal to fly drones over people. Mr. Crim responded that this was a difficult rule to enforce, as it was often difficult to identify the pilot and the airspace was controlled by the Federal Aviation Administration.

Mayor Porta asked whether the Town needed to adopt an ordinance to prohibit drone take-offs and landings in Town parks. Mr. Crim responded that he would need to look into this. Mayor Porta said in the interim, he would ask Chief Linn to ask drone operators to take off and land elsewhere.

Motion to ban drone take-offs and landings in any Town park:

Moved by Councilmember Fithian; seconded by Councilmember Holloway.

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

Nays: None.

2. APPROVAL OF MINUTES

a. March 4, 2020 Regular Business Meeting Minutes

Moved by Councilmember Perkins; seconded by Councilmember Holloway.

Motion **passed** unanimously by voice vote.

b. March 17, 2020 Work Session Minutes

Moved by Councilmember Perkins; seconded by Vice Mayor Sivigny.

Motion **passed** unanimously by voice vote.

3. MAYOR'S REPORT

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

- April 9: Attended a virtual presentation by Sentara Hospital on the COVID-19 pandemic.

- April 14: Participated in a virtual presentation of the Occoquan Peep Show contest winners.
- April 15: Participated in a virtual meeting for local officials with Congressman Gerry Connolly.
- April 16: Participated in a virtual meeting for local officials with Senator Tim Kaine.
- April 17: Attended a virtual meeting with Events and Community Development Director Julie Little and the leadership of the Occoquan Merchants Guild.
- April 24: Attended a virtual meeting with the Phelps and Lynn families, Prince William County Supervisor Kenny Boddye, and officials from Prince William County and the Virginia Department of Transportation (VDOT) regarding flooding on Tanyard Hill Road. Followed up with another meeting with Supervisor Boddye and VDOT officials on April 30. Mayor Porta said that VDOT planned to resolve the flooding issue by fixing ditches along the road.

Mayor Porta noted that if there were no objections, he would like to hold another food drive the following weekend. No objections.

Mayor Porta also mentioned that he had been contacted by Dave Brickley, a former member of the Virginia General Assembly and former state Secretary of Conservation and Recreation. Mayor Porta explained that Mr. Brickley wanted to place markings along the Potomac National Scenic Heritage Trail, which cut through the Town. Mr. Brickley also asked the Town to pass a resolution endorsing the continuation of the trail. Mayor Porta noted that this could provide an opportunity to promote the Town as a trail junction.

Mayor Porta asked Council how they felt about organizing a community cleanup, dependent on the status of Governor Northam's stay-at-home order. He added that he had spoken with Ms. Little about the idea, and that she thought the event could incorporate safe social distancing.

Mayor Porta asked Council for their thoughts about reopening the River Mill Park restrooms. He explained that he had been contacted by property owners who were having a problem with the public using a port-a-john on their construction site. He noted that Governor Northam's stay-at-home order was expected to be modified starting May 15 and that the restrooms likely were a more hygienic option than the port-a-john.

Councilmember Holloway asked whether there were air dryers or paper towels in the restrooms. Ms. Leidich responded that there were paper towels. Councilmember Holloway asked if there was hot water in the restrooms. Ms. Leidich responded yes.

Ms. Leidich noted that Prince William County had closed all of its park restrooms. Councilmember Holloway expressed concern that additional people might be encouraged to come to River Mill Park if it was the only nearby park with open restrooms. She added that the property owners could put a lock on their port-a-john.

Mayor Porta said he had not noticed many more people in the park than usual. Councilmember Holloway responded that she had noticed an increase in people fishing. Mayor Porta and Councilmember Perkins said the closure of the restrooms likely was not a problem for most Town residents, who could use their own bathrooms. Councilmember Holloway said she would be more comfortable with reopening the restrooms in June.

Vice Mayor Sivigny asked about Prince William County's decision to close all of its park restrooms. Mayor Porta responded that this had been part of the County's decision to close all park facilities.

Councilmember Perkins noted that Occoquan Regional Park was a good example of the reasoning behind closing these facilities, because people often congregated there for picnics and other outings. Mayor Porta added that the decision also was intended to protect park employees. Councilmember Holloway also expressed concerns about the County's infection and death rates. Mayor Porta said he would let the concerned property owners know that the Town would reevaluate this issue on a bi-weekly basis.

4. COUNCILMEMBER REPORTS

None.

5. STAFF REPORTS

a. Town Attorney

No discussion.

b. Town Engineer

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

c. Building Official

The meeting agenda included a written report from the Building Official.
No further discussion.

d. Zoning Administrator

The meeting agenda included a written report from the Zoning Administrator.
No further discussion.

e. Town Treasurer

The meeting agenda included a written report from the Town Treasurer.
Mayor Porta asked Ms. Dellinger to correct a problem with the formula in the Profit/Loss report for the Capital Improvement Plan.

f. Chief of Police

The meeting agenda included a written report from the Chief of Police.
Chief Linn noted that he had provided a report on Police Department volunteer hours.

Councilmember Perkins said he was impressed by the amount of volunteer work the Police Department had contributed to the Town. He added that this volunteer time demonstrated the Police Department's dedication to the Town, and noted that he would like to formally thank those involved.

Mayor Porta agreed with Councilmember Perkins, and also thanked Vice Mayor Sivigny for his longtime support for the Police Department. He added that Council would need to

discuss the leveraging of the Police Department for maintenance issues, and whether that was a sustainable solution.

Councilmember Fithian said she appreciated the Police Department's renovations in the lower level of Town Hall.

Councilmember Holloway asked whether Chief Linn had noticed a change in the amount of mischievous activity in Town. Chief Linn responded that he had noticed a decrease in this type of activity, which he attributed to the weather and increased police visibility.

Councilmember Fithian noted that she had noticed people fishing from the bridge, and asked whether it was appropriate for council members to approach people who were breaking the rules. Mayor Porta responded that any citizen could do so at their own discretion.

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 had spoken with Ms. Little and that they would be determining how to address communications regarding Phase 1 of the Governor's reopening plan.

Councilmember Holloway lauded Ms. Little's collaboration with local merchants on the Occoquan Marketplace. She noted that the Facebook page had been very successful in bringing business to Town merchants during the pandemic.

i. Boards and Commissions

No discussion.

j. Town Manager

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

Ms. Leidich noted that the contractor was expected to resume work on the ramp once the Town received its building permit from Prince William County, which was expected to be May 15. She explained that the ramp had been fabricated and was ready for installation.

Councilmember Holloway asked how Council wanted to address fishing in the area surrounding the kayak ramp. Mayor Porta responded that the ramp would cover most of the area under the Route 123 bridge, and that he expected there would be a need for enforcement due to occasional issues.

Vice Mayor Sivigny said he recommended that the Town prohibit fishing altogether in that area. Councilmember Holloway agreed, noting that there would not be much space for fishing once the ramp was installed anyway. Councilmember Perkins agreed that this would mitigate potential enforcement and maintenance issues, and that the Town would need to install signage prohibiting fishing.

Mayor Porta noted that maintenance likely would be an issue either way, and that staff would need to check the area daily. Councilmember Perkins said he thought the police also would need to check the area regularly. Mayor Porta noted that a security camera also would serve as a deterrent, and asked Chief Linn to investigate this option.

Councilmember Holloway noted that she periodically cleaned the area under the Route 123 bridge and that she always found a significant amount of fishing-related trash. She added that she would continue to perform her clean-ups of the area.

Motion to prohibit fishing under the Route 123 bridge:

Moved by Councilmember Holloway; seconded by Councilmember Perkins.

Motion **passed** unanimously by voice vote.

Note: Councilmember Fithian left the meeting prior to this vote.

Councilmember Holloway asked about the status of several vehicles that had been left under the Route 123 bridge for significant periods of time. Mayor Porta responded that Chief Linn was working with Mr. Crim to address the situation. Chief Linn added that he was aware of the situation and that he planned to post warning notices on the vehicles prior to having them towed. Mayor Porta added that some of the vehicle owners who were Town residents had been asked to move their vehicles periodically to show that they were not abandoned.

Vice Mayor Sivigny asked whether the Virginia Department of Transportation (VDOT) would fix the crowning of the street that was contributing to the spring leak at the end of Mill Street. Ms. Leidich responded that this would be addressed when VDOT repaved the street.

Mayor Porta noted that the crowning was one of several problems contributing to the water issue. He asked Ms. Leidich to find out when VDOT planned to repave the street. Ms. Leidich responded VDOT had indicated they would repave the street in 2022 or 2023. Mayor Porta asked Ms. Leidich to follow up with VDOT on this. Councilmember Porta asked Ms. Leidich to also confirm that VDOT would resolve the crowning problem.

Vice Mayor Sivigny asked about the status of a letter that was to be sent to two residents who were in violation of the Town's Sign Ordinance. Mayor Porta said he would send the letter later in the week.

Mayor Porta said VDOT had inquired about the status of the Town's restriping plan. Ms. Leidich responded that the Town Engineer was working on the plan and that she would follow up with VDOT.

Mayor Porta requested unanimous consent to add to the agenda an request for tree removal. No objections.

Motion to authorize up to \$1,200.00 to complete the cut-up and removal of a fallen tree at the entrance of River Mill Park:

Moved by Councilmember Perkins; seconded by Councilmember Holloway.

Motion **passed** unanimously by voice vote.

Note: Councilmember Fithian left the meeting prior to this vote.

6. REGULAR BUSINESS

a. Discussion of Maintenance Issues

Mayor Porta said Council would need to determine how to sustain the amount of maintenance the Police Department had accomplished through volunteer work. He added that he thought the Town had not looked good recently.

Ms. Leidich said an electrician was working on improving the wiring in the maintenance annex, and that a plumber had installed an exterior faucet to help with grounds maintenance. She noted that she was working on having gutters installed in Town buildings. She also explained that staff had instituted a Saturday garbage pickup and put out additional temporary trash cans to alleviate the recent trash issues.

Councilmember Perkins said he wanted to ensure that the Town's maintenance plan was organized. He added that he would like to use budget surpluses to strengthen the Town's maintenance program.

Mayor Porta noted that Ms. Leidich had provided Council with a maintenance checklist, but he thought the list needed to be more specific. Ms. Leidich responded that she would work more closely with the Maintenance Department now that the clerk and treasurer had been onboarded.

Mayor Porta said he had noticed that the water drainage pipe at the end of Mill Street had been broken for many days at a time, and that this would need better attention. Councilmember Perkins suggested that the Maintenance Department needed a weekly checklist and regular check-ins from Ms. Leidich. Mayor Porta noted that the Maintenance Department may need supervision in the field and that the Town could not rely on the Police Department for regular maintenance needs.

Councilmember Perkins suggested that better organization of the maintenance annex might help to improve the performance of the Maintenance Department. He asked Ms. Leidich to follow up with a plan to increase supervision.

Mayor Porta noted that Town maintenance had been a problem for years and that it was a systemic issue. He added that if the police officers who were skilled in maintenance would be willing to shift some of their hours, this could help with the situation. He asked Chief Linn and Ms. Leidich to speak with the officers about this option.

Mayor Porta noted that he would like Ms. Leidich to come back to Council with a recommendation for the Town's kayak rack.

Councilmember Perkins said he had noticed 50 to 100 loose sidewalk bricks, and that he was under the impression that they were going to be marked and replaced. Ms. Leidich responded that staff would perform a "search and repair" process in the summer. She invited Council to let her know if they noticed any bricks in need of repair. Councilmember Perkins said he wanted staff to develop guidelines and a schedule for brick repair. Councilmember Dawson noted that the bricks and curb in front of 313 Mill Street needed replacement.

Mayor Porta said the pandemic-related decrease in foot traffic created an opportunity to catch up on maintenance projects. He added that improving the Town's appearance could boost residents' spirits.

Councilmember Perkins said he would like the small storage building at the corner of Mill and Union streets to look more attractive. He also mentioned a stump at the same intersection. He noted that he would like to establish annual spring and fall Town cleanup days. Mayor Porta responded that Friends of the Occoquan usually held a spring cleanup, but the Town could hold a more targeted event and provide the necessary tools and materials. He added that he would follow up on this with the Events and Community Development Director.

b. Decision on whether to hold May 19, 2020 Work Session

Motion to cancel May 19, 2020 Work Session:

Moved by Councilmember Holloway; seconded by Vice Mayor Sivigny.

Motion **passed** unanimously by voice vote.

Note: Councilmember Fithian left the meeting prior to this vote.

7. ADJOURNMENT

The meeting was adjourned at 9:29 p.m.



Katy Nicholson
Town Clerk