



**OCCOQUAN TOWN COUNCIL**  
**Regular Meeting Minutes**  
**Town Hall – 314 Mill Street, Occoquan, VA 22125**  
**Tuesday, March 4, 2020**  
**7:00 p.m.**

**Present:** Mayor Earnie Porta; Vice Mayor Pat Sivigny; Councilmembers Cindy Fithian and Laurie Holloway

**Absent:** Councilmembers Matthew Dawson and Eliot Perkins

**Staff:** Kathleen Leidich, Town Manager; Bruce Reese, Town Engineer; Martin Crim, Town Attorney; Adam Linn, Chief of Police; Julie Little, Events Director; Katy Nicholson, Town Clerk

**1. CALL TO ORDER**

Mayor Porta called the meeting to order at 7:06 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. CITIZENS' TIME**

Amy Wong, a Town resident, voiced her concern about the Town's "Authentic Occoquan" tagline. Ms. Wong said the tagline implied that there was a fake Occoquan or that the Town was not authentic before. She noted that she and other residents would like to have input about such branding decisions and that she would be willing to create a petition to demonstrate the community's disapproval of "Authentic Occoquan."

Patricia O'Riordan, also a Town resident, said she agreed with Ms. Wong and that she wished the community had been consulted during the branding process. She also expressed concern about losing the name "Historic Occoquan" in favor of "Authentic Occoquan."

Mayor Porta responded that he had heard from other residents who were dissatisfied with the new tagline. He explained that the existing Town Council and staff inherited the website/logo project and that the tagline was determined as a sort of compromise after extensive discussion between Council and the public. He said he was concerned that notice of the initiative and the public input process had not reached all residents, as staff had made an effort to publicize it. He further explained that the term "historic" had been used in past decades by many other local organizations, which had resulted in some confusion and copycat websites. The intention behind "Authentic Occoquan" was that people could come to the Town for an authentic experience, he added.

Councilmember Holloway agreed with Mayor Porta that the tagline was intended to convey that the Town offered "real-deal" experiences – not that Occoquan was inauthentic before. She said the current Council had taken over the logo project and that it was intended as a marketing tool for the Events Director. Mayor Porta added that the logo had not replaced the Town seal. He said the Town could revisit this topic and perhaps make minor adjustments to the branding.

Councilmember Holloway said she also would like to gather additional feedback from the community. She cautioned that the branding power could be lost if the Town went back and forth between concepts. She added that the logo was the product of extensive conversation during two Council meetings.

Mayor Porta said he had wondered what longtime residents would think of suddenly calling the Town “authentic.” He noted that he had heard positive feedback about the general design of the logo and that he hoped to add this topic to a future meeting agenda to solicit additional feedback. He added that if residents did create a petition, that would help demonstrate community concern and the need for further discussion.

#### **4. APPROVAL OF MINUTES**

##### **a. February 4, 2020 Regular Business Meeting Minutes**

Moved by Councilmember Holloway; seconded by Councilmember Fithian.  
Motion **passed** unanimously by voice vote.

#### **5. MAYOR’S REPORT**

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

- February 7 – Attended the Prince William Historic Preservation Foundation Inaugural Gala.
- February 20 – Met with a resident regarding the Kiely construction site.
- February 21 – Met with Councilmember Perkins, Ms. Leidich and the developer of Mill at Occoquan to review a new set of plans for the development. Mayor Porta noted that the Town would schedule public meetings once the developer submitted renderings.
- February 28 – Phone call with Virginia Secretary of Natural Resources regarding stormwater issues and grant programs for stream remediation. Mayor Porta added that submission deadlines for the grants would likely be in the summer and that he would discuss this in more detail with Ms. Leidich.

#### **6. COUNCILMEMBER REPORTS**

Mayor Porta noted on behalf of Councilmember Perkins that the Planning Commission did not meet in February.

Councilmember Holloway said she appreciated staff’s timely and creative solution to the issue of water/ice running from the end of Mill Street.

#### **7. STAFF REPORTS**

##### **a. Town Attorney**

Mr. Crim noted the following:

- Mr. Crim said he had advised staff on the draft sign ordinance that was included on the agenda. He added that the ordinance would need to undergo a public review process, and that he had expressed some concerns about potential enforcement issues.
- The Town was working toward an agreement with AT&T, which would allow a master franchise subject to site licenses.
- Mr. Crim reported that he had identified a warning notice used by other jurisdictions for meals tax delinquencies. The notice informed delinquent business owners that failure to turn over meals taxes collected from customers was embezzlement.
- Mr. Crim reported that he attended a meeting with the developer for the Mill at Occoquan on February 7 and that the project redesign was still in progress. Councilmember Fithian asked whether the developer had indicated a target date for

public meetings. Mayor Porta responded that the developer had been notified that the Town would prefer for the meetings to be held in March, but the developer would need to complete renderings before the project could be presented to the public. Councilmember Fithian asked whether the Town would need to provide the same amount of notice for these meetings as it would for a public hearing. Mr. Crim responded that the legal requirement was two weeks' notice but he recommended providing more notice than that. Mayor Porta noted that the date of the public meetings would depend on when the developer was able to complete his plans for the project, and that the Town was not rushing him. He added that he would like to see a more detailed update on the status of the project in the next Town newsletter.

**b. Town Engineer**

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

Mr. Reese introduced three of his colleagues who would be assisting him with future Town work: Shane Giglio, Isaiah Overton and Aaron Tillar. Council welcomed them and thanked them for attending.

Mayor Porta mentioned that during his conversation with the Secretary of Natural Resources, he learned that the Town would need a professional assessment before applying for any stream remediation grants. Mr. Reese responded that stream remediation was a specialized branch of engineering and the Town would have several options for firms that specialized in the subject. Mayor Porta asked whether the Town had the expertise to create a Request for Proposals for such work. Mr. Reese responded that the Town would be able to create an RFP for the restoration design. He noted that the design work would be separate from the actual restoration, and that the Town may want to investigate stream restoration credits. Mayor Porta responded that all of the proposed projects were on private property. Mr. Reese said in that case, those credits might go to the property owner. Council agreed that Mr. Reese should reach out to two companies regarding the project.

Councilmember Fithian asked about a note on the Town Engineer's report regarding Boundary Branch, which mentioned the possibility of working with George Mason University students. Mr. Reese responded that the Virginia Department of Transportation suggested this could be a class project. He explained that his company had worked with George Mason University in the past, and that the school sometimes reached out to engineering firms for participation in mentorships and senior class projects.

Councilmember Holloway asked whether there was any time limit for Town construction projects. Mr. Reese responded that as long as the project's bond remained active, the Town did not have much control over construction duration. Councilmember Holloway asked whether the Town would be notified when a project's bonds were expiring. Mr. Reese responded that the Town would typically be notified six months in advance of the expiration. Councilmember Holloway noted that she had heard concerns about the duration of construction on the Rivertown development. Ms. Leidich responded that the developer was working with Dominion Power to provide electricity to the buildings.

**c. Building Official**

The meeting agenda included a written report from the Building Official.

Mayor Porta confirmed with Ms. Leidich that any items over two years old would be sent to enforcement. Ms. Leidich responded yes. Mayor Porta noted that several items would be subject to enforcement in the next few months.

**d. Zoning Administrator**

The meeting agenda included a written report from the Zoning Administrator.

Mayor Porta noted that a trash enclosure violation for the Berrywood development was included in the report, and that several certified letters regarding the violation had gone unclaimed. Mayor Porta asked Ms. Leidich to reach out to the developer about this issue.

Mayor Porta said he planned to speak with the owners of Third Base Pizza regarding their string lights and the proposed updates to the Architectural Review Board rules for seasonal lights.

**e. Town Treasurer**

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

Mayor Porta asked Chief Linn about the status of the warrant in debt for the Pink Bicycle Tea Room. Chief Linn responded that the sheriff's office had not served the warrant and that he expected the warrant to be sent back to the Town.

Mayor Porta reminded Ms. Leidich that the Town's policy was to serve a warrant in debt for businesses that were more than a year delinquent, and that one business had reached that point for delinquent Transient Occupancy Taxes.

Mayor Porta asked Mr. Crim whether the sign for the Pink Bicycle Tea Room, which was 22 months delinquent on its meals taxes, could be removed once the business reached 24 months of delinquency. Mr. Crim responded that the Town could remove the sign with appropriate notice if the business was abandoned, but he was under the impression that Pink Bicycle was still operating. Mr. Crim added that the Town did not have such an ordinance in its Town Code, but this could be added. Mayor Porta noted that the sign presented safety issues. Mr. Crim responded that if it was a safety problem, the Town could address it as a building code or nuisance issue.

**f. Chief of Police**

The meeting agenda included a written report from the Chief of Police.

Chief Linn noted that he submitted applications to renew the Town's pedestrian safety, speed enforcement and impaired driving grants.

**g. Public Works**

No discussion.

**h. Events and Community Development Director**

The meeting agenda included a written report from the Events and Community Development Director.

Mayor Porta noted that the FY2020 projected revenues for RiverFest had increased significantly since the previous meeting. Ms. Little responded that she had taken a less conservative approach to the estimates due to Council's concern.

Councilmember Fithian said she was happy to see the increased participation in the Chocolate Walk, and asked if Ms. Little attributed the increase to any particular factors. Ms. Little responded that there had been more marketing for the event and that an additional passport pickup location had been added. Mayor Porta said he was impressed with the event participation considering the brisk weather.

#### **i. Boards and Commissions**

Mayor Porta requested that the Action Item titled "Proposed Changes to Town Code Signage Regulations" be bundled with the Architectural Review Board report. There were no objections.

Brenda Seefeldt, Chair of the Architectural Review Board, reported that the Board had reviewed two Applications for Exterior Elevations at its last meeting, including a pre-approval for the new Tourist Information Kiosk that would replace the Visitors' Center.

Mayor Porta said he and Ms. Seefeldt worked together to address several issues with the Town Code regarding signage. He explained that they were proposing several changes to add clarity and provide flexibility, including:

- Providing definitions of "yard sign," "commercial sign," "abandoned sign" and "obsolete sign"
- Consistently distinguishing between "residential-use" and "non-residential-use" properties
- Removing inconsistencies in requirements regarding signs, banners and flags
- Allowing white string lights year-round and colored lights October 15 – February 15

Councilmember Holloway thanked Ms. Seefeldt and Mayor Porta for their work on the proposed Code changes. She expressed concern about allowing colored string lights for four months of the year. Mayor Porta explained that the Town could not legally tie this rule to a particular holiday season, and that the intent was to allow colored string lights during the darkest months of the year. Councilmember Holloway suggested limiting colored lights to November 1 – February 1. Mr. Crim suggested that the Planning Commission hold a public hearing to consider the timeframe and determine what would best suit the Town.

Councilmember Holloway asked whether the proposed timeframe would mean businesses could put up orange Halloween lights on October 15 and leave them up until February 15. Mayor Porta responded that businesses could technically do this, but the Town would count on businesses to act in their own best interests. He added that several businesses had displayed Halloween decorations and lights in the past. Councilmember Holloway noted that some businesses might want to put up Easter or Fourth of July lights. Mayor Porta responded that those holidays take place during months with longer daylight hours, which would defeat the purpose of the lights. Councilmember Holloway noted that allowing white string lights year-round undercut that point. She added that she did not want to start an argument but she thought four months was too long of a period to allow colored lights. Mayor Porta noted that the proposed change was intended to provide more flexibility

during the darkest months of the year. Ms. Seefeldt noted that string lights currently were allowed November 15 – January 15.

## 8. REGULAR BUSINESS

### c. Proposed Changes to Town Code Signage Regulations – ARB Recommendations

**Motion to refer the proposed changes to Town Code §§157.300 - §§157.339 to the Planning Commission and request that they submit a recommendation regarding such changes to the Town Council at the earliest feasible date:**

Moved by Councilmember Holloway; seconded by Councilmember Fithian.

Motion **passed** unanimously by voice vote.

## 7. STAFF REPORTS

### j. Town Manager

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

Ms. Leidich noted that she had spoken with Mr. Crim regarding a resident request for the Town to establish a definition of “bedroom,” and they determined that the Town would not pursue this change. Mr. Crim explained that the Building Code already contained a definition of “bedroom,” but other types of rooms potentially could fall under this definition. He noted that the request for a definition was intended to address parking management, and that although the number of bedrooms in a residence determined the required number of parking spaces, the number of bedrooms did not always indicate the number of people living at a residence. He added that a parking permit program or other similar system would be more direct and effective in managing parking issues.

Vice Mayor Sivigny asked whether this decision ignored the Town’s requirement for parking spaces per bedroom. Mr. Crim responded that he was not ignoring the requirement, but builders could easily circumvent it and the Town would still end up with a parking shortage. He added that any parking issues beyond what could legally be enforced by the Zoning Ordinance would best be addressed with a permit system. Mayor Porta noted that in many cases, residents with more cars than parking spaces would be inconveniencing themselves.

Ms. Leidich presented an enhanced landscaping plan for the Town entrance at Route 123 and Commerce Street. Mayor Porta said he would investigate whether any of the proposed plants were native to the area in accordance with Town Code, as native plants would be better in terms of maintenance and suitability to the environment. Councilmember Holloway suggested that the Town notify prospective landscaping companies of this requirement before they bid on the work. Mayor Porta said he would speak about this with the chair of the Planning Commission and the Town Manager. Ms. Leidich said she would make this recommendation to the contractor, and that she welcomed any additional comments on the plan.

Ms. Leidich also presented an estimate to perform repairs to the lower level of the River Mill Park bathhouse. Mayor Porta asked the Council for consent to add the approval of the quote for repairs to the River Mill Park bathhouse to the agenda. No objections. Mayor Porta asked why it had taken two years to address the repairs for which the cost was only \$2,000. He and Ms. Leidich agreed to discuss this later.

Mr. Crim asked whether the funding for the repairs had already been appropriated. Ms. Leidich responded that it had been included in the FY 2020 budget, but any purchase over \$500.00 would require Council approval.

**Motion to authorize the Town Manager to expend up to \$2,000 to complete the work to repair outstanding building code-related issues relating to the lower-level storage room of the River Mill Park bathhouse:**

Moved by Councilmember Fithian; seconded by Vice Mayor Sivigny.

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

Nays: None.

## 8. REGULAR BUSINESS

### a. Update on Kayak Ramp Project – FY 2020 Budget Adjustment (Recognizing Kayak Ramp Grant Funding)

Ms. Leidich explained that the Town was in the process of considering a budget amendment to recognize state grant funding for the Kayak Ramp. She added that Council already had reviewed the legal ad for the public hearing, which would run on March 6 and March 13.

Mayor Porta said this agenda item was simply an update and did not require Council approval. He added that costs incurred starting in FY 2017 could be applied to the grant match, but the budget amendment only included expenses incurred in FY 2020.

Mayor Porta asked if the contractor had provided an estimated completion date for the project. Ms. Leidich responded that the project likely would be completed by the first weekend in June.

**Motion to place Budget Amendment #2020-001, which amends the FY 2020 Adopted Budget, on the agenda of the March 17, 2020 Work Session:**

Moved by Councilmember Holloway; seconded by Vice Mayor Sivigny.

Motion **passed** unanimously by voice vote.

### b. Resolution Appointing Town Treasurer

**Motion to appoint M. Kathleen Dellinger as the Town Treasurer, effective March 9, 2020:**

Moved by Vice Mayor Sivigny; seconded by Councilmember Holloway.

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

Nays: None.

### d. Request to Amend Chapter 71 of the Town Code – Licensing Requirements for Parked Vehicles

**Motion to adopt the proposed Ordinance #0-2020-01 to amend Chapter 71 of the Town Code, specifically §71.06 as reflected in the attachment presented at the March 4, 2020 Regular Business Meeting:**

Moved by Councilmember Holloway; seconded by Councilmember Fithian.  
Ayes: Councilmember Holloway, Councilmember Fithian and Vice Mayor Sivigny, by roll call vote.

Nays: None.

**e. FY 2021 Budget Work Session**

Ms. Leidich noted that Council had requested several follow-up items:

- An explanation of funding included in “Other Revenues”:
  - General Fund interest (\$374.00)
  - Brick revenue (\$678.00)
  - General Fund sponsorships (\$130.00)
  - Other, i.e. Govdeals sales and insurance proceeds (\$15,389.00)
- An explanation of increased costs for “Personnel Services”:

This budget line increased by \$57,606.00 and included the conversion of a part-time treasurer position to a full-time position and the conversion of two part-time police officer positions to one full-time position. Mayor Porta asked whether the change in the police officer position would be a wash, as the total number of service hours would decrease. Chief Linn responded that the conversion of two part-time officer positions to one full-time position would result in an increase of \$4,000. Mayor Porta asked Ms. Leidich to clarify this in the budget document.
- An explanation of increased costs for “Professional Services”:

This budget line increased by \$24,150.00 and included additional hours and a rate increase for the Town Attorney, as well as consulting services for the development review process.
- Projected real estate revenues based on Prince William County tax assessments:

Ms. Leidich reported that real estate tax revenues were projected to increase by approximately 2 percent between FY 2019 and FY 2020. Mayor Porta asked Ms. Leidich to estimate the average increase per homeowner.
- An additional staff review of Public Event Fund projections:

Ms. Leidich said she and Ms. Little had reviewed the projections and planned to increase shuttle fees by \$1.00 and adjust vendor fees. Vice Mayor Sivigny asked how much vendor fees would increase. Ms. Little responded that she had not yet determined the amount. Vice Mayor Sivigny noted that he had spoken with several vendors who told him that they would not mind if the Town increased vendor fees. Councilmember Fithian asked whether the Town would consider increasing the shuttle fee by \$2.00. Vice Mayor Sivigny noted his concern about fee collectors being overwhelmed by dollar bills. Mayor Porta said Council would rely on Ms. Little to make a recommendation regarding the fee.

Mayor Porta expressed concern about the proposed transfer of \$71,267.00 from Craft Show revenues into the Operating Budget. He explained that Council had worked for years to minimize the reliance of the Town’s Operating Budget on Craft Show revenues, which were the Town’s primary means of funding capital projects. In recent years, however, the Town had established a practice of subsidizing the Operating Budget with Craft Show surpluses. Mayor Porta noted that he was not entirely opposed to this idea, as this would help to keep residents’ tax bills low. He was, however, concerned about the prospect of nearly doubling such a transfer, from approximately \$31,000.00 in FY 2020 to \$71,267.00 in FY 2021. He

asked Ms. Leidich to create a budget option that would not increase tax rates or the Craft Show revenue transfer.

Ms. Leidich noted that \$16,900.00 of the transfer was for police vehicle payments and ultimately would be covered by revenue from fines. Mayor Porta responded that this also was the case in FY 2020, so either way, the proposed budget would significantly increase the amount transferred from Craft Show revenues to the Operating Budget. Councilmember Holloway said she agreed with Mayor Porta's points, particularly in light of Prince William County's recent budget increase.

Mayor Porta also asked Ms. Leidich to be sure to include dollar amounts with all of her explanations of cost increases in the budget document.

## 9. CLOSED SESSION

**Motion to convene in closed session to discuss, as permitted by the Virginia Code Section 2.2-3711(A)(3), a matter involving acquisition of real property for public purposes.**

Moved by Vice Mayor Sivigny; seconded by Councilmember Fithian.

Motion **passed** unanimously by voice vote.

**Closed session began at 8:55 p.m.**

**Closed session ended at 9:00 p.m.**

**Motion to 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.**

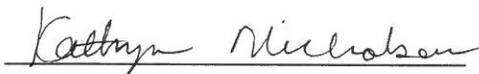
Moved by Vice Mayor Sivigny; seconded by Councilmember Holloway.

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

Nays: None.

## 10. ADJOURNMENT

The meeting was adjourned at 9:01 p.m.



Katy Nicholson  
Town Clerk