



OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes
Town Hall – 314 Mill Street, Occoquan, VA 22125
Wednesday, July 3, 2018
7:00 p.m.

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

Absent: Councilmember Matthew Dawson

Staff: Kirstyn Jovanovich, Town Manager; Martin Crim, Town Attorney; Bruce Reese, Town Engineer; Adam Linn, Chief of Police; Christopher Coon, Town Clerk; Julie Little, Events and Community Development Director

1. Call to Order

Mayor Porta called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

3. Recognition of Service

Mayor Porta presented outgoing Town Manager Kirstyn Jovanovich with a plaque and proclamation for her service to the Town of Occoquan.

It was moved to approve the Kirstyn Jovanovich Day proclamation.

A motion was made by Councilmember Holloway, seconded by Councilmember Fithian that the Action Item be approved. Motion passed, Ayes – Councilmember Perkins, Councilmember Holloway, Councilmember Fithian, and Vice Mayor Sivigny, by roll call vote.

4. Citizens Time

Betty Dean, Chair of the Prince William Chamber of Commerce, congratulated the new Town Councilmembers and thanked Ms. Jovanovich for everything she has done for the community, noting that she will be greatly missed.

Dr. Jim Drakes, former Councilmember, wanted to give best wishes to the new Town Councilmembers and Mayor. He told a story about how his previous coworkers provided him with a jar of country air before he moved to Northern Virginia. He stated they told him that whenever he was having a bad day, he could look at the jar of country air and think of a simpler and relaxing place. He then presented Ms. Jovanovich with a jar of water from the Occoquan River.

Elizabeth Quist, former Mayor, congratulated the new Town Council and said that she had an amazing last four years with the help of Ms. Jovanovich. She stated that Ms. Jovanovich's new community is very lucky and gave her nothing but the best of wishes for her future.

Patricia Lynn, 406 Union Street, congratulated the new Town Council and stated that she was going to miss Ms. Jovanovich. She then reported she has sent several emails regarding flooding at Ballywack Creek that runs behind her home. She also wanted to inquire about the results of a study that occurred regarding storm water. Mayor Porta asked staff if they could provide an update to Ms. Lynn during Staff Reports.

Occoquan Business Guild Board welcomed the new Town Council and stated they look forward to working with them. They told Ms. Jovanovich that the last couple months had been great and they wished for more working time with her. They wished her good luck and let her know she would be missed.

Kim Deal, 95 Heron Lane, welcomed the new Town Council and thanked Ms. Jovanovich for everything. She wanted to let everyone know that there will be cake served after the Town Council meeting.

5. **Appoint Vice-Mayor**

It was moved to appoint Councilmember Sivigny to be the Vice-Mayor.

A motion was made by Eliot Perkins, seconded by Councilmember Fithian that the Action Item be approved. The motion carried by poll vote, unanimous.

6. **Approval of Minutes**

It was moved to approve the minutes of the June 5, 2018 Regular Meeting.

A motion was made by Vice Mayor Sivigny, seconded by Councilmember Fithian that the Action Item be approved. Motion passed, Ayes - Councilmember Perkins, Councilmember Holloway, Councilmember Fithian, and Vice Mayor Sivigny, by roll call vote.

It was moved to approve the minutes of June 21, 2018 New Council Orientation, with amendments.

A motion was made by Councilmember Perkins, seconded by Councilmember Holloway that the Action Item be approved. Motion passed, Ayes - Councilmember Perkins, Councilmember Holloway, Councilmember Fithian, and Vice Mayor Sivigny, by roll call vote.

7. **Councilmember Reports**

Councilmember Holloway reported she was honored to be on the Council and grateful for the residents confidence.

Councilmember Fithian welcomed the new Councilmembers and Mayor Porta. She also, wanted to approach the pool on Poplar Lane to see if Occoquan residents could become members.

8. Mayor's Report

Mayor Porta reported that he received a letter addressing Hawthorne House employees helping in an urgent situation. He wanted to make sure those employees were recognized for their effort during that situation. He wanted to commend all of the Councilmembers for winning the election and he feels honored and excited to serve with them. He also thanked all residents who have supported the Town. He thanked Mayor Elizabeth Quist, who he will call "mayor" indefinitely, for everything she has done over the past four years. He also thanked audience-member Leo Smith, former Councilmember, for his service to the Town of Occoquan. He also thanked Kirstyn Jovanovich for everything she has done for the Town and said that she would be missed.

9. Staff Reports

A. Town Attorney: Mr. Crim, Town Attorney, reported on the following:

- i. **River Mill Park** – a settlement proposal has been sent to Miller Brothers and we have received comments from their attorney. He will work with town staff to complete these issues. Mr. Crim stated that the Council will need to decide how to move forward with this item.

Mayor Porta inquired about the settlement. Mr. Crim stated that there are several small issues that need to be resolved before the Town will release the final \$19,000 to Miller Brothers.

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

Councilmember Fithian inquired if changing the design of the Canoe and Kayak Ramp would reduce price while remaining ADA compliant. Mr. Reese stated that the second round of requests for bids did have modifications to potentially reduce the cost of the ramp. It did not alter the bids. Ms. Jovanovich stated that she would address the potential additional funding from DCR.

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

D. Town Manager: Ms. Jovanovich submitted a manager's report as part of the meeting agenda, she also reported:

Ms. Jovanovich thanked Mayor Quist, Mayor Porta, Councilmembers, the community, and Town Staff. She stated she wouldn't have been able to accomplish everything in the past four years without everyone's help. She stated that she will miss Occoquan and her time here has been wonderful.

Mayor Porta inquired if Ms. Jovanovich could address Ms. Lynn's questions during Citizen's Time. Ms. Jovanovich stated that staff has scheduled a meeting with Prince William County in regards to storm water management. She stated that the County did a preliminary evaluation on the Town's storm water management system. On July 12, 2018 there will be a meeting for the County to provide the result of that study. Ms. Jovanovich stated the results would help the Town make decisions on the next steps regarding the Town's storm water system.

Mayor Porta encouraged all of the Councilmembers to speak with Ms. Lynn and see the issues that occur on her property, 407 Union Street, as well as the adjoining property, the Phelps property. This will help Councilmembers to be better informed on the issue Ms. Lynn reported.

Councilmember Holloway inquired if the Canoe and Kayak Ramp required hard pilings or if a floating dock would suffice. Mr. Reese stated that the dock needed to be anchored during storms or high water. He also stated that many options for the pilings, which are expensive, had been reviewed. With the current design, the pilings are necessary to maintain ADA accessibility due to the change in elevation from the parking lot down to the water.

Ms. Jovanovich stated that the ADA regulations are required to get the grant funding. She also stated that there is a good chance to get additional funding from DCR.

Councilmember Perkins inquired about the timing to receive additional funding, funding gap after receiving that additional funding, and estimated completion for the Canoe and Kayak Ramp. Ms. Jovanovich stated that budget documents need to be completed and sent to DCR by the middle of July and she estimated information would be available after a couple weeks. She also stated that there is an agreement through DCR for the end of 2019 and if you have funding, they have extended timelines in the past. She also stated that the project could be ready within 90 days. The only task that would be required is updating permitting. Mr. Reese stated that plans are ready and permits are in place, with environmental protections that restrict work between February to June. The funding is also an 80 percent to 20 percent funding match, with the Town being responsible for the 20 percent.

Councilmember Perkins inquired if there would be anything else that could prolong the construction of the Ramp. Mr. Reese stated that the Town would have to re-advertise for bids and that includes a conference for contractors to be able to ask questions. Also, the Town has to provide enough time for the contractors to be able to prepare a bid. Mr. Reese stated that could take 60-90 days.

Councilmember Fithian inquired if DCR provided an estimate of the amount of additional funding. Ms. Jovanovich stated they did give an estimate. She could not recall the amount, and she would have to provide that information after the meeting.

Councilmember Fithian inquired if the funding difference could be funded from public/private partnerships or a private organizations. Mayor Porta stated that under the terms used during grant application, the grant funding cannot go to a for-profit organization, but a for-profit organization can contribute to the project. He also explained that one of the features of the town's grant application was that access to the ramp would be free. Mayor Porta also stated that when the Town originally applied for the grant a number of years ago, he had underestimated the ultimate impact of the slope from the parking area.

Mayor Porta inquired if the Town had looked into creating the Ramp using existing pilings. Mr. Reese stated that if the Ramp is going to be located under the Route 123 bridge, then they will be required to maintain the current plan.

- E. **Town Treasurer:** Ms. Rodriguez, submitted the Treasurer's report as part of the meeting agenda. No questions were received.
- F. **Events and Community Development Director:** Ms. Little submitted and presented the Arts and Crafts Show report as part of the meeting agenda.

Councilmember Perkins wanted to let Ms. Little know that she has been doing a fantastic job.

Councilmember Fithian inquired about the meaning of a particular section of the report. Ms. Little indicated that the section in question was the number of new vendors that attended the Craft Show.

Mayor Porta wanted to commend Ms. Little on all of the great work she is doing. He then inquired whether the down turn of revenue has been seen across other shows. Ms. Little indicated that the art of crafting is not being replaced when older crafters retire. She stated that younger crafters are not coming to outside craft shows due to the materials they use. Also, there has been a significant increase in the number of events crafters can choose. There were 15 events that occurred within driving distance on the same weekend of our Spring Craft Show.

Councilmember Perkins inquired about the estimated timeline for when the Exploratory Arts and Craft Show Committee will present their ideas to Town Council. Ms. Little indicated that she would have their recommendations by November 2018.

- G. **Chief of Police:** Chief Linn submitted a report as part of the meeting agenda. He also reported the following:
 - i. **ASAP program** – The Town is searching for a new representative; Chief asked Council to provide a list of names they would like to represent the Town.

Councilmember Perkins inquired about the "Don't Block the Box" initiative and if it has been effective. Chief Linn stated that the intersection at Route 123 and Commerce Street

is a significant problem. He reported there had been increased enforcement and when the Town police are at Route 123 and Commerce, there are not as many infractions.

Mayor Porta inquired if "Blocking the Box" is enforced by a ticket. Chief Linn stated that it is by Town Ordinance and by the County because VDOT placed signs stating "Don't Block the Box". He indicated that it was difficult to enforce the area due to traffic congestion and lack of safety when pulling cars over.

Councilmember Perkins stated that he would like to speak with Chief Linn offline in regards to coming up with creative solutions to our problem at that intersection.

Councilmember Holloway inquired if a driver could receive a ticket for turning right in the left turn only lane. Mr. Crim stated that it is illegal to disregard the lane markings and it would need to be an emergency for that action to be legal.

Councilmember Fithian inquired about the suspicious person in the Chief's report. Chief stated that the suspicious person was near the entrance of Occoquan Regional Park and waving her hands in distress. Once he spoke with the individual, she stated that she was kidnapped and jumped out of the vehicle. Chief stated he contacted Fairfax Police because it was in their jurisdiction but, remained with the individual until they arrived. Councilmember Fithian inquired about communication with Fairfax County Police. Chief Linn stated that the Town is on Prince William County's communication system, they contacted Fairfax County, and those officers responded.

Mayor Porta spoke to the Councilmembers to encourage them to speak to Chief Linn during meetings to avoid independently asking Chief Linn to focus on different things. He stated that the departmental goals are set by Town Council and they should be the main driver of the Town Police priorities.

H. Boards and Commissions: Councilmember Perkins reported the Planning Commission has been discussing traffic issues and they will continue that conversation at the next meeting. Chairperson Seefeldt reported the ARB will be attending a Prince William County ARB meeting to see how they handle their exterior elevation applications.

10. Regular Business

10A. Request to Approve Mobilitie Site License Agreement

It was moved to approve Mobilitie site license as presented for the identified location on Commerce Street.

A motion was made by Councilmember Perkins, seconded by Vice Mayor Sivigny that the Action Item be approved. Motion passed, Ayes - Councilmember Perkins, Councilmember Holloway, Councilmember Fithian, and Vice Mayor Sivigny, by roll call vote.

10B. Request to Lease Replacement Public Safety Vehicle

It was moved to authorize the Town Council to enter into a lease agreement to obtain and use a 2015 Ford Police Interceptor sedan for the Police Department for one dollar per year, pending Town Attorney review.

A motion was made by Councilmember Fithian, seconded by Councilmember Holloway that the Action Item be approved. Motion passed, Ayes - Councilmember Perkins, Councilmember Holloway, Councilmember Fithian, and Vice Mayor Sivigny, by roll call vote.

10C. Request to Purchase Replacement Refuse and Recycling Containers - Phase II

It was moved to approve the purchase of refuse and recycling containers as part of Phase II of the refuse container replacement plan for an amount not to exceed \$11,747.48.

A motion was made by Councilmember Holloway, seconded by Councilmember Perkins that the Action Item be approved. Motion passed, Ayes - Councilmember Perkins, Councilmember Holloway, Councilmember Fithian, and Vice Mayor Sivigny, by roll call vote.

11. Closed Session

Vice Mayor Sivigny moved that the Council convene in closed session to discuss the following as permitted by the Virginia Code Section 2.2-3711(A)(1): a personnel matter involving consideration or interviews of candidates for employment or appointment to particular officers or employees. Councilmember Fithian seconded. The motion passed, Ayes Councilmember Perkins, Councilmember Holloway, Councilmember Fithian, and Vice Mayor Sivigny, by roll call vote. Closed Session began at 8:20 p.m.

The Council came out of closed session at 8:38 p.m. Vice Mayor Sivigny moved that the Council certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Councilmember Fithian seconded.

Motion passed, Ayes - Councilmember Fithian, Councilmember Drakes, Councilmember Dawson, and Vice Mayor Sivigny, by roll call vote.

10D. Request to Appoint Town Positions

It was moved to appoint Bruce Reese as Town Engineer, Floodplain Manager, Asst. Zoning Administrator, and Asst. Subdivision Agent; Ned Marshall as Zoning Administrator, Subdivision Agent, and Asst. Town Engineer; Martin Crim as Town Attorney; Christopher Coon as Town Clerk; Carla Rodriguez as Town Treasurer; and Adam Linn as Town Sergeant and Chief of Police.

A motion was made by Councilmember Fithian, seconded by Councilmember Holloway that the Action Item be approved. Motion passed, Ayes - Councilmember

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

10E. Request to Appoint Member to Boards and Commissions

It was moved to appoint Lori Domenech to the Architectural Review Board, effective July 3, 2018.

A motion was made by Councilmember Fithian, seconded by Councilmember Holloway that the Action Item be approved. Motion passed, Ayes - Councilmember Perkins, Councilmember Holloway, Councilmember Fithian, and Vice Mayor Sivigny, by roll call vote.

It was moved to appoint Laurie Holloway as the Town Council representative the Architectural Review Board, effective July 3, 2018.

A motion was made by Councilmember Perkins, seconded by Councilmember Fithain that the Action Item be approved. Motion passed, Ayes - Councilmember Perkins, Councilmember Holloway, Councilmember Fithian, and Vice Mayor Sivigny, by roll call vote.

It was moved to appoint Eliot Perkins as the Town Council representative to the Planning Commission, effective July 3, 2018.

A motion was made by Councilmember Fithian, seconded by Vice Mayor Sivigny that the Action Item be approved. Motion passed, Ayes - Councilmember Perkins, Councilmember Holloway, Councilmember Fithian, and Vice Mayor Sivigny, by roll call vote.

10F. Request to Appoint Interim Town Manager

It was moved to approve the Resolution designating Elizabeth Quist as Interim Town Manager to temporarily exercise the powers and perform the duties of Town Manager, with the authority to delegate said powers and duties, and be compensated at the rate, to be determined, until the position of Town Manager is permanently filled.

A motion was made by Councilmember Perkins, seconded by Vice Mayor Sivigny that the Action Item be approved. Motion passed, Ayes - Councilmember Perkins, Councilmember Holloway, Councilmember Fithian, and Vice Mayor Sivigny, by roll call vote.

12. Adjournment

The meeting was adjourned at 8:43 p.m.

Christopher Coon
Town Clerk