



**OCCOQUAN TOWN COUNCIL**  
**Regular Meeting Minutes**  
**Town Hall - 314 Mill Street, Occoquan, VA 22125**  
**Tuesday, November 7, 2018**  
**7:00 p.m.**

**Present:** Mayor Earnie Porta, Vice Mayor Pat Sivigny, Councilmembers Matthew Dawson, Cindy Fithian, and Eliot Perkins.

**Absent:** Councilmember Laurie Holloway

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

**1. Call to Order**

Mayor Porta called the meeting to order at 7:04 p.m.

**2. Citizens Time**

Lance Houghton, 127 Washington Street, wanted to update Council on the erosion that the driveway at Rockledge is experiencing because of the Kiely Court development. He stated that the issue is continuing to deteriorate since he first brought this to the Town Council. He stated that for several years he has come to the Town Council to express his desire that the development be executed properly. He was ensured that proper procedure was going to be followed. He stated that at this time the development has caused severe erosion of the Rockledge driveway. Mr. Houghton allowed the Kiely Court excavator to utilize the Rockledge driveway to install a silt fence. This was to expedite the process of building the retaining wall. The excavator told Mr. Houghton that he would only need 20 inches of Rockledge property for the fencing. According to Mr. Houghton with the rain that has occurred there 3 feet of his property has been lost. After the property loss he stated that he has asked the excavator to remove the fencing from his property. He expressed that his primary concern is not to stop Mr. Kiely from developing but to ensure safe development. He stated that he wanted to express his opinion that Mr. Coon would be a good Town Manager and that he would like the Town to investigate placing a trash can on or near the Route 123 Bridge.

Ellalyne Brayman, Owner of Labella Bridal & Wedding Services LTD, wanted to show her appreciation for Mr. Coon helping with the incident on November 6<sup>th</sup> when a vehicle jumped the curb and hit her storefront window shattering the glass. He contacted the police and herself to inform her of the incident. He watched over the shop until she was able to arrive and helped with cleaning up all of the glass in the area. She wanted to let Town Council know how grateful she was for all of his help.

**3. Response to Citizens Time**

Mayor Porta responded to Mr. Houghton's comments by noting that there are things Mr. Houghton has raised that the town has the regulatory power to enforce and is enforcing, and that there are other items over which the town has no enforcement authority.. Additionally, Mayor Porta addressed an item Mr. Houghton had raised in an email. In that email Mr. Houghton asserted that some problems with the development could have been

avoided if the town required that a surveyor provide a survey of the property before approving site plans. Mayor Porta noted that the Town does not have the authority to impose such a requirement when it is not required by the Virginia State Code. Mayor Porta then asked Mr. Houghton to clarify some statements he made during citizens time and asked Town staff to respond accordingly.

Town Attorney Mr. Crim stated that most of Mr. Houghton's concerns consist of private legal matters between two private property owners, which either can address through appropriate court action that addresses matters such as the loss of parking spaces, damage to the driveway, potential damage to the sewer line, and closure of business if Mr. Houghton could show that the problems were created by the development of Kiely Court. Mr. Crim also indicated that at this time there is no additional regulatory action that the Town or one of the Town's agents would be able to enforce.

Mayor Porta inquired as to what regulatory action could be taken by the Town. Mr. Reese, the Town Engineer, stated that for violations regarding erosion the developer has to correct the issue or there is a specific process that is outlined in the Virginia State Code. He stated that first is a verbal notification, then written notification, then a stop work order would be issued. Mr. Reese stated that after review of the plans in his opinion there should have been enough room to complete the retaining wall without impinging on Rockledge property.

Mayor Porta asked Mr. Houghton for his proposed solution for the issue he is experiencing. Mr. Houghton stated that he would like Mr. Kiely to stabilize the section of driveway that has already collapsed, build that section of the retaining wall, and adjust how the rest of the retaining wall was built. Mayor Porta stated that the Town will continue to monitor the development and enforce any regulatory violations that may occur.

#### **4. Approval of the Minutes**

Vice Mayor Sivigny moved to approve the amended minutes of the September 4, 2018 Regular Meeting.

**A motion was made by Vice Mayor Sivigny, seconded by Councilmember Fithian that the Action Item be approved. Motion passed, unanimous.**

Councilmember Fithian moved to approve the amended minutes of the September 18, 2018 Work Session Meeting.

**A motion was made by Councilmember Perkins, seconded by Councilmember Fithian that the Action Item be approved. Motion passed, unanimous.**

Councilmember Fithian moved to approve the minutes of the October 1, 2018 Work Session Meeting.

**A motion was made by Councilmember Perkins, seconded by Vice Mayor Sivigny that the Action Item be approved. Motion passed, unanimous.**

Councilmember Fithian moved to approve the minutes of the October 3, 2018 Work Session Meeting.

**A motion was made by Councilmember Perkins, seconded by Councilmember Fithian that the Action Item be approved. Motion passed, unanimous.**

Councilmember Fithian moved to approve the minutes of the October 16, 2018 Work Session Meeting.

**A motion was made by Councilmember Fithian, seconded by Councilmember Perkins that the Action Item be approved. Motion passed, unanimous.**

## 5. Mayor's Report

Mayor Porta reported on some of the meetings and events he had participated in as Mayor over the last month. These included: (1) the annual inspection on October 23 of the Town's Tanyard Hill property by the Northern Virginia Conservation Trust, (2) the Project-Mend-A-House Taste of the Town fundraiser on October 24, (3) the Haunt the Town event on October 27, (4) the Howl-O-Ween event on October 28, (5) the Hitchcock Paper Co. ribbon cutting on November 3, (6) a meeting on November 8 with the Town Engineer and a contractor at the Vantage Point/West Locust infiltration trench, (7) a meeting on November 9 with the Town Attorney and the Engineering Groupe to resolve issues related to the River Mill Park bathhouse, (8) a meeting on November 9 with a non-resident regarding policing policies in Occoquan, and (9) a meeting on November 13 with County representatives regarding stream remediation at three locations in Occoquan. Mayor Porta also reported that he and Chris Coon discussed possible revisions to the procedures for distribution of the Town newsletter.

## 6. Councilmember Reports

Vice Mayor Sivigny inquired about the requirements on placement of trashcans. Mayor Porta stated that there has been enforcement action taken on that matter.

## 7. Staff Reports

**A. Town Attorney:** Mr. Crim reported on the following two items:

- i. **River Mill Park and Miller Brothers** - Mr. Crim has reported there is a meeting scheduled for Friday.
- ii. **Vantage Point** - Mr. Crim stated he is working with the Town Engineer and Zoning Administrator for a plan of action to respond to the complaints of runoff from Vantage Point.
- iii. **Lawsuit**- Mr. Crim stated that the Circuit Court dismissed a lawsuit that the Town had on a previous property owner. The property owner fixed the issues and due to inaction the lawsuit was dismissed.

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

Councilmember Perkins inquired about any updates with the Canoe and Kayak Ramp.

Mayor Porta indicated that all documentation has been provided to the Department of Conservation and Recreation (DCR). Mr. Reese stated that once the additional funds are allocated to the Town by DCR there are a few things the Town needs to complete that should not take long.

Councilmember Fithian inquired about the contractors bid amounts and if the increased funds from DCR will now cover the entire cost of the project. Mr. Reese indicated that the bids were around \$233,000 and \$236,000 and that the additional funding from DCR should thus be sufficient. Mr. Coon and Mayor Porta indicated that the project still requires a 20% match from the Town, and that the match can include in-kind costs such as staff time and permits.

Mayor Porta inquired about the trail project for the Tanyard Hill Park. He asked if the items in Mr. Reese's report were required or discretionary. Mr. Reese stated that at this time with the plan to have a trail blazed there is nothing that would be required. He stated that the items he outlined would only be required if there was more substantial work planned.

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

**D. Town Manager:** Mr. Coon reported on the following items:

- i. **VML Insurance** - He contacted VML for 3 items: two gaslights and the Annex building.
- ii. **Budget** - Mr. Coon and the Town Treasurer have begun working on the estimated revenue for the FY2020 Budget.
- iii. **Special Exception Permits** - Mr. Coon stated that he would be meeting with Mr. Reese and Mr. Marshall to review the new process after the Town Code Zoning update.
- iv. **VDOT** - Mr. Coon sent the Town's Parking and Traffic Study to VDOT as the document recommended the Town request for a cut-through traffic study. Mr. Coon also inquired as to why there are three turn lanes from Northbound Gordon Boulevard to Old Bridge Road and only one turn lane from Southbound Gordon Boulevard to Old Bridge Road. He also stated that VDOT provided a study from 2014-2016 with traffic data around Occoquan and responded that funds would need to be identified at multiple levels for the updates to the intersection.
- v. **Post Office Meeting** - Mr. Coon stated that he has scheduled a meeting with the Town's Postmaster as well as the Regional Postmaster. The reason for this meeting is to understand what changes will be made to the Post Office if there is no longer any space for Post Office Boxes. He indicated that he would like the Post Office to provide all potential options regarding the future of the Post Office and bring that information back to Town Council.

Mayor Porta inquired about the zoning violations on Center Lane. Mr. Coon indicated that the Zoning Administrator is reviewing several complaints on Center Lane and the appropriate action will be taken and Council will be updated.

- E. Town Treasurer:** Ms. Rodriguez submitted the Treasurer's report as part of the meeting agenda.

Mayor Porta inquired about when the Town Council will receive a budget-to-actual report. Mr. Coon indicated that the practice has been to present a report monthly and a budget-to-actual briefing quarterly.

Mayor Porta inquired about a business that is seven months delinquent on meals tax. Mr. Coon informed the Council that the business may have gone out of business but, until that information is verified the Town will continue to record that business as delinquent on meals tax.

Mayor Porta also inquired if a specific parcel was also the real estate delinquent property. Mr. Coon stated that he was confident that parcel is the delinquent property. Mayor Porta stated that he has received multiple complaints on the property and wanted the Zoning Administrator to visit the property to identify any violations.

Councilmember Fithian inquired on the location of Granny's Cottage. Mr. Coon indicated that Granny's Cottage is an entity which owns property not a business.

- F. Chief of Police:** Chief Linn submitted a report as part of the meeting agenda.

Councilmember Fithian inquired if town staff can print the reports in color. Mayor Porta ask Chief Linn to change the report to not require color printing.

- G. Boards and Commissions:** Councilmember Perkins reported that the Planning Commission met to discuss recommendations based on the 2017 Parking and Traffic Study. The Planning Commission also met with Mr. Sills and had several questions from the previous presentation answered. Mr. Coon presented for the Architectural Review Board; they had one exterior elevation for 450 Mill Street that was approved. Mr. Sills also gave an updated presentation to address some of the Architectural Review Board's feedback. The updates made to the potential development were received very well by the Architectural Review Board.

## **8. Regular Business**

Councilmember Fithian moved to add the Agenda Item of Auto Decal Enforcement of Antique Vehicles.

**Moved by Councilmember Fithian, seconded by Councilmember Perkins. Motion passed, unanimous by voice vote.**

### **8G. Request to Approve Resolution to Suspend Auto Decal Enforcement of Antique Vehicles**

Councilmember Perkins moved to adopt the resolution to suspend auto decal enforcement of antique vehicles with the amendment to change 60 days to 90 days.

**Moved by Councilmember Perkins, seconded by Councilmember Fithian. Motion passed, Ayes- Vice Mayor Sivigny, Councilmember Fithian, and Councilmember Perkins. Nays- Councilmember Dawson, by roll call vote.**

#### **8A. Legislative Agenda Discussion**

Town Council discussed how the Legislative Agenda could benefit the Town. Mr. Crim stated that this is an avenue for the Town Council to weigh-in for any legislative items that could be beneficial or harmful to the Town.

#### **8B. County MOU - TAP Grant Funding Agreement**

Councilmember Perkins moved approve the County MOU - TAP Grant Funding Agreement authorizing the Mayor to sign and appropriate an amount not-to-exceed \$86,720 from the FY2019 Capital Improvement Plan.

**Moved by Councilmember Perkins, seconded by Councilmember Fithian. Motion passed, unanimous by voice vote.**

#### **8C. Request to Clarify Authorized Part-time Police Officers**

Councilmember Fithian moved to authorized the Town to hire up to five (5) certified part-time police officers subject to the budgetary salary cap limit.

**Moved by Councilmember Fithian, seconded by Vice Mayor Sivigny. Motion passed, unanimous by voice vote.**

#### **8D. Tanyard Hill Park Property Naming Discussion**

Councilmember Dawson moved to name the Tanyard Hill Property "Tanyard Hill Park".

**Moved by Councilmember Dawson, seconded by Councilmember Fithian. Motion passed, unanimous by voice vote.**

#### **8E. Town Blessing and Holiday Party**

Councilmember Fithian moved to set a not-to-exceed amount of \$1,500 for the Town Blessing and Holiday Party.

**Moved by Councilmember Fithian, seconded by Vice Mayor Sivigny. Motion passed unanimous by voice vote.**

#### **8F. Parking and Development Discussion**

Councilmember Perkins presented Town Council with three documents. The Parking and Traffic Study, the Planning Commission draft version of their parking recommendations, and a document Councilmember Perkins created highlighting the challenges and opportunities for parking in Occoquan. He also asked the other Councilmembers to review all of these documents to be ready to discuss, at a future meeting, potential solutions utilizing all of the information the Town currently has available. Councilmember Perkins also asked Town Council to allow

Mr. Coon to assist Councilmember Perkins with the parking opportunities and solutions to help understand the cost and options involved to provide Town Council with the most optimal solutions. Town Council had no objections with Mr. Coon assisting Councilmember Perkins in this manner.

#### **9. 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, specifically for the position of Town Manager. Councilmember Fithian seconded. The motion passed, unanimous. Closed Session began at 9:29 p.m.

The Council came out of closed session at 9:49 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 Perkins, Councilmember Fithian, Councilmember Dawson, and Vice Mayor Sivigny, by roll call vote.

#### **10. Adjournment**

The meeting was adjourned at 9:50 p.m.

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Christopher Coon  
Town Clerk