



TOWN OF OCCOQUAN
Circa 1734 • Chartered 1804 • Incorporated 1874

314 Mill Street
PO BOX 195
Occoquan, VA 22125
(703) 491-1918
www.OccoquanVA.gov
info@occoquanva.gov

Occoquan Town Council
Regular Meeting
December 6, 2016 | 7:00 p.m.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Citizens' Time** - Members of the public may, for three minutes, present for the purpose of directing attention to or requesting action on matters not included on the prepared agenda. These matters shall be referred to the appropriate town official(s) for investigation and report. Citizens may address issues as they come up on the agenda if advance notice is given during 'Citizens' Time'.
4. **Approval of Minutes**
 - a. November 1, 2016 Regular Meeting Minutes
 - b. November 15, 2016 Work Session Meeting Minutes
5. **Councilmember Reports**
6. **Mayor's Report**
7. **Staff Reports**
 - a. Town Attorney
 - b. Town Engineer
 - c. Building Official
 - d. Town Manager
 - e. Chief of Police
 - f. Boards and Commissions
8. **Regular Business**
 - a. Request to Extend Contingencies on Kiely Court Final Subdivision Plat
 - b. Request to Consider Extension of Building Period for Kiely Court Project
 - c. Request to Designate No Parking on Section of W. Locust Street
9. **Closed Session**
10. **Adjournment**

Portions of this meeting may be held in closed session pursuant to the Virginia Freedom of Information Act.
A copy of this agenda with supporting documents is available online at www.occoquanva.gov.



OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes DRAFT
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, November 1, 2016
7:00 p.m.

Present: Mayor Liz Quist, Councilmembers Jim Drakes, Matthew Dawson, Cindy Fithian, and Joe McGuire

Planning Commission: Joe McGuire, Heather Ozuna, Ramsey Baerga

Staff: Kirstyn Jovanovich, Town Manager; Martin Crim, Town Attorney; Bruce Reese, Town Engineer; Billy Flynn, The Engineering Groupe; Sheldon Levi, Chief of Police; Chris Coon, Town Clerk; Adam Linn, Police Officer

Absent: Vice Mayor Pat Sivigny

1. Call to Order

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

2. Citizens Time

Boy Scout Matthew Moore inquired about Thanksgiving and Christmas events occurring within the Town.

Boy Scout Douglas Baker inquired about the possibility of having a metro station connecting Woodbridge to Washington D.C.

3. Approval of Minutes

It was moved to approve the minutes of the October 4, 2016 Regular Meeting and October 18, 2016 work session.

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

4. Councilmember Reports

Councilmember Fithian stated that she will meet with Heather Ozuna, Planning Commission, and begin work for the town's submission to the Main Street America Program. She also gave a report on the State of the Occoquan Cruise organized by Occoquan River Communities and stated that it was successful and many people from the community attended to include Congressman Connolly and Supervisor Anderson.

Councilmember Dawson stated that the Architectural Review Board approved three exterior elevation applications and completed the sign ordinance for Town Council approval.

Councilmember McGuire reported that the Planning Commission had a meeting and tasked Town Staff with obtaining a proposed cost of updating the Zoning Code.

5. Mayor's Report

Mayor stated that she often accompanies tour buses with Discover Prince William and she encourages individuals to come back to Occoquan for shopping and dining options. She also discussed with Council about if the Town should stop providing dinner after the Town Blessing and opt for a larger gathering at Mamie Davis Park that is more inclusive. By consensus, the Council agreed to not hold the holiday party following this year's town blessing in December.

6. Staff Reports

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

- a. A Special prosecutor, Sharon Pandak interim Town Attorney for the Town of Dumfries, will be required for the prosecution regarding the Kiely trespassing matter.
- b. Sewage spill has been reported on 430 Mill Street and stated that Town Manager has more details about this issue.

Councilmember McGuire inquired about when signage posted on the property purchased by the Town on Tanyard Hill Road will be removed. Mayor Quist stated that the Town Manager will have that information in her report.

B. Town Engineer Mr. Reese, Town Engineer, submitted a report as part of the meeting agenda. Billy Flynn, Engineering Groupe, was in attendance to answer questions regarding the River Mill Park erosion issues.

The Council inquired about what the Engineering Groupe was doing to resolve the River Mill Park trail erosion issue. Mr. Flynn stated that the issue is occurring because of water flow across the Fairfax Water access road from the property and Stormwater facility adjacent to and above River Mill Park. The Engineering Groupe proposed to install a drainage system above the trail, asphalt the trail, or possibly both.

Councilmember Drakes inquired if asphalt would be the best solution for an erosion problem. Mr. Flynn stated that it would solve the long term maintenance problem and he didn't think it would have a large impact to the park. He also stated that with the combination of the small drainage system and asphalt, the problem should be resolved. Mr. Flynn stated that Fairfax Water will drive the expense of asphaltting the trail up because of the limits on bringing heavy equipment into the park.

Councilmember Drakes inquired about if the drain could be installed first and then work on asphaltting the trail at a later date. Mr. Flynn stated that they could install it now and that would help mitigate the erosion they are currently seeing. Mrs. Jovanovich stated that there will be a cost to the town associated with installing the drainage ditch or asphaltting the trail. Mrs. Jovanovich stated that she is currently working with the Engineering Groupe on getting the costs for these solutions. She also

stated that funding can be allocated through the FY2017 CIP; however some projects included in the planned CIP will be delayed to a future FY.

Mrs. Jovanovich stated that asphaltting the trail would be the best long term solution because the annual cost to refurbish the stone dust trail is approximately \$2,500. It was agreed upon that the drainage system must be installed before any other work is performed on the trail. Councilmember Fithian inquired about the amount of time that it would take to install the drainage system and Mr. Reese stated that everything should take about a month after it is approved by Fairfax Water. Mrs. Jovanovich stated that she would reach out to Prince William County Public Works to see if they can assist with the installation. Mr. Flynn stated that he already had the design for the drainage system and he would be able to submit the preliminary design for approval from Fairfax Water within the next week.

- C. Building Official:** Mr. Barbeau was not present, however, his report was submitted as part of the meeting agenda. No questions were received.
- D. Town Manager:** Ms. Jovanovich, Town Manager, submitted a manager's report as part of the agenda. The Town Manager went into further detail on Employee evaluations and that the staff has started and completed the benchmarking process. She reminded Council that Chief Levi's Retirement Reception will be November 29, 2016, 4:30 to 6:30 p.m. at Town Hall. She also went into detail about the sewage spill that was reported on the Kiely property. She stated that she has a motion recommended for Council that is based on Town Code 30-1, Virginia Code 15.2-906, which deals with nuisances on private property, that would require the property owner to clean up the property. If the property owner does not clean up the property within the time set, then the Town or Town agents can then go on to the property and clean up the property and bill the owner for the expense. Mr. Crim stated that Town has the obligation to protect the public.

It was moved to prescribe that the owner of 430 Mill Street be notified to abate the conditions leading to the sewage spill on their property and that if they fail to do so within seven calendar days within notice that the Town will abate those conditions by its agents or employees by the owners expense pursuant to Town Code Section 30-1.

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

Councilmember Drakes wanted to commend the Eagle Scout on building the benches in River Mill Park and inquired about the estimated completion date for the Canoe/Kayak Ramp. Mrs. Jovanovich stated that due to the fact that it is a federal grant there are several steps that need to be completed before an accurate timeline can be estimated. There are restrictions on the permit that limit when the work can be completed.

- E. Chief of Police:** Chief Levi provided his October 2016 report with the agenda packet. No questions were received. Councilmember Fithian wanted to commend Chief Levi on his

quick response to back-up Virginia State Police in the apprehension of a suspect that concluded a high speed chase in Occoquan.

7. Public Hearing

7A. Joint Public Hearing of the Town Council and Planning Commission Regarding Zoning Text Amendment to Chapter 66, Article VIII of the Town Code Relating to Signs and Advertising

Mayor Quist opened the public hearing at 7:33 p.m.

Councilmember McGuire opened the public hearing for the Planning Commission at 7:33 p.m. a roll call vote was conducted: Joe McGuire, Ramsey Baerga, and Heather Ozuna were in attendance. No citizens spoke.

Councilmember McGuire closed the public hearing at 7:34 p.m.

Mayor Quist closed the public hearing at 7:34 p.m.

Planning Commission recommends approval of the ordinance as written. A motion was made by Chairman McGuire that the Action Item be approved. The motion carried by poll vote, unanimous.

8. Regular Business

8A. Request to Adopt an Ordinance to Amend Chapter 66, Article VIII of the Town Code Relating to Signs and Advertising

It was moved to adopt Ordinance O-2016-03 to amend Chapter 66, Article VIII of the Town Code Relating to Regulation of Signs.

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

9. Closed Session

Councilmember McGuire moved that the Council convene in closed session to discuss the following as permitted by Virginia Code S 2.2-3711(A)(1), a personnel matter involving: salary or other compensation of a specific employee. Councilmember Drakes seconded. **The motion carried by poll vote, unanimously.**

The Council came out of closed session at 8:03 p.m. Councilmember McGuire move 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 Councilmember McGuire, by roll call vote.**

8B. Request to Appoint Interim Chief of Police/Town Sergeant

It was moved to appoint Officer Adam Linn as Interim Chief of Police/Town Sergeant effective at the end of the current Chief's shift on December 2, 2016, contingent upon the Town Manager's successful negotiation of his salary and benefits within the range approved in closed session.

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

8C. Request to Adjust Salary for Town Clerk Due to Federal Overtime Rule

It was moved to increase the Town Clerk salary to \$47,476 effective November 20, 2016, due to the required Final Rule: Overtime issued by the Us Department of Labor effective December 1, 2016.

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

8D. Request to Approve 2017 Meeting and Holiday Calendar

It was moved to approve the 2017 Town Council meeting schedule as presented.

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

8E. FY 2018 Budget Discussion - Goal and Priority Setting

After discussion, the Town Council decided to maintain the following priorities set in 2015: Parking Issues, Pedestrian Safety and Access, Historic Preservation and Town Appearance, Community Development and Programming, and Stormwater Management. The Council also decided to add Public Safety, as well as adjust the Riverwalk Project to Riverwalk and Usages to the priorities list.

10. Adjournment

The meeting was adjourned at 8:39 p.m.

Christopher Coon
Town Clerk



OCCOQUAN TOWN COUNCIL
Work Session Meeting
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, November 15, 2016
7:00 p.m.

Present: Mayor Liz Quist, Councilmembers Matthew Dawson, Cindy Fithian and Joe McGuire.

Staff: Kirstyn Jovanovich, Town Manager; Chris Coon, Town Clerk; Abigail Breeding, Town Treasurer; Donna Brown, Events and Community Development Director

Absent: Vice Mayor Pat Sivigny and Councilmember Jim Drakes

1. Call to Order

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

2. Regular Items

A. Treasurer's Report - FY16 Year to Date Report (First Quarter)

Ms. Breeding stated that the General Fund actual Net Income is \$2,200 above budget. General Fund actual Net income is \$30,000 below last year's General Fund Net income. She stated that the Town has received \$990 in Brick Revenue as of September 2016. The Services Expense/Revenue Engineering for River Mill Park is \$172,000.

B. Arts and Crafts Spring Show Update

Ms. Brown stated that there were 20 more vendors in the Fall 2016 than the Fall 2015 show, most of which were crafters. She also stated that there were two additional sponsors for this show and they were "in-kind"; one providing a kids' painting station and the other providing photography services of the show. She stated that she saved money on advertising and believes that she can cut spending further. Her goal for next show is to better utilize River Mill Park. Ms. Brown stated that the net revenue was \$60,474.21. She also stated that the staff will be completing Standard Operating Procedures for the Craft Shows to help ensure all tasks are completed effectively and efficiently.

3. Adjournment

Mayor Quist adjourned the meeting at 7:21 p.m.

Christopher Coon
Town Clerk



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J. Matthew Dawson
Jim Drakes
Cindy Fithian
Joe McGuire

TOWN MANAGER
Kirstyn Barr Jovanovich

Town Engineer's Report Town Council Meeting - December 6, 2016

Land Development Activity

Vistas at Occoquan
River Mill Park, Phase II

Kayak/Canoe Launch - update from last report

Goal is to have Request for Proposal (RFP) advertised by 1/31/17, interviews for short-listed firms in February/March, with Town Council approval in April. Construction would start after June 30, 2017, due to "time of year" restriction for androgynous fish in Occoquan River.

River Mill Park

Presentation by The Engineering Groupe.

Tanyard Hill property - update from last report

Proffer Condition Amendment (PCA) required for any work on site or to add signage. Working with Prince William County Planning staff to establish process and time frames. Goal is to have updated rezoning package, including new proffers, GDP, application, Comprehensive Plan Amendment, narrative, etc. in January 2017.

Vistas at Occoquan - no change from last report

Bond release process started by D. R. Horton. As-builts submitted 9/9/16 - comments from TEG and returned to submitting engineer. No progress since last meeting.

Kiely Property

Please see separate staff report regarding plat release request by Kiely.

Occoquan Heights Landscape Maintenance Bond Release

Request for landscape bond release submitted by HOA. Inspection conducted with minor replantings required. On-going process.

Berrywood Property

Potential interest from owner to complete project. On-going process.

-END-



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Tyler C. Brown
J. Matthew Dawson
Jim Drakes
Joe McGuire

TOWN MANAGER
Kirstyn Barr Jovanovich

BUILDING OFFICIAL
Joseph E. Barbeau, Jr.

NOVEMBER 2016 REPORT TO THE TOWN COUNCIL BUILDING OFFICIAL REPORT

PERMITS ISSUED

202 Mill Cross Lane, permits to remodel kitchen, approved, 11/1/2016.

430 Mill Street, permit to repair sewage leak approved; permit to cut and cap sewer lateral denied, 11/7/2016.

417 Fortress Avenue, Emergency Permit to repair leaking water main, approved, 11/4/2016.

201 Poplar Alley permit to re-roof granted 11/14/2016

CERTIFICATES OF OCCUPANCY ISSUED

No Certificates of Occupancy have been issued in this month.

INSPECTIONS

Date	Activity
11/3/2016	417 Fortress Avenue, Partial rough inspection for water main break, work approved.
11/10/2016	417 Fortress Avenue, Partial Rough Inspection for interior repairs to replace leaking water main.
11/16/2016	430 Mill Street, inspected work to repair sewer lateral, work was approved.

DOCUMENT REVIEW

No documents are currently under review.

ACTIONS

The letter from the Technical Review Board overturning the Denial of the Kiely Permit to cut and cap the Sewer Lateral at 430 Mill Street has been received. The action to release said permit is being held in abeyance until the court renders its decision in the emergency injunction filed by the abutter's attorney.

RECOMMENDATIONS

There are no recommendations for the Council at this time.

OTHER

The VFW is working to gain a proper Occupancy Permit. The calculations for such

determinations should be developed by an RDP, and then submitted to this office for acceptance or denial. If this office were to generate such figures, we would cross the line regarding indemnification by acting in the capacity of a designer. As of this report they have contacted at least one such RDP, and this office awaits the results of this work.

End of Report, submitted on 11/28/2016.



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TOWN MANAGER
Kirstyn Barr Jovanovich

Town Manager's Report Town Council Meeting - December 6, 2016

Real Estate Taxes

We have started billing for 2016 Real Estate Taxes, which are due February 15, 2017.

Delinquencies

Meals Tax: Pink Bicycle, Georgetown Caterers, and Blue Arbor; Real Estate: \$2,263.77 (8 properties).

Recodification

Will present and discuss recodification bids with the Planning Commission on December 13, to include bids to review and revise the zoning and subdivision ordinances. The approval of both bids is planned for the Town Council agenda in January.

Winterfest - December 10

The second annual Winterfest presented by Occoquan River Communities will be held on Saturday, December 10. The Town will once again participate by hosting fire pits, carolers, and kids crafts in the historic district from 3 pm to 7 pm on that date.

Tanyard Hill Property

Working on preparing a rezoning request and comprehensive plan amendment for Prince William County in order to allow the installation of a trail and signage on the Tanyard Hill (Oaks III) property.

-END-



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 Kirstyn Barr Jovanovich

**INTERIM CHIEF OF
 POLICE/TOWN
 SERGEANT**
 Adam C. Linn

Occoquan Police Department

Monthly Town Council Report December 6, 2016

Departmental Goals

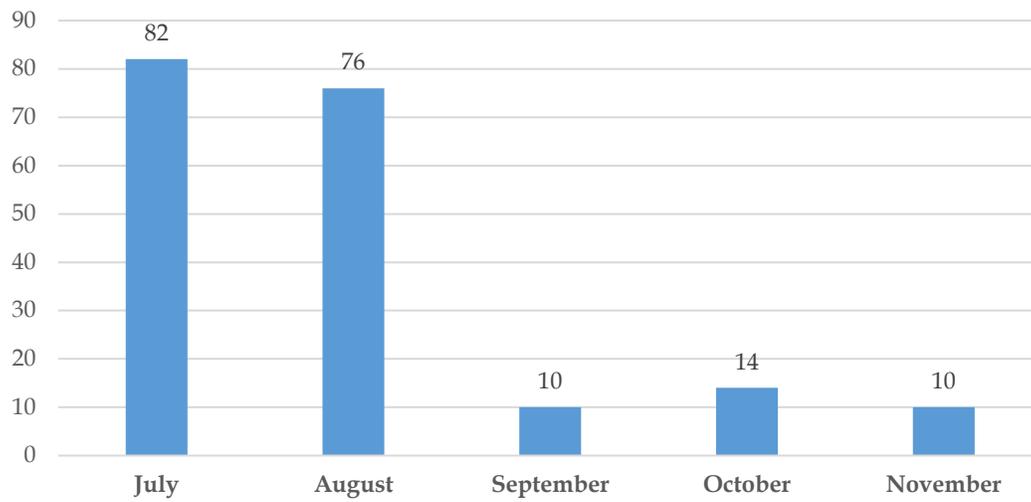
(Set by Town Council in February 2016)

- Goal 1: Protection of private property
- Goal 2: Improvement of pedestrian safety
- Goal 3: Increased patrol hours including nights and weekends
- Goal 4: Prioritizing community meetings outside of town
- Goal 5: Updating department policies

Significant Incidents

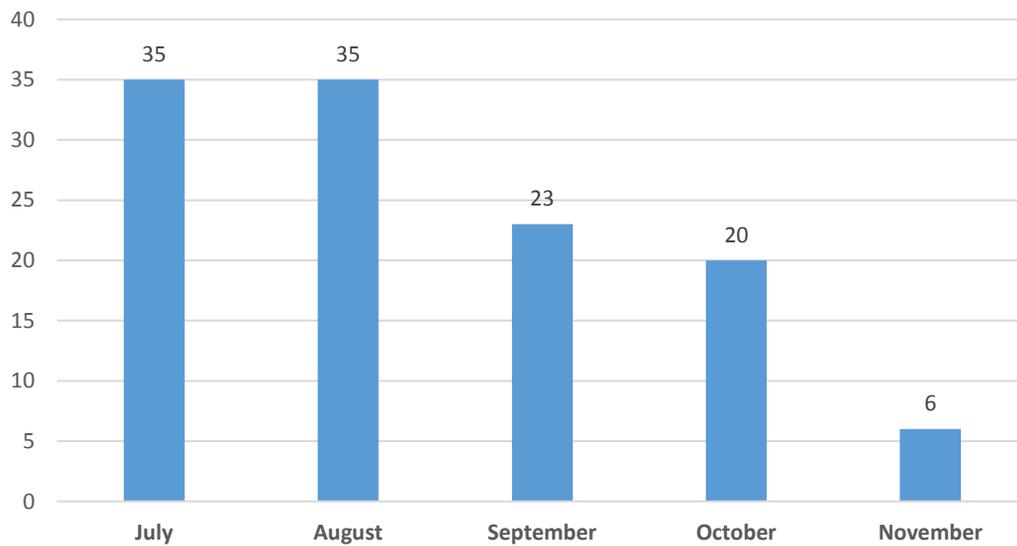
Nature	Date	Location	Details
Parking complaint	11/10/2016	Mill Street	Parking in Visitor Center parking spaces by merchant employees. Warnings issued.
Parking complaint	11/10/2016	W. Locust Street	Resident complaint about dangerous condition created by cars parked as you go up the hill on W. Locust. Will be referred to the Town Council for consideration of placing "No Parking" signs there.
Traffic hazard	11/28/16	Commerce & Gordon Boulevard	Due to a power outage the traffic signals went "dark". Directed traffic until proper function was restored.
Transition	Various	Various locations	Chief and appointed Interim Chief worked on a smooth transition.

Total Summonses FYTD (GRAPH) ¹



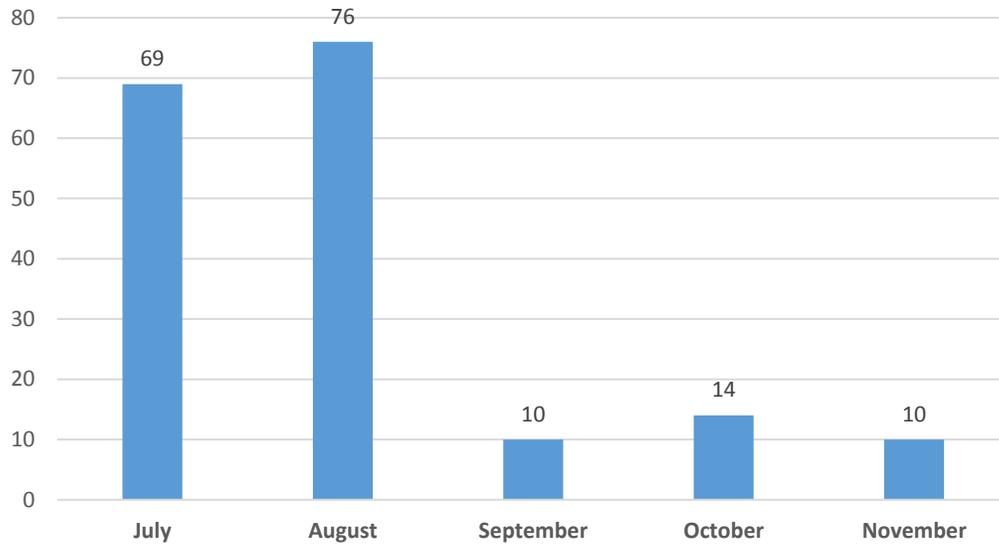
¹Goals 1, 2

Parking Tickets Issued FYTD (GRAPH) ²



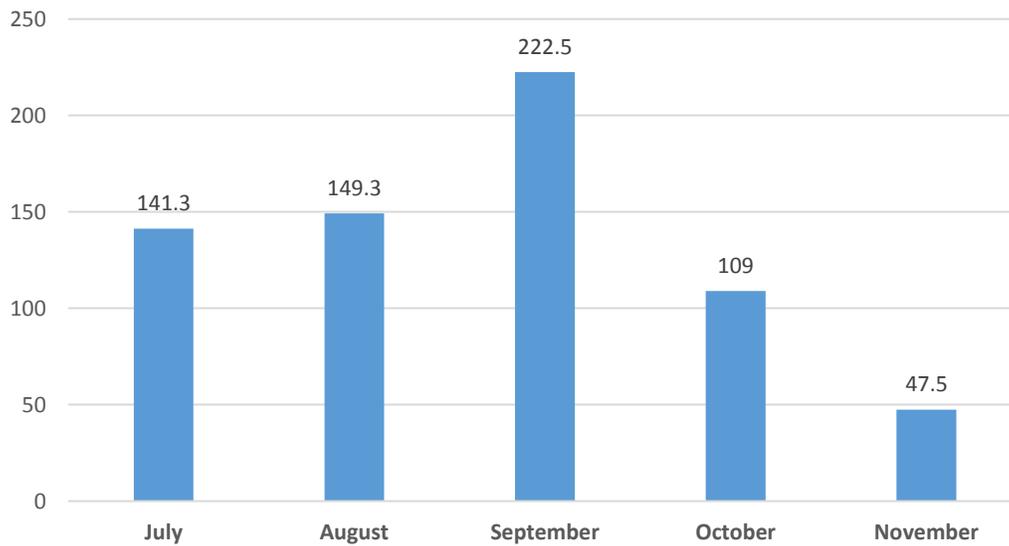
²Goal 2

Total Traffic Enforcement FYTD (GRAPH) ³



³Goal 2

Patrol Hours FYTD (GRAPH) ⁴



⁴Goals 1, 2, 3

Community Relations

Officers provided traffic control and security during the merchant holiday open house and tree lighting ceremony.

Current Initiatives

In the process of updating General Orders; working with VML to review and update as necessary.⁵

⁵*Goal 5*



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

8. Regular Business

Meeting Date: December 6, 2016

8 A: Request to Extend Contingencies on Kiely Court Final Subdivision Plat

Explanation and Summary:

At its regular December 2015 meeting, Town Council gave conditional approval to the Kiely Final Subdivision Plat, based on meeting certain conditions within one year. In the intervening year, the owners of the Kiely property have diligently pursued resolving the outstanding issues, including an attempt to have the previously-undiscovered sanitary sewer lateral cut and capped at the property line. The Town has informed Mr. Kiely that such action is not approved and failure to resolve the sewer lateral conflict would violate State Health Department Regulations found at 12VAC5-610-80, which prohibits discharge of sewage onto land, into the soil or into the waters of the Commonwealth without a permit, and which requires sewer service for all occupied buildings. That decision by the Town has been appealed by the owners to the Prince William County Building Appeals Board, and subsequently to the State Building Appeals Board. The State's decision has been further appealed to the Circuit Court. Other outstanding issues such as posting a bond and preparing deeds for review and signature are yet to be accomplished.

Engineer's Recommendation: Extend the contingent approval of the plat for an additional year, under the same conditions imposed with the original Town Council approval on December 1, 2015.

Subdivision Agent's Recommendation: Recommend approval.

Town Attorney's Recommendation: Recommend approval.

Town Manager's Recommendation: Recommend approval.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to extend the Town Council's conditional approval of the Kiely Court Final Subdivision Plat for one year, under the same conditions imposed by the original contingent approval dated December 1, 2015."

OR

Other action Council deems appropriate.

Attachments: (3) November 25, 2015 Staff Report
Meeting Minutes from 12/1/15 Town Council meeting
Letter from Chris Kiely dated 25 November 2016



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J. MATTHEW DAWSON
JIM DRAKES
JOE MCGUIRE

TOWN MANAGER
KIRSTYN BARR JOVANOVIH

**CHIEF OF POLICE &
TOWN SERGEANT**
SHELDON E. LEVI

TOWN CLERK
GREG HOLCOMB

TREASURER
ABIGAIL BREEDING, C.P.A.

MAYOR
ELIZABETH A. C. QUIST

STAFF REPORT TOWN OF OCCOQUAN Kiely Court

Applicant: Christopher & Jillian Kiely

Date: November 25, 2015

PART I

A. EXECUTIVE SUMMARY

The applicant proposes the subdivision and development of 430 Mill Street as two detached single family dwellings, road network, and associated infrastructure. This staff report evaluates the proposed application as it pertains to town ordinances for conformity.

B. DESCRIPTION OF PETITION

The applicant requests approval of the Final Subdivision Plat submission for the above referenced property.

B. APPLICABLE REGULATIONS

1. Chapter 54 - Subdivisions
2. Chapter 66 - Zoning

PART II

A. ANALYSIS OF EXISTING CONDITIONS

1. Site Area: +/- 5,917 SF
2. Use: Vacant
3. Zone: B-1
4. Location: The referenced property is located below the Rockledge Mansion at the western end of Mill Street.
5. Buildings/Structures: Stone retaining walls associated with adjoining properties encroach onto the site, as does the historic icebox on Mill Street.

6. Additional Overlay Districts: This site falls within the Old & Historic District.

B. ANALYSIS OF PROPOSED FINAL SITE PLAN

1. Use: Residential (SFD)
2. Buildings/Structures: Two single family homes are proposed, along with an entrance driveway/courtyard and retaining walls.
3. Access: Vehicular access is proposed via Mill Street.

The proposed application would subdivide the existing parcel to allow two single family homes (each measuring approximately 24'x36') with a common driveway. As a result of the development and improvements on surrounding parcels, the site is enclosed on all sides by buildings, retaining walls, and on-street parking. Each will be affected by this development. The site plan was previously approved by Town Council in April 2015.

Since this site falls within the Old & Historic District, a Certificate of Appropriateness from the Architectural Review Board has been sought and granted.

All deeds shall be fully executed and approved by the town attorney

Any bonds required by this project shall be posted prior to issuance of the plat for recordation and permits.

Any fees associated with the review and approval of the final subdivision plat must be paid.

PART III

STAFF CONCLUSIONS

The proposed Final Subdivision Plat, having been duly reviewed and accepted by Town Staff, has been deemed consistent with the applicable provisions of the Town Code. PWCSA and VDOT have provided no objection to the development, it is therefore Staff's recommendation to grant **approval of the Final Subdivision Plat contingent upon the emboldened items above.**

PREPARED BY: Ned A. Marshall, Zoning Administrator, November 25, 2015 *NM*
APPROVED BY: Matthew A. Williams, Asst. Town Engineer, November 25, 2015



OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, December 1, 2015
7:00 p.m.

Present: Mayor Liz Quist, Vice Mayor Pat Sivigny, Joe McGuire, J. Matthew Dawson, Jim Drakes and Tyler Brown
Staff: Kirstyn Jovanovich, Town Manager; Martin Crim, Town Attorney; Bruce Reece, Town Engineer; Matt Williams, Assistant Town Engineer/Zoning Administrator; Greg Holcomb, Town Clerk.

Absent: None

1. Call to Order

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

2. Pledge of Allegiance

3. Citizen's Time

None

4. Approval of Minutes

It was moved to approve the minutes of the November 4, 2015 Regular Meeting and the November 17, 2015 Work Session Meeting minutes.

A motion was made by Vice Mayor Sivigny, seconded by Council Member McGuire that the Action Item be approved. The motion carried by poll vote, unanimous.

5. Council Member Reports

None.

6. Mayor's Report

Mayor Quist reported that the Town will be participating in the Occoquan River Communities' Winter Fest on December 12, 2015. The festival is a regional effort that includes the Work House Arts Center, the Town of Occoquan and other various groups. There will be a parade at Tackett's Mill at 11:00 a.m., followed by fire pits and extended shopping in the Occoquan Historic District from 4:00 to 7:00 p.m. and fireworks, presented by Prince William Marina, between 7:00 and 8:00 p.m.

7. Staff Reports

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

1. The Town Association of Northern Virginia will be presenting a bill to the General Assembly to allow towns to post legal advertisements online if a newspaper does not operate within the town. Mr. Crim asked the Council to support their effort and speak with elected officials. He added that this potentially could save the town money.
2. Nominated Chief Levi for a lifesaving award with Virginia Chiefs Association. The deadline was missed for this year, but the entry will be submitted for next year.
3. Discussion with Fairfax Water's attorney regarding the special events issue at the River Mill Park, expect to hear from them during the week of December 7, 2015.
4. Had a very productive meeting with the Town Manager, Ms. Seefeldt and Mr. Marshall regarding the new signage ordinance.

B. Town Engineer: Mr. Reese, Town Engineer, reported on the following activities:

1. Land Disturbance Activities Report:
 - a. The Vistas of Occoquan is the one remaining project
2. New Flood Plain Ordinance - continuing to move forward on a new flood plain ordinance, last draft was sent down to the Department of Conservation and Recreation (DCR), who are acting as an intermediary with FEMA, and discussed in a meeting on November 23, 2015. The Planning Commission will see the draft in January 2016 and the Council will see it in February 2016.
3. Occoquan Heights - recommended to Town Manager that the bond be released. The last item of the contingency that the Council placed on the property during the November meeting was that there needed to be growth occurring on a section that had been eroded by the construction activity. The land was seeded and the grass is growing in nicely.
4. River Mill Park Update - provided by Mr. Williams, Assistant Town Engineer/Zoning Administrator - The bathroom is well underway, the roof is well underway with the stone façade going up. The demolition and reconstruction of the retaining wall has begun.
 - a. Question from Vice Mayor Sivigny - is it possible to receive a tour of the Park? Per Mr. Williams, please contact the Town Manager or him directly to schedule a site tour.
 - b. Question from Councilmember Drakes - what is the current status of the foot bridge? Per Mr. Williams - the foot bridge is currently closed due to construction on the retaining wall and bridge; it is unsafe for people to use the footbridge at this time. It will likely remain closed until the end of Phase I of the project, which was scheduled to be completed by December 14, per the contract; however, Phase I is expected to be completed by mid-January. Slight delays have occurred due to some retaining wall issues and a few other items, and we are

working closely with the contractors to approve their schedules to move the project along. Question from Councilmember Drakes - is there a cost overrun, per Mr. Williams, potentially yes.

5. Final closing questions for Mr. Reese – from Councilmember Brown -has Elm Street Development taken care of the hazard trees? Per Mr. Reese – not yet, waiting until after the December 10, 2015 meeting with the Occoquan Heights HOA to ensure that the HOA is fully aware of what is happening and what their responsibilities will be, but we anticipate the identified trees will be down by Christmas.

C. Building Official: Mr. Barbeau was not present, however, his report was submitted as part of the meeting agenda.

1. Change to Building Official Report – per Town Manager, Ms. Jovanovich - not 208 Commerce Street, it is 304 Commerce Street.

D. Town Manager: Ms. Jovanovich, Town Manager, submitted a manager’s report as part of the agenda and held further discussion on the following:

1. Town Clerk Vacancy – Greg Holcomb’s last day will be on Friday, December 4, 2015. In order to have support and coverage during the hiring process, we brought on a temporary person to assist with the Clerk’s role, Kelly White.

It was moved to appoint Ms. Jovanovich the Acting Town Clerk until a permanent replacement is found.

A motion was made by Councilmember Drakes, seconded by Councilmember McGuire that the Action Item be approved. The motion carried, unanimous.

2. Update regarding the Washington Street Sidewalk Signage – the project is complete, VDOT is open to troubleshooting with the town to discover a way to make the signage more visible but are against placing any signage in the middle of the street due to liability issues. They presently have four signs installed, two at the crosswalk going in each direction and two others warning of pedestrian crossings. The Town Manager also inquired with VDOT regarding lights, made a request to the Council for their input and guidance regarding the project and expectations.
 - a. Question from Council Member Drakes – what is VDOT’s criteria for liability due to automobiles hitting the signage? Per Ms. Jovanovich, VDOT only places signage like that in very high volume and high traffic areas. The town doesn’t meet the criteria of VDOT, but did ask VDOT if the town is willing to maintain, will they install it? Need to determine if that is something the town would like, being responsible for the liability.
 - b. Question from Mr. Crim – I do see those at the crosswalks at the Court House and other streets in Manassas, is that not an option?

Per Ms. Jovanovich – those streets are owned by Manassas. Per Mr. Crim – did they give you an idea of what the traffic count needed to be? Per Ms. Jovanovich – no, they did not, but do believe that Chief Levi has the information. Ms. Jovanovich is going to further investigate the regulations and requirements with VDOT as an action item.

- c. Question from Mayor Quist – is it too late to install reflective discs? Per Ms. Jovanovich – those would be easy to install, the town will be responsible for replacement. Per Council Member Brown – white stripes would be very helpful as well. Per Ms. Jovanovich – additional research will be completed and will provide an update at the next meeting.
3. ARB Request to Change Appointments – request to appoint Mr. Dan Braswell (alternate) who is the Planning Commission Member to a regular appointment seat and appointing Ms. Carol Bryant to an alternate appointment seat.

It was moved to appoint Dan Braswell from the alternate ARB appointment to a regular appointment, and Carol Bryant from a regular appointment to an alternate.

A motion was made by Council Member Dawson, seconded by Council Member Drakes that the Action Item be approved. The motion carried, unanimous.

4. Final closing questions for Ms. Jovanovich – from Vice Mayor Sivigny - there is a resident concerned with a cut through on West Locust Street over to Tanyard Hill, is there any evidence of that? Per Ms. Jovanovich – No, there was a Prince William County public hearing notice posted on the corner of West Locust and Washington Streets that was for a lot on Halls Road where they are splitting the lot into two separate lots, which is outside of Occoquan town limits. From Vice Mayor Sivigny – the Town Hall tree looks wonderful. Per Ms. Jovanovich – Polka Dot Divas donated all the ornaments, and the landscaping crew donated most of the man hours to install the decorations. Per Councilmember Drakes – it would be nice if a thank you note was sent to everyone who assisted and donated their time and materials. From Vice Mayor Sivigny – there are gas lamps out in Mamie Davis Park. Per Ms. Jovanovich – those are the lamps that are having some issues, but will look into it.

E. Chief of Police: Chief Levi was not present, however, his November 2015 report was provided with the meeting agenda.

1. Auxiliary Police –Ms. Jovanovich stated that the FY2016 budget allocated for two additional auxiliary positions and two candidates are present tonight.

- First, Adam Linn, a Certified Law Enforcement Officer who has 15 years of experience and most recently worked with the Falls Church Sherriff's Office for last 12 years. He also has experience with traffic enforcement and community policing activities. Second, George Feliciano, is also DCJS certified and has worked at George Mason University and for the Fredericksburg City Police Department. He was also a MPO in the US Army and also has experience with community policing and has also served as a bicycle officer.
2. Final closing questions for the Chief of Police – from Vice Mayor Sivigny, was unaware of the death under the rt. 123 bridge, heard from a resident. It is critical that the Council be made aware of significant issues such as these. Per Councilmember Drakes, notifications should be made for all significant events to the full Council. Per Councilmember Drakes, what is the auxiliary Officer plan moving forward? Per Ms. Jovanovich, the plan is to bring on two auxiliaries that would work with the Chief, 20 hours per month, coverage for weekends, nights, and holidays, to fill in the gaps and work with the Chief on traffic enforcement. There was an off-duty Police Officer in on Small Business Saturday and Officer Butterfield was in on Black Friday. There will be a training period with the Chief and this meeting was to obtain the Council's input so that the hiring process can progress. The next step is to run background checks and check references.

F. Boards and Commissions – Ms. Seefeldt submitted her November 2015 report.

8. Regular Business

A. Request to Approve the River Mill Park Phase II Site Plan

It was moved to approve the River Mill Park Phase II Site Plan contingent on resolution of minor outstanding comments from outside agencies.

A motion was made by Vice Mayor Sivigny, seconded by Council Member Dawson that the Action Item be approved. The motion carried, unanimous.

B. Request to Approve Kiely Court Subdivision Plat

Mr. Reese stated that staff is recommending approval of the subdivision plat, pending resolution of a recently discovered, unrecorded easement for a sanitary lateral that runs through the property that services adjacent properties. We believe that Mr. Kiely is working with the Prince William Service Authority and possibly the neighboring property owners to identify a resolution to this issue. The approval is requested to have a sunset of one year in order to provide Mr. Kiely with adequate time to resolve the issue, without having to come to Town Council again for approval of the plat once the lateral issue is resolved.

It was moved to approve the Kiely Court Subdivision Plat for one year contingent upon addressing outstanding comments and that the Plat not be released for recordation until all deeds are fully executed and the appropriate project bonds have been posted with the Town. If the Sunset clause and all recorded issues have not been completed within a year, then the Town Council will retract approval.

A motion was made by Council Member McGuire, seconded by Council Member Dawson that the Action Item be approved. The motion carried, unanimous.

C. Request to Approve Participation in DCR Floodplain Management Training

It was moved to set a not-to-exceed amount of \$1,100 from Training and Travel for the Town Manager to attend the floodplain management course in Blacksburg, VA in January 2016 and pass the certification test.

A motion was made by Council Member Drakes, seconded by Council Member Brown that the Action Item be approved. The motion carried by poll vote, unanimous.

D. Request to Set Not-to-Exceed Amount for Purchase of Equipment Trailer

It was moved to set a not-to-exceed amount of \$1,200 for the purchase of an equipment trailer using Public Safety Grant funds.

A motion was made by Council Member Brown, seconded by Council Member Drakes that the Action Item be approved. The motion carried by poll vote, unanimous.

E. Request to Approve Not-to-Exceed Amount for Conference Room Table and Chairs

It was moved to set a not-to-exceed amount of \$2,000 for the purpose of a table and chairs for the lower level conference room.

A motion was made by Council Member Brown, seconded by Council Member Drakes. The motion carried by poll vote, unanimous.

9. Adjournment

The meeting was adjourned at 7:50 p.m.

Kirstyn Jovanovich
Town Manager/ Acting Town Clerk

To Occoquan Town Council
314 Mill Street
PO Box 195
Occoquan, Virginia 22125

25 November 2016

From: Chris Kiely

Re 430 Mill st

Occoquan VA 22125

Request to remove plat recordation restriction for the 1 November TC meeting:

Issue:

In order to maintain the by-right ability to record the approved plat for 430 Mill st, the Town Council determination requires owner to cut-and-cap the existing sewer line on the property.

Problem:

It appears that Town Council's intent is not to cut-and-cap the line before resolution at court.

Discussion:

Based on the Town Council meetings, the town decided both to approve the plat recordation, and condition the approval on the removal of the lines. However, the Town denied the permit to do that very thing; and did not expect the State of Virginia to approve the permit to cut and cap the lines. The town put the property owners in a conundrum whereby the line must be cut in order to maintain a by-right action.

It appears the town's concern is that the recordation not create further down-stream effects of the recordation.

The respective property owners are currently in the process of a lawsuit in Circuit Court for the resolution. The Town's recordation concern ie sale of one of the plots before resolution is addressed by the ongoing suit. Further, the well publicized issue prevents sale of any property before the issue is resolved in court. It should not be the burden of an innocent property owner to bear the consequences of other people's poor choices. This issue can be resolved by the removal of recordation restrictions on the plat. Adoption of the below suggested resolution meets the Town's intent to prevent second order effects. Two plots will also bring increased tax revenue to the town.

Requested Resolution:

We request a resolution to remove the restrictions on plat recordation.

Chris and Jillian Kiely



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

8. Regular Business	Meeting Date: December 6, 2016
8 B: Request to Consider Extension of Building Period for Kiely Court Project	

Explanation and Summary:

Chris Kiely, owner of 430 Mill Street (Kiely Court Project), has requested Council action to extend the allowable building period for the project for the full five years. In the enclosed request, Mr. Kiely states that the five-year building window has been negatively impacted due to the continuing work to resolve the sewer lateral issue on the property. The Kiely Court final site plan was approved by Town Council on May 5, 2015 and the final subdivision plat was conditionally approved by Town Council on December 1, 2015. The Council considered an extension to the condition for approval of the subdivision plat earlier on the agenda.

Engineer's Recommendation: Recommend not granting extension at this time since the need for such an extension is not yet apparent. Suggest waiting until there is an obvious need to extend that can be shown to be a result of delays caused by Town or any other reason for delay that can be evaluated at the time the request is warranted.

Subdivision Agent's Recommendation: Recommend approval in that the plat complies with the general requirements and minimum standards of design in accordance with Chapter 54 of the Town Code.

Town Attorney's Recommendation: This is a policy decision for the Town Council. On the one hand, a future Town Council will be better able to assess the impact of the decision, but on the other hand postponing the decision has consequences now, in that the developer has less flexibility in marketing the project. By law, the Town Council can grant a reasonable extension, taking into consideration the size and phasing of the proposed development and the laws, ordinances and regulations in effect at the time of the request for an extension. For example, an extension of plat/plan validity would be appropriate if the expiration of the plat or plan would require significant re-engineering due to a change in the laws, ordinances or regulations affecting development.

Town Manager's Recommendation: As a policy decision, the Town Council has the authority to either approve or deny the extension request at this time.

Cost and Financing: N/A
Account Number: N/A

Proposed/Suggested Motion:

To approve the extension: Pursuant to Virginia Code § 15.2-2261 B.1., I move that the Town Council extend the approval of the Kiely Court subdivision plat and site plan for a period of five years from today's date; the subdivision plat remains subject to the contingency approved at today's meeting.

To deny the extension at this time: I move to deny the request to extend the Kiely Court subdivision plat and site plan, given the facts that this is a two-parcel subdivision, there have been no changes to the law that would affect the development, and that such plat and plan remain valid for more than three years after today's date.

OR

Other action Council deems appropriate.

Attachments: (1) Kiely Request for Extension

To Occoquan Town Council
314 Mill Street
PO Box 195
Occoquan, Virginia 22125

18 November 2016

From: Chris Kiely
Re 430 Mill st
Occoquan VA 22125

Request to restore lost building window time:

Issue:

5 year building window.

Problem:

The Town's improper permit denial has consequently reduced my lawful building window.

Discussion:

I submitted a by-right permit request to cut and cap my privately owned sewer lateral on my property in December 2015. The Town of Occoquan improperly denied that permit. The State of Virginia has recognized my right to cut and cap my sewer lateral. My building plans are approved for a 5 year window. The denial of a by-right action by the Town has consequently reduced my building window. In order to restore my lawful building window I ask the town to extend that window 5 years starting the day my permit is issued.

Requested Resolution:

The Kiely Court plans are extended 5 years beginning when the cut and cap permit is approved.



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

8. Regular Business	Meeting Date: December 6, 2016
8 C: Request to Designate No Parking on Section of W. Locust Street	

Explanation and Summary:

Over time, the Town has received complaints of cars parking at the curb between 110 and 208 West Locust Street (a Town owned street) causing a narrowing of the street, which is curved with a steep slope. After review, we found that there is justifiable concern that on-street parking along this section of roadway creates an unsafe condition for emergency vehicles to readily pass along West Locust Street, for vehicles using the street during slippery conditions, or when two vehicles pass each other along the roadway.

This is a request to prohibit parking anytime on West Locust Street between 110 and 208 West Locust Street and to post "No Parking Anytime" signs on both sides of the street. It is estimated that a total of six to eight signs would be required for an approximate cost of \$450 to \$600, which includes the sign, materials, and installation. These signs can be paid for out of the Public Safety Grant, and per the Zoning Administrator, can be placed within two feet of the curb without the need for property owner permission.

Chief of Police Recommendation: Recommend approval.

Zoning Administrator Recommendation: Recommend approval.

Town Manager Recommendation: Recommend approval.

Cost and Financing: NTE \$800
Account Number: Public Safety Grant

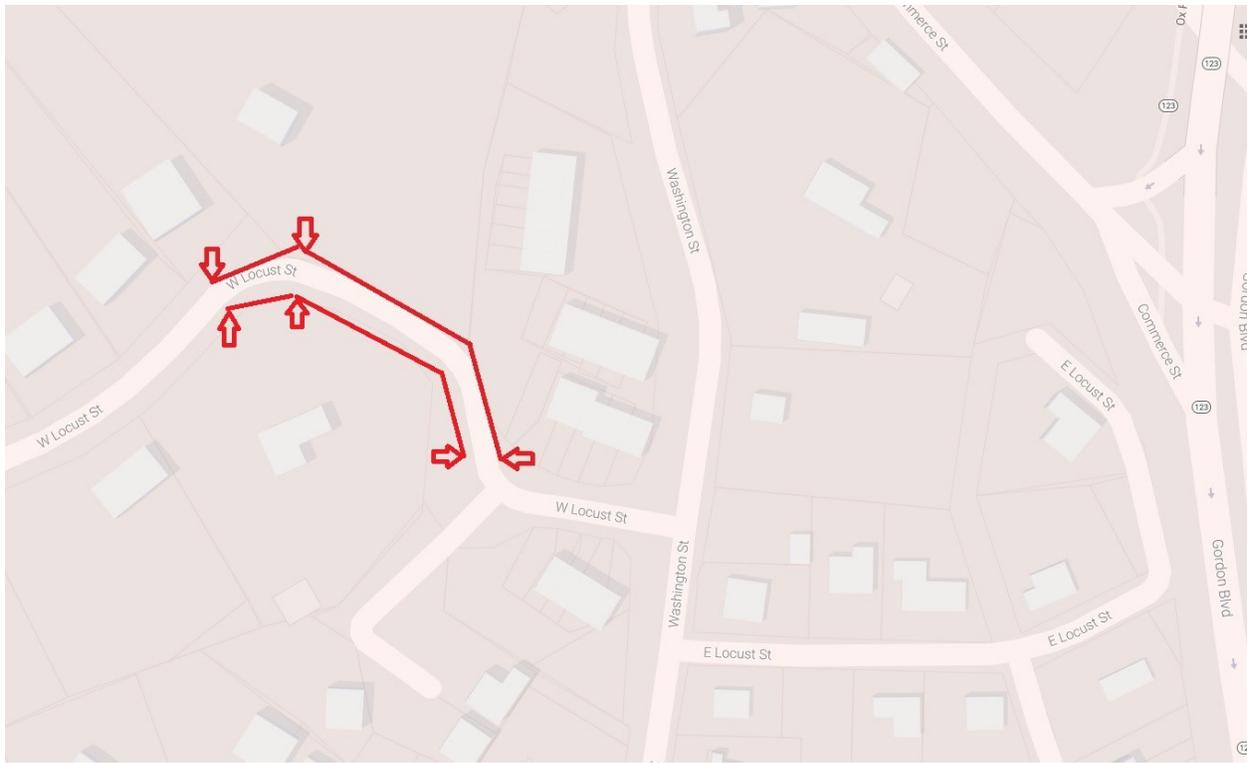
Proposed/Suggested Motion:

"I move to prohibit on-street parking between 110 and 208 West Locust Street and direct the Chief of Police to coordinate the installation of appropriate and adequate no parking signage at a cost not to exceed \$800."

OR

Other action Council deems appropriate.

Attachments: (1) Map for Proposed No Parking Area



Proposed 'No Parking' section on West Locust Street.