



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

Present: Mayor Earnie Porta; Vice Mayor Pat Sivigny; Councilmembers Matthew Dawson (participated electronically), Cindy Fithian, Laurie Holloway and Eliot Perkins

Absent: None

Staff: Kathleen Leidich, Town Manager; Martin Crim, Town Attorney (participated electronically); Kathleen Dellinger, Town Treasurer; Adam Linn, Chief of Police; Jason Forman, Town Sergeant; Julie Little, Events Director; Katy Nicholson, Town Clerk

1. CALL TO ORDER

Mayor Porta called the meeting to order at 7:03 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Porta requested Council's consent to add to the agenda an ordinance to allow elected officials to participate in meetings by electronic communications under extenuating circumstances.

Motion to Approve an Ordinance Establishing Procedures for Participation in Meetings by Electronic Communications in the Event of a Declared Disaster or Emergency.

Moved by Vice Mayor Sivigny; seconded by Councilmember Perkins.

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

Nays: None.

Councilmember Dawson joined the meeting electronically at 7:05 p.m.

Mayor Porta noted that the ordinance included a requirement to include in the meeting minutes the reason for a council member's request for electronic participation. He explained that Councilmember Dawson was participating from home as he recovered from a sinus infection in the midst of the COVID-19 pandemic. Mayor Porta added that he had reviewed and approved Councilmember Dawson's request the previous day.

3. CITIZENS' TIME

No comments.

4. APPROVAL OF MINUTES

a. February 18, 2020 Work Session Minutes

Moved by Councilmember Perkins, as written; seconded by Councilmember Holloway.

Motion **passed** unanimously by voice vote.

b. February 20, 2020 Special Meeting Minutes

Moved by Councilmember Fithian, as written; seconded by Councilmember Perkins.

Motion **passed** unanimously by voice vote.

Mayor Porta noted that staff would not be presenting their usual reports in an effort to keep the meeting as brief as possible due to the COVID-19 pandemic.

5. REGULAR BUSINESS

a. **Deferment of Business, Professional and Occupational License (BPOL) Tax Payments**

Mayor Porta explained that he had asked staff to prepare this item, which would extend the BPOL tax payment deadline by two weeks, as a courtesy to businesses in Town. He added that BPOL taxes were based on gross revenues from calendar year 2019, so the revenues already had been incurred, but the extension would provide some extra time for businesses to complete the paperwork.

Councilmember Holloway asked why the proposed extension was not longer than two weeks. Mayor Porta responded that Council could extend the deadline by up to 90 days, but he wanted to ensure that payments were made within FY 2020 for accounting purposes.

Motion to extend the payment date of May 31, 2020 for business license tax for 15 days until June 15, 2020, as allowed by Virginia Code §58.1-3916.

Moved by Councilmember Fithian; seconded by Councilmember Holloway.

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

Nays: None.

b. **Deferment of Meals Tax Payments**

Mayor Porta explained that he had requested to add this topic to the agenda for discussion purposes, but he did not recommend the deferment of meals tax payments. He noted that meals taxes were collected from customers by the restaurants, and that the funds should be set aside for that purpose. He added that by delaying the deadline for meals tax payments, the Town would increase the risk of those funds being used to address cash flow issues. He also noted that the majority of restaurants in Town were not closed, but were open for curbside pickup-to-go service, and he had not heard from anyone who was unable to process the paperwork.

Council agreed not to take any further action on this item.

d. **Kayak Ramp Project – Budget Amendment Vote**

Mayor Porta reminded Council that the public hearing had taken place at the March 17 work session, so Council simply needed to vote on the budget amendment.

Motion to approve Budget Amendment #2020-001, to amend the FY 2020 Adopted Budget to revise the cost estimate and funding amount for the Canoe/Kayak Ramp installation and correcting a display error in the Capital Improvement Program (CIP) to reflect Revenues in the amount of \$281,115 and Expenses in the amount of \$444,039.

Moved by Councilmember Perkins; seconded by Councilmember Holloway.

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

Nays: None.

c. Selection of Landscaping Plan for Gateway Area

Mayor Porta asked whether the price was the same for the two landscaping options that had been submitted to Council. Ms. Leidich confirmed that the cost was the same for both options.

Mayor Porta noted that Town Code required the Town to use native plants whenever possible and that the contractor had selected the plants for Plan B from the Virginia Native Plan Guide.

Motion to select Plan B, as proposed in Attachment 1 and presented to Town Council at its April 7, 2020 Regular Meeting, and set a not-to-exceed amount of \$3,160.00 to complete the enhanced landscaping plan for the Town Gateway Area.

Moved by Councilmember Fithian; seconded by Councilmember Holloway.

Motion **passed** unanimously by voice vote.

e. May 5, 2020 Elections

Mayor Porta explained that this was a discussion item to clarify the plan for the May 5 Town Elections. He noted that the Prince William County Office of Elections was required to hold in-person voting, but that they were strongly encouraging residents to vote absentee. He added that voters could apply online for their absentee ballots, and that he recently had completed the process. Mayor Porta also noted that the Office of Elections would work with Town staff to promote social distancing at the polls.

Councilmember Holloway asked when absentee ballots needed to be received by the Office of Elections. Mayor Porta responded that ballots needed to be received, not just postmarked, by May 5. Councilmember Holloway said this would be an important piece of messaging for residents. Mayor Porta said he expected to receive an informational flyer from the Office of Elections.

Councilmember Fithian asked if there was a way for residents to verify whether their absentee ballots had been received. Mayor Porta responded that residents could request information about who had requested and/or submitted absentee ballots.

Mr. Crim noted that the governor had the authority to delay local elections by up to 14 days, and that Council could petition a Virginia Supreme Court panel to delay an election by up to 30 days from the original date. Mayor Porta responded that the mayor of Haymarket had notified him that a group of five Virginia mayors had requested that the governor notify them and seek their opinions if he was considering delaying local elections. Mayor Porta said he did not sign the letter, but he expected that the governor would contact elected officials from all affected localities if he was considering this option.

f. RiverFest Discussion

Mayor Porta explained that he, Ms. Leidich and Ms. Little had discussed the Town's options regarding RiverFest in light of the governor's stay-at-home order, which was effective through June 10. He added that unless the order changed, the Town would not be allowed to hold the event. He reminded Council that the Town would need to make a decision by May 15 to avoid losing money for the shuttles and port-a-johns.

Mayor Porta asked Ms. Little if she had a preference as to the timing of the decision. Ms. Little responded that she preferred the decision to be made as soon as possible, so she could move forward with whatever plan was approved.

Mayor Porta asked Ms. Little whether she would recommend postponing RiverFest to a later date in the summer, or canceling the event. Ms. Little suggested canceling the June event and holding RiverFest as part of the Fall Craft Show.

Councilmember Perkins asked why Ms. Little recommended canceling the June event rather than rescheduling it. He also asked why Ms. Little recommended holding RiverFest as part of the Fall Craft Show. Ms. Little explained that she was not sure whether the Town would be allowed to hold a major gathering later in the summer and that the Town would need to spend approximately \$50,000 on the event. She also expressed concern about holding both major events within a couple of months. She added that she recognized the financial risk of canceling one event and that she would work with the Events Committee to develop ideas for smaller events to help compensate for the loss. She explained that she and others had devoted significant time and energy to developing and publicizing RiverFest and that it was likely to have a broader appeal than the Craft Show.

Councilmember Holloway asked if one of the smaller events prior to RiverFest could be nature-related. Ms. Little said this was a possibility.

Vice Mayor Sivigny said he agreed with Ms. Little's suggestion, as he thought the Craft Show and RiverFest could be combined to create a bigger event. He also noted that holding both events within a couple of months would place a significant burden on staff and volunteers. Councilmembers Fithian and Dawson agreed that they would like to proceed with Ms. Little's recommendation.

Mayor Porta noted that although the combined event likely would not generate twice the usual revenue, there was potential for increased revenue, and the expenses would be lower for a single event than for two. He asked Ms. Little how the event would be marketed. Ms. Little said she would try to balance the new RiverFest identity with that of the Craft Show. Councilmember Holloway added that Council and staff could develop ideas to market the event without losing the Craft Show branding.

Mayor Porta asked Ms. Little how she planned to structure the vendor aspect of the event. Ms. Little said she likely would retain the Artisans' Walk from RiverFest and allow non-joined vendors in the Marketplace. Vice Mayor Sivigny expressed concern that this may upset any joined vendors who expected the entire show to be joined. Mayor Porta responded that vendors could decide whether or not to participate in the new event.

Ms. Little said she expected that the fall show would attract a large number of vendors. Mayor Porta cautioned that there may be more events than usual in the fall due to the numerous spring cancellations, and that vendors may have more options than usual. Councilmember Holloway requested that Ms. Little include as many vendors as possible to help recoup the revenue losses from the spring show.

Councilmember Fithian suggested increasing shuttle prices. Council agreed that they would send additional suggestions for the event to Ms. Little for later discussion.

Motion to cancel Spring RiverFest and combine RiverFest with the Fall Craft Show.

Moved by Vice Mayor Sivigny; seconded by Councilmember Perkins.

Motion **passed** unanimously by voice vote.

g. COVID-19 Response Plan – Police

Chief Linn explained that he was requesting approval to add additional police hours for COVID-19 response to the current part-time pool. He added that this cost would be reimbursable by FEMA.

Councilmember Perkins asked if there were particular areas in which extra police coverage would be needed. Mayor Porta asked whether there had been any recent increases in domestic violence. Chief Linn responded that his department had noticed an uptick in juvenile-type mischief, including stolen signs, as well as a park bench and trash cans that were thrown into the river. He speculated that these types of incidents likely involved young people with increased free time. He added that he had not noticed an increase in domestic violence-related calls, but that could become more of a problem. He noted that the juvenile mischief often occurred between police shifts, so his department was working to adjust their schedules to make their off-duty hours less obvious, and that they might require some additional hours to help increase coverage and deter such behavior.

Councilmember Perkins asked whether the police presence seemed to increase residents' confidence. Chief Linn said he had received comments from residents who appreciated seeing the police in Town, particularly at a time when many residents were spending additional time at home.

Chief Linn also noted that the department had implemented a welfare check system through the Town website. He added that he had not yet received any requests.

Mayor Porta asked whether the increased police hours could be absorbed by the current budget. Chief Linn responded that the additional hours would be covered by the budget and that he expected the Town to be reimbursed by FEMA for any COVID-19-related hours.

Mayor Porta asked whether Chief Linn had noticed an increase in speeding on the Route 123 bridge due to the decrease in traffic. Chief Linn responded that the department had noticed an increase in drivers speeding more than 80 miles per hour, and in those driving under the influence. He explained that the decrease in traffic made these drivers more visible to police.

Mayor Porta noted that he was concerned about officers interacting with the public, particularly during traffic stops. He asked what precautions the department was taking with regard to the pandemic. Chief Linn responded that officers were wearing gloves, using hand sanitizer and wearing masks when appropriate. He also noted that officers were keeping an increased distance from the public during traffic stops. Councilmember Holloway encouraged the department to be cautious as health recommendations continued to evolve. Chief Linn added that the officers were taking their temperatures daily. Councilmember Holloway asked if the department's body cameras were assigned specifically to each person. Chief Linn responded yes, and that all equipment was being wiped down after use.

Motion to authorize the Town Police Department to add additional pool hours for police officers to address the COVID-19 pandemic at the discretion of the Chief of

Police. And further move that the Chief of Police and Town Manager submit the actual cost incurred for the increased service to the Federal Government through the Prince William County Office of Emergency Management.

Moved by Vice Mayor Sivigny; seconded by Councilmember Perkins.

Motion **passed** unanimously by voice vote.

Councilmember Fithian noted that some residents had been singing karaoke with microphones on a balcony earlier in the day. Councilmember Holloway said she had been on a conference call in her house, and the other person on the call could hear the singing. Mayor Porta asked Chief Linn whether the situation had warranted any action. Chief Linn, noting that the Town's noise ordinance was unenforceable in many cases, explained that the rain had put an end to the situation. He added that in addition to the noise issue, the singers had used profanity. Mayor Porta asked if there was anything the police could do about such a situation. Chief Linn responded that as far as he knew, the police did not have much recourse beyond asking the singers to stop.

Councilmember Holloway asked Mr. Crim whether the Town could pass a temporary ordinance prohibiting loud noise, as many residents were working from home due to the Governor's stay-at-home order. Mr. Crim responded that the Town could take action, but it would be difficult to create such an ordinance that would be enforceable in court and that would not violate the First Amendment. He added that if the Town wanted a strict enforcement mechanism, it would need to adopt decibel standards and invest in a decibel meter. He noted that a blanket ban on amplified sound also may have enforcement issues due to First Amendment law, but he could look into the matter.

Mayor Porta noted that he did not want to overreact to what was likely to be a temporary situation, but the Town could take a closer look at the quiet hours in its noise ordinance. He asked whether the police could cite people for cursing in public. Chief Linn responded that the police could fine people for cursing in public, but he had not witnessed the residents in question cursing. Councilmember Perkins asked how much one could be fined for cursing in public. Mr. Crim responded that it was a class 4 misdemeanor, fineable up to \$250.00, but the legislation making it a misdemeanor had been repealed effective July 1, 2020.

Mayor Porta noted that the proposed clarifications to the Town Code regarding signs, banners and flags had been delayed due to the cancelation of Planning Commission meetings during the pandemic. He proposed writing a letter to two parties who had been in violation of the Town Code, to explain the requirements for signs, banners and flags, and to encourage civility. Council agreed that Mayor Porta should send the letter to the parties in question, pending Councilmember Holloway's approval. He invited Council to reach out to him with any comments regarding the letter.

Mayor Porta explained that that Ms. Little was seeking Council's approval for promoting the "Virtual 5K" event. Participants would pay \$25.00 and could run, walk, hike, kayak, or paddleboard anywhere through June 10, 2020. Proceeds would benefit the VFW, the Occoquan Historical Society and the Good News Community Kitchen. Council agreed that Ms. Little should move forward with promotion for the event.

Councilmember Fithian asked whether the Town could encourage restaurants to take certain precautions in light of the pandemic. Mr. Crim noted that the Health Department was primarily responsible for ensuring proper food handling, but the Town could encourage safe practices. Mayor Porta said he was not aware of any additional pandemic-related restaurant requirements from the Health Department, and that as a non-

expert in the field, he was reluctant to address such matters with restaurants. Councilmember Holloway noted that health guidelines were changing rapidly, so the Town could not be an authority on the subject. Mayor Porta said he and Chief Linn already had spoken with the restaurant owners about social distancing guidelines, and that they could check in with them again. Councilmember Dawson noted that the use of gloves in food preparation does not necessarily prevent contamination. Mayor Porta suggested that Councilmember Fithian speak with the Health Department about any concerns.

Councilmembers Holloway and Fithian expressed concern about the kayak ramp area, as they had seen children crawling on it. Councilmember Holloway suggested that staff use caution tape to prevent the public from entering the area. She also asked if there were plans in place to keep the public off the kayak ramp after hours once it was installed. Mayor Porta responded that the kayak ramp was intended to be accessible at night. He asked staff to tape off the area for the time being.

h. FY 2021 BUDGET WORK SESSION

a. Updated Budget Calendar

Mr. Crim confirmed that he had reviewed the revised budget calendar and that it met all legal requirements.

Motion to approve the revised Fiscal Year 2021 Budget Calendar dated 4/2/20.

Moved by Vice Mayor Sivigny; seconded by Councilmember Holloway.

Motion **passed** unanimously by voice vote.

b. Budget Review

Ms. Leidich noted that she had provided Council with several follow-up items:

- An initial assessment of the impact of the COVID-19 pandemic on the FY 2020 and FY 2021 budgets. Ms. Leidich noted that FY 2020 meals tax revenues through February were in line with projections, and that business license and transient occupancy tax revenues had been lower than projected. She added that the pandemic likely would have an impact on those revenues for the next several months, and staff would have a better idea of the impact after March and April taxes were collected. She recommended performing a mid-year budget adjustment for FY 2021, adding that staff would closely monitor revenues up to that point and adjust spending accordingly.

Mayor Porta asked Ms. Leidich to produce estimates of pandemic-related meals tax decreases for the next meeting. He noted that several restaurants were closed altogether, and the Town would receive no payments from them.

Councilmember Holloway asked how much the Police Department typically spent on gasoline. Chief Linn responded that the department averaged approximately \$800.00 per month for fuel costs. Councilmember Holloway noted that the department likely would see a modest decrease in those costs due to lower gas prices.

- A spreadsheet of personnel expenses, including updated health insurance rates and 3 percent salary increases for FY 2021.

In response to a question from Mayor Porta, Ms. Leidich noted that FY 2020 projected Personnel Services expenditures were \$452,226.00, and as of

March 24, those expenses totaled \$296,956.00. She explained that the Town was generally on track with the projected expenditures, and that the recent Town Clerk and Treasurer vacancies likely would lead to some savings.

- An explanation of “unassigned funds.” Ms. Leidich explained that these were operating budget surpluses not committed to any specific projects.
- Clarification of gaslight conversion project. Ms. Leidich explained that this item had been carried over from previous years. She suggested decreasing it to \$5,000.00 to support a study or development of a Request for Information.

Councilmember Perkins said he thought the previous Town Clerk had researched costs for this project, and that he would like the Town to look into the idea if it had not already been researched. Mayor Porta noted that the Town had looked into this in the past, and that the cost savings fluctuated with the price of gas. Councilmember Perkins responded that he would like to see a cost analysis. Ms. Leidich said she would investigate the matter in FY 2021, and that she would find out about any past research. Council agreed to change the FY 2021 budgeted amount to \$5,000.

- Explanation of projects in the Capital Improvement Plan. Ms. Leidich explained that these projects included replacement of gaslight banners, repairs/improvements to the Mamie Davis Park gazebo and lighting system; and computer/server upgrades. Mayor Porta asked Ms. Leidich to include this narrative in the budget document.
- Additional information on the Virginia Retirement System (VRS), including six years of actuarial history.

Mayor Porta noted that Council would need to identify its reasons for potentially joining VRS. He explained that VRS would be beneficial to employees who already were vested in the system or wanted a career in local government, but those who were not pursuing a career in local government might prefer a more portable retirement plan. He added that the Town had the option of increasing its contribution to employees’ defined contribution plans, which would provide more flexibility for employees and the Town.

Councilmember Fithian asked whether the Town could offer both a defined benefit and a defined contribution program. Ms. Leidich responded that all employees working more than 30 hours per week would need to join VRS and that she recommended keeping the Simple IRA for the part-time Administrative Assistant position.

Mayor Porta asked how long it would take for an employee to become vested in VRS. Chief Linn responded that an employee would need five years of service to become vested. Councilmember Perkins asked what would happen to an employee’s VRS funds if they left the system prior to becoming vested. Chief Linn responded that non-vested employees would only receive the funds that they had contributed to VRS. Mayor Porta noted that in these cases, the employer contributions would help to fund the employer’s liabilities. Councilmember Perkins asked what would happen to a vested employee’s contributions if they left VRS. Ms. Leidich responded that the plan would pay out according to years of service and age at retirement.

Councilmember Fithian asked how many employees would be eligible to join VRS. Ms. Leidich responded that six employees would be eligible. Councilmember Fithian said she would like Council to take the Town's current employees into consideration as well as future employees. Mayor Porta responded that the Town would need to consider whether VRS was a tool for retention or recruitment. Councilmember Perkins added that the Town also would need to consider the cost, as well as the fact that VRS would set the rates for the Town. Mayor Porta noted that the employer rates had varied considerably in previous years.

Vice Mayor Sivigny asked whether the Town would be able to leave VRS after joining. Mayor Porta responded that the decision to join would be permanent.

Mayor Porta asked for clarification regarding the three retirement plans within VRS. Ms. Leidich confirmed that membership in the three plans was determined by an employee's date of employment; the first two plans were defined benefit plans and the newest plan was a defined benefit/defined contribution hybrid plan.

Councilmember Perkins said Council would need to consider the fact that several employees already were VRS members. Mayor Porta added that two employees were not VRS members, three were vested members and one was a non-vested member.

Mayor Porta said the Town also would need to decide whether to offer the Simple IRA in addition to VRS. Ms. Leidich recommended that the Town end its Simple IRA contributions for the six VRS-eligible employees, and continue the Simple IRA for the part-time Administrative Assistant. She added that most local governments throughout Virginia were VRS members, so it would be a strong recruitment tool for candidates who planned to remain employed in local government. Mayor Porta responded that this only applied to people who planned to spend their careers in local government. He asked whether all new eligible employees would need to be enrolled in VRS. Ms. Leidich responded yes.

Mayor Porta said he thought Council would be ready to vote on a proposed budget and tax rate at its next meeting. Ms. Leidich agreed that she would make the requested changes to the proposed budget for the next meeting.

8. ADJOURNMENT

The meeting was adjourned at 9:12 p.m.



Katy Nicholson
Town Clerk