



TOWN OF OCCOQUAN

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Occoquan Town Council

Town Council Meeting

May 17, 2022 | 7:00 p.m.

1. Call to Order
2. Consent Agenda
 - a. May 3, 2022 Meeting Minutes
3. Regular Business
 - a. Request to Adopt an Ordinance to Add Town Code § 72.04 and Repeal Town Code § 92.11 to Regulate Noise from Muffler and Exhaust Systems in Vehicles Operated on a Highway
 - b. Request to Adopt an Ordinance to Add Town Code § 73.11 to Provide for Towing of Vehicles Against which there are Outstanding Parking Violations
 - c. Request to Appoint a Member to the Planning Commission
 - d. Request to Appoint Members to the Architectural Review Board
4. 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
Meeting Minutes - DRAFT
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, May 3, 2022
7:00 p.m.

Present: Mayor Earnie Porta; Vice Mayor Jenn Loges; Councilmembers Cindy Fithian (remotely), Laurie Holloway, Robert Love, and Eliot Perkins

Absent: None

Staff: Kirstyn Jovanovich, Town Manager; Adam Linn, Chief of Police; Julie Little, Events Director; Manual Casillas, Town Treasurer; Philip Auville, Town Clerk

1. CALL TO ORDER

Mayor Porta called the meeting to order at 7:00 p.m. Councilmember Fithian attended remotely from her home for health reasons.

Mayor Porta welcomed Councilmember Bob Love to the Town Council, who was officially sworn in prior to the start of the meeting to fill the remainder of Councilmember Bienia's term. In light of a new member joining the Town Council, Mayor Porta briefly reviewed meeting procedures and processes.

2. PLEDGE OF ALLEGIANCE

3. CITIZENS' TIME

No one spoke at Citizens' time.

4. CONSENT AGENDA

a. April 19, 2022, Meeting Minutes

Councilmember Perkins moved approval of the Consent Agenda. Councilmember Holloway seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Fithian, Councilmember Holloway, Councilmember Love, Councilmember Perkins

Nays: None

5. MAYOR'S REPORT

Mayor Porta reported the following:

- On April 9, he participated in a ribbon cutting for a new business, Andre Soriano Atelier, and participated in the FOTO cleanup.
- On April 16, he participated in Peeps Week activities.
- On April 20, he provided a town history talk to a sorority group.
- On April 22, he spoke at the Occoquan Mosque and attended the call to prayer with Vice Mayor Loges. He thanked Councilmember Perkins for attending the call to prayer on April 29.

- On April 26, he gave a history tour of Occoquan to a bus group of California visitors brought by Sports Leisure Travel.
- On April 27, he served as a celebrity waiter for the Lake Ridge Rotary's annual luncheon fundraiser.
- Mayor Porta also wished to remind everyone of the dedication of the historic marker for Valentine Peyton planned by the Peyton Society of Virginia on Saturday, May 21.

6. COUNCILMEMBER REPORTS

Councilmember Holloway noted the success of Peep Week.

Vice Mayor Loges thanked Mayor Porta for the opportunity to attend the call to prayer at the Occoquan Mosque with him.

Councilmember Fithian reported that she attended the FOTO Cleanup with her grandkids.

Councilmember Love expressed his thanks for having the opportunity to serve on the Town Council.

7. BOARDS AND COMMISSIONS

ARB Chair Seefeldt reported that the Architectural Review Board met on April 26, and the Board reviewed and approved four applications.

Councilmember Perkins reported that the Planning Commission did not meet in April.

8. ADMINISTRATIVE REPORTS

a) Administrative Report

Ms. Jovanovich provided a written report as part of the agenda packet and responded to brief questions from the Council.

Ms. Jovanovich asked Chief Linn to present the Agency Trilogy Award that the Occoquan Police Department was recently awarded. This award is presented to law enforcement agencies whose entire Command Staff have completed the FBI-LEEDA Trilogy Leadership series, which includes the FBI-LEEDA's Supervisor Leadership Institute, Command Leadership Institute, and Executive Leadership Institute. Chief Linn, Lt. Forman, and Sgt. Jackson have all completed the leadership series.

Ms. Jovanovich stated that the Eagle Scout project to make and install fishing line recycling receptacles is scheduled for May 7, weather permitting. The scout plans to install three units along the waterfront behind the Mill House Museum. Councilmember Fithian stated she would volunteer to empty and maintain the units once they are installed.

Councilmember Perkins asked for an update on VDOT projects. Ms. Jovanovich stated that paving for most VDOT streets in town is expected to occur around September and that the no block the box marker has been painted at the intersection of Commerce Street

and Route 123. Ms. Jovanovich also stated that she has contacted VDOT to request repairs of the footbridge flooring.

Councilmember Fithian thanked Ms. Jovanovich and staff for their work in coordinating street paving with VDOT.

b) Town Treasurer Report

Mr. Casillas provided a written report as part of the agenda packet. There were no questions for Mr. Casillas.

c) Town Attorney Report

Mr. Crim provided a written report as part of the agenda packet.

Mayor Porta asked Mr. Crim about the Town's vehicle noise ordinance to ensure its enforceability by July 1, when the State law goes into effect wherein a vehicle noise offense is moved from a secondary to a primary offense. Mr. Crim stated that he has drafted a revision to the Town Code that would become effective by July 1, and enforceable under the updated State Code. The ordinance will be on the Town Council's May 17, 2022 agenda.

Councilmember Perkins asked Mr. Crim to provide detail to the Council on what would be considered illegal and legal under the revised vehicle noise ordinance. Mr. Crim stated he would research and provide that information.

9. PUBLIC HEARING

a) Public Hearing on the FY 2023 Proposed Tax Rates

Mayor Porta opened the public hearing at 7:46 p.m. Mayor Porta invited the public to speak. One person, Occoquan resident Walt Seiberling, spoke. Mayor Porta closed the public hearing at 7:48 p.m.

Mayor Porta made a presentation reviewing the proposed FY2023 budget for the Town and responded to brief questions. He requested that between now and June 7, when the tax rates and budget are scheduled to be voted upon, that Council members review the budget. If they wish to propose any changes to what staff has submitted and the Council has discussed over prior months, he asked that they discuss such changes with their colleagues individually in advance so that everyone is prepared to make the necessary decisions at the June 7 meeting.

10. ADJOURNMENT

The meeting was adjourned at 8:18 p.m.

Philip Auville, Town Clerk



TOWN OF OCCOQUAN

TOWN COUNCIL MEETING

Agenda Communication

3. Regular Business	Meeting Date: May 17, 2022
3A: Request to Adopt Ordinance O-2022-02 to Add § 72.04 and Repeal § 92.11 to Regulate Noise from Muffler and Exhaust Systems in Vehicles Operating on a Highway	

Attachments: a. Ordinance O-2022-02

Submitted by: Adam Linn
Chief of Police

Explanation and Summary:

This is a request to adopt Ordinance O-2022-02 to repeal § 92.11 and add § 72.04 to regulate noise from muffler and exhaust systems in vehicles operating on a highway.

At their October 6, 2020 meeting, the Town Council adopted Ordinance O-2020-05 to update the Town’s noise ordinance, which included § 92.11 Exhaust Systems.

This is a request to repeal § 92.11 and add § 72.04 to bring the Town Code in line with changes to the State Code effective July 1, 2022.

Staff Recommendation: Recommend approval of the ordinance as presented.

Proposed/Suggested Motion(s):

“I move to adopt Ordinance O-2022-02 as presented.”

OR

“I move to adopt Ordinance O-2022-02 with the following changes:_____.”

OR

“I move to disapprove Ordinance O-2022-02 because _____.”

OR

Other action the Town Council deems appropriate.

ORDINANCE # O-2022-02

AN ORDINANCE TO ADD TOWN CODE § 72.04 AND REPEAL TOWN CODE § 92.11 TO REGULATE NOISE FROM MUFFLER AND EXHAUST SYSTEMS IN VEHICLES OPERATED ON A HIGHWAY

WHEREAS, the Virginia General Assembly passed, and the Governor signed, Chapter 490 of the Acts of Assembly (2022), enabling local governments to adopt ordinances to regulate noise from vehicles operated on highways without proper mufflers and exhaust systems; and

WHEREAS, the Town Council wishes to make it possible for Town police to stop vehicles that are not equipped with a muffler and exhaust system conforming to state law; and

WHEREAS, the Town Council wishes to repeal provisions of its code of ordinances that do not conform to the Code of Virginia.

NOW, THEREFORE BE IT ORDAINED by the Council for the Town of Occoquan, Virginia meeting in regular session this 17th day of May, 2022:

1. That the Town Council hereby adopts Town Code § 72.04 as follows:

§ 72.04 NOISE FROM MUFFLER AND EXHAUST SYSTEMS IN VEHICLES OPERATED ON A HIGHWAY.

(A) Except as provided in subsection (B) of this section, no person shall operate a vehicle on a highway within the Town if that vehicle is not equipped with a muffler and exhaust system conforming to Virginia Code §§ 46.2-1047 and 46.2-1049.

(B) The provisions of this section shall not apply to any antique motor vehicle licensed pursuant to VA Code § 46.2-730, provided that the engine is comparable to the standard factory exhaust system for that particular vehicle, and the exhaust system is in good working order and in constant operation.

2. That Town Code § 92.11 is hereby repealed.
3. That this ordinance is effective on the later of July 1, 2022, or thirty days after posting as provided in Town Charter § 11; the Town Clerk shall file a written certification as to such posting in the records of the Town.

BY ORDER OF THE TOWN COUNCIL

Meeting Date: May 17, 2022
Town Council Meeting
Ord No. O-2022-02

RE:

MOTION:
SECOND:
ACTION:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY_____

Town Clerk



TOWN OF OCCOQUAN

TOWN COUNCIL MEETING

Agenda Communication

3. Regular Business	Meeting Date: May 17, 2022
3B: Request to Adopt Ordinance O-2022-03 to Add Town Code § 73.11 to Provide for Towing of Vehicles Against which there are Outstanding Parking Violations	

Attachments: a. Ordinance O-2022-03

Submitted by: Adam Linn
Chief of Police

Explanation and Summary:

This is a request to adopt Ordinance O-2022-03 to add Town Code § 73.11 to provide for towing of parked cars against which there are three or more outstanding unpaid or otherwise unsettled parking violation notices in accordance with State law.

Currently, the Town does not have a collection process in place for overdue parking violations. This addition to the Town Code will give the Police Department authority to tow vehicles that have three or more unpaid Occoquan parking violations.

Staff Recommendation: Recommend approval of the ordinance as presented.

Proposed/Suggested Motion(s):

"I move to adopt Ordinance O-2022-03 as presented."

OR

"I move to adopt Ordinance O-2022-03 with the following changes:_____."

OR

"I move to disapprove Ordinance O-2022-03 because _____."

OR

Other action the Town Council deems appropriate.

ORDINANCE # O-2022-03

AN ORDINANCE TO ADD SECTION 73.11 TO PROVIDE FOR TOWING OF PARKED CARS AGAINST WHICH THERE ARE THREE OR MORE OUTSTANDING UNPAID OR OTHERWISE UNSETTLED PARKING VIOLATION NOTICES IN ACCORDANCE WITH STATE LAW

WHEREAS, Virginia Code § 46.2-1216 authorizes the Town to provide by ordinance for removal of certain motor vehicles, vehicles, or trailers against which there are three or more unpaid or otherwise unsettled parking violation notices; and

WHEREAS, The Town Council finds that the ability to tow vehicles is critical to the success of its parking program.

NOW THEREFORE BE IT ORDAINED by the Council for the Town of Occoquan, Virginia meeting in regular session this 17th day of May, 2022:

1. That the Town Council hereby adopts Town Code § 73.11 as follows:

Sec. 73.11. - Removal of motor vehicles, vehicles, or trailers against which there are outstanding parking violations.

(A) Any motor vehicle, vehicle, or trailer parked on a public highway or public ground against which there are three or more unpaid or otherwise unsettled parking citations may be removed by towing to a place within Prince William County designated by the chief of police for the temporary storage of such vehicles.

(B) Any motor vehicle, vehicle, or trailer parked upon private property, including privately owned streets and roads, may be removed in the manner provided in paragraph (A) above, provided the following conditions are met:

(1) No motor vehicle, vehicle, or trailer may be removed from property that is owned or occupied as a single-family residence.

(2) The owner of the property or an association of apartment or condominium owners formed pursuant to Code of Virginia, §§ 55-79.1, et seq., or Code of Virginia, §§ 55-79.39, et seq., has given written authorization to enforce this section.

(C) The removal of the motor vehicle, vehicle, or trailer shall be by or under the direction of an officer or employee of the police department.

(D) Upon removal of the motor vehicle, vehicle, or trailer, the police department shall inform as soon as practicable, the owner of the removed motor vehicle, vehicle, or trailer of the nature and circumstances of the unsettled parking citations for which the vehicle was removed.

(E) The owner of a removed motor vehicle, vehicle, or trailer, or other person acting on his behalf, shall be permitted to repossess or to secure the release of the motor vehicle, vehicle, or trailer by tendering payment for the outstanding parking citations for which the motor vehicle, vehicle, or trailer was removed, including all costs incidental to the removal, and storage of the motor vehicle, vehicle, or trailer, and the efforts to locate the owner of the motor vehicle, vehicle, or trailer.

(F) If the owner fails or refuses to pay the fines and costs identified in (E) above, or should the identity or whereabouts of the owner be unknown and unascertainable, the motor vehicle, vehicle, or trailer may be sold in accordance with the procedures set forth in the Code of Virginia, § 46.2-1213, after giving notice to the owner at his last known address and to the holder of any lien of record with the office of the Virginia Department of Motor Vehicles.

2. That this ordinance is effective after 30 days posting as provided in Town Charter § 11; the Town Clerk shall file a written certification as to such posting in the records of the Town.

BY ORDER OF THE TOWN COUNCIL

Meeting Date: May 17, 2022
Town Council Meeting
Ord No. O-2022-03

RE: An Ordinance to Add Section 73.11 to Provide for Towing of Parked Cars Against Which There are Three or More Outstanding Unpaid or Otherwise Unsettled Parking Violation Notices in Accordance with State Law

MOTION:
SECOND:
ACTION:

Votes:
Ayes:
Nays:
Absent from Vote:
Absent from Meeting:

CERTIFIED COPY _____
Town Clerk



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

3. Regular Business	Meeting Date: May 17, 2022
3C: Request to Appoint a Member to the Planning Commission	

Attachments: a. None

Submitted by: Kirstyn Jovanovich
Town Manager

Explanation and Summary:

This is a request to appoint a qualified resident to the Commission to bring the membership to six. Planning Commission Chair Perkins recommends appointment of town resident Mr. Don Woods to the Planning Commission.

The Planning Commission is described in Sections 33.01 – 33.10 of the Town Code. The Commission shall consist of not less than five nor more than 15 members appointed by the Town Council. All members are residents of the town, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least half the members so appointed shall be owners of real property. Each member shall be appointed to hold office for a four-year term. All new Commissioners are expected to complete a Certified Planning Commissioners Program within 24 months of appointment.

Staff Recommendation: Recommend appointment of a qualified resident to the Planning Commission.

Proposed/Suggested Motion:

“I move to appoint _____ to serve on the Planning Commission for a four-year term, effective May 17, 2022.”

OR

Other action Council deems appropriate.



TOWN OF OCCOQUAN

TOWN COUNCIL MEETING

Agenda Communication

3. Regular Business	Meeting Date: May 17, 2022
3D: Request to Appoint Members to the Architectural Review Board	

Attachments: a. None

Submitted by: Kirstyn Jovanovich
Town Manager

Explanation and Summary:

There is currently a vacancy for a regular member on the Architectural Review Board (ARB). Board member Mr. Doug Kastens has moved out of the town's limits and has resigned his seat on the Board. Board member Ms. Lisa Terry currently serves as an Alternate on the ARB and is being recommended to serve as a regular member on the Board. Town resident Ms. Jennifer Shown has submitted an application to serve on the ARB and is being recommended to serve as an Alternate.

This is a request to appoint Ms. Terry as a Regular member and Ms. Shown as an Alternate member on the ARB, filling Ms. Terry's unexpired term. These appointments will bring the membership of the Board to a total of nine members consisting of seven regular members and two alternates.

The ARB is described in Sections 33.45 – 33.50 of the Town Code. The Board shall consist of nine members, appointed by the Town Council, of whom seven shall be appointed as regular members and two as alternate members to vote in the absence of any regular member. One regular member shall be a member of the Town Council, one regular member shall be a member of the Planning Commission, and one regular member may be a business owner in the town designated as the business representative. All members are residents of the town, except the business representative. Each member shall be appointed to hold office for a three-year term, except that terms of the Council member and Planning Commission member shall correspond to their official tenure in office.

Staff Recommendation: Recommend appointment of Ms. Lisa Terry as a regular member and Ms. Jennifer Shown as an alternate on the ARB.

Proposed/Suggested Motion:

"I move to appoint Ms. Lisa Terry as a regular member on the Architectural Review Board for a three-year term, effective May 17, 2022. I further move to appoint Ms. Jennifer Shown as an alternate on the Architectural Review Board filling the unexpired term of Ms. Terry through September 30, 2024, effective May 17, 2022."

OR

Other action Council deems appropriate.