



**OCCOQUAN TOWN COUNCIL**  
**Special Meeting Minutes**  
**Town Hall – 314 Mill Street, Occoquan, VA 22125**  
**Tuesday, May 26, 2020**  
**7:00 p.m.**

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

**Absent:** None

**Staff:** Kathleen Leidich, Town Manager; 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 7:01 p.m. Councilmembers Fithian and Perkins participated electronically from home due to COVID-19 health concerns.

**2. REGULAR BUSINESS**

**a. Preparation for Potential Partial Re-Openings After May 29**

Mayor Porta noted that Governor Northam had indicated that Northern Virginia would be permitted to implement Phase One of the COVID-19 reopening plan on May 29. Mayor Porta also explained that there was a pending order from the Governor requiring the wearing of masks in indoor public spaces. He added that enforcement would be conducted by the Health Department and that there would not be any criminal penalties. He anticipated that the Town would receive complaints about individuals not wearing masks, and he suggested that Chief Linn handle such situations by speaking with the business owners in question and ensuring that they were aware of the mandate. If any businesses continued to ignore the mask order, Mayor Porta suggested that Chief Linn report them to the Health Department.

Chief Linn responded that the Health Department's hours of operation were limited, but he agreed with Mayor Porta's suggestions.

Councilmember Perkins said he wanted to ensure that any business owners in violation of the mask order would have a chance to rectify the situation before being reported to the Health Department. Mayor Porta confirmed that the first step would be for Chief Linn to speak with the business owners and educate them about the requirements. He added that Chief Linn would only call the Health Department if such business owners continued to violate the Governor's order.

Vice Mayor Sivigny said he thought any Town officials who received such complaints should respond by explaining that the Police Department could not enforce the mask order, and that concerned individuals should contact the business owner and/or the Health Department. He added that he did not think the police should be responsible for following up on all complaints, as the department was not responsible for enforcement. Mayor Porta said he agreed, but that response might not be sufficient for everyone. He added that he did not want any business owners to think that the Town would ignore violations.

Councilmember Fithian asked whether the mask requirement applied to Town Hall. Mayor Porta responded that it did not apply to government buildings. Councilmember Fithian noted that some government facilities required masks.

Mayor Porta said he had confidentially solicited the opinions of all Town staff members, and that they were unanimously opposed to being required to wear face masks at all times. He added that staff had told him they preferred to wear masks in larger group settings and when they were working closely together. He noted that the Town could impose a mask requirement on visitors to Town Hall, and that there were walls between staff members and a window separating staff from the public.

Councilmember Fithian said she wanted to ensure that staff wore masks when meeting with the public outside of the customer service window. Mayor Porta asked whether staff members met with the public on the other side of the customer service window. Ms. Leidich responded yes, with physical spacing.

Chief Linn noted that the mask mandate applied to state and local government buildings in areas where the public accessed services. Mayor Porta asked Ms. Leidich to make it clear to staff that they would need to wear a face covering when meeting with the public outside of the customer service window.

Councilmember Fithian said she wanted to ensure that Council and staff wore face coverings in public, in order to model appropriate behavior. Mayor Porta said he had observed other Councilmembers wearing masks in public. Councilmember Fithian said she had seen Town staff outside without face coverings. Mayor Porta responded that face coverings were not required outdoors. Councilmember Fithian said she was asking for Council and staff to abide by the same rules that everyone in Town was required to follow. Councilmember Holloway requested that staff ensure that they adhered to the rules.

Councilmember Fithian asked if the mask mandate applied to Council meetings. Mayor Porta responded yes. Councilmember Holloway added that most people in the meeting were wearing face coverings. Councilmember Fithian said she wanted to ensure that everyone kept their masks on their faces, including when they were speaking. She asked when the order would take effect. Mayor Porta responded that the order had not been issued yet, and that he was not sure that it would cover situations in which Councilmembers were speaking.

**b. Form for Expanded Outdoor Seating Capacity**

Mayor Porta explained that Governor Northam had announced that he would be allowing temporary expanded outdoor seating for restaurants. Mayor Porta noted that he wanted the Town to be prepared to offer this option, and to process applications quickly. Ms. Leidich provided Council with a draft Temporary Outside Dining Area Application form.

Mayor Porta asked if the restaurants' diagrams of their temporary outdoor dining areas could be hand-drawn. Ms. Leidich responded yes.

Mayor Porta asked whether the application complied with the state's requirements. Ms. Leidich responded yes, and that the draft application form was based on Culpeper's form.

Mayor Porta asked if the application could be turned around by Town staff within one day. Ms. Leidich responded yes, assuming that the application was complete. Mayor Porta asked

whether the form needed to be sent to the Zoning Administrator. Ms. Leidich responded no. Mayor Porta noted that he wanted the Town's approval process to be quick, as restaurants also would need approval from the Virginia Alcoholic Beverage Control Authority.

Councilmember Holloway asked whether staff would visit the proposed outdoor dining sites before approving the requests. Ms. Leidich responded that she would visit the sites if the diagrams were not straightforward. Mayor Porta suggested that Ms. Leidich send other staff members or Councilmembers to review the sites if she was not available.

Ms. Leidich explained that the application required her own signature, as well as those of the Events and Community Development Director and the Chief of Police. Mayor Porta said he hoped one signature would suffice, and that he would confirm this with the Town Attorney.

Vice Mayor Sivigny asked whether the Temporary Expanded Outdoor Dining Policy applied only to new outdoor dining areas. Councilmember Dawson responded that it applied to new and expanded outdoor dining areas.

Mayor Porta asked whether Council was willing to block off parking spaces for expanded outdoor restaurant seating. He explained that Manassas already had been closing off small side streets between restaurants for this purpose, but Occoquan did not have any streets that it could close, and blocking sidewalks would create legal issues. He said he already had spoken to several restaurant owners who were not interested in using Town parking spaces for outdoor seating. He suggested that he and staff reach out to the remaining restaurants to find out if any of them were interested in using parking spaces for outdoor seating.

Vice Mayor Sivigny asked whether the Town could close alleys for outdoor seating. Mayor Porta responded yes, as long as residents of the alleys could enter and exit.

Councilmember Perkins asked whether blocking off parking spaces and alleys could present safety concerns. Chief Linn responded that he would be concerned about letting people sit in parking spaces and alleys without some type of barrier. Mayor Porta agreed that safety was the priority, and suggested that the Town deal with these concerns on a case-by-case basis.

**c. Preparation/Information on County Grant Funds for Businesses and Transfer of County Funds to the Town for COVID-19 Expenses**

Mayor Porta explained that the Town had received more than \$94,000 in Federal Coronavirus Aid, Relief and Economic Security Act grant funding, and that it had been suggested that some of this funding could be used for microgrants for Town businesses.

Ms. Leidich noted that the Town could establish a microgrant program similar to that of Prince William County. She added that staff already had identified approximately \$6,200.00 in eligible Town expenditures.

Mayor Porta asked whether the Town would use all of the grant funding for reimbursement of eligible expenses. Ms. Leidich responded that this was unlikely, and that there probably would be some grant funding left for a microgrant program. She also noted that staff had been looking into programs that other jurisdictions had established, and that most jurisdictions were still working through the details. She added that Prince William County had posted its microgrant program guidelines online, and that funding needed to be tied to COVID-19 response.

Ms. Leidich said that Ms. Little had researched microgrant programs. Mayor Porta asked Councilmember-elect Jenn Loges whether she had any comments, as she had experience with this subject. Ms. Loges replied that her company was helping other municipalities with their microgrant programs, and that any businesses that had lost at least 25 percent of their revenues due to the pandemic were eligible for grant funding. Mayor Porta asked whether these were grant or loan programs. Ms. Loges responded that some jurisdictions had established loan programs, but grant programs were easier to manage.

Mayor Porta noted that he wanted to ensure that businesses receiving Town microgrant funding also would be eligible for County grant funds. He added that he would like to be able to tell business owners that the Town was considering a microgrant program.

Councilmember Holloway said she would like to address eligible Town expenses, such as cleaning, extra law enforcement hours, personal protective equipment, signage and economic development. Mayor Porta responded that he wanted to be conscientious about spending the grant funding, and that the Town would have been spending money on events anyway, whether or not they were COVID-19-related. He added that it was in the best interest of the Town to help its businesses as much as possible, as meals and business tax revenues were dependent on the success of the businesses. Councilmember Holloway responded that the point in the grant funding was to make the Town whole so it could better absorb any losses. She added that the Town likely would need additional funding for extra cleaning and other safety measures for future events. Chief Linn said he thought the grant funding could help the Town open its public restrooms and increase sanitation measures.

Vice Mayor Sivigny asked if the Town's cleaning company would be eligible for any of the grant funding. Mayor Porta responded that the cleaning company would not be eligible for Town grant money, but that it may be eligible for Paycheck Protection Program loans.

Mayor Porta said he would like to see an estimate of the Town's COVID-19 related expenses through the end of the pandemic. He asked whether there was a time limit for the reimbursement of expenses. Ms. Leidich responded that the expenses needed to be paid by the end of December 2020.

Councilmember Perkins said he would like to start by setting aside a certain amount of grant funding for the Town's microgrant program. He suggested starting with one third of the grant funding. Councilmember Holloway responded that she would prefer to start by setting aside a portion of the grant funding for the Town's pandemic-related expenses through December 2020. Mayor Porta suggested that the Town identify an amount for the microgrant and save the rest for Town COVID-19-related expenses. Councilmember Perkins said he wanted to help Town businesses while handling the Town's finances responsibly.

Councilmember Holloway said she would like to set aside \$30,000 of the grant funding for the microgrant program. Mayor Porta asked if there were any objections to this proposal. Hearing none, he said that he planned to announce that the microgrant program was in development. He asked staff to draft microgrant evaluation criteria for the next meeting.

#### **d. Summer Event Plans**

Ms. Little noted that the Town had canceled all in-person public events through June 7. She suggested pivoting from summer Movies and Concerts in the Park to a drive-in concept. She

identified the area under the Route 123 bridge as a potential location, and noted that the type of screen necessary for a drive-in event would be more expensive than the type used for the Movies in the Park events. She added that the event could include the promotion of to-go food from Town restaurants. Mayor Porta responded that he did not know why the Town would hold such an event unless it benefited Town businesses.

Councilmember Perkins said the Town would need to ensure social distancing and safety at its events. He asked whether socially distanced events could take place in the park. Mayor Porta responded that the Town could mark socially distanced spaces in the park.

Ms. Little responded that the Town would need to wait until Phase Two or Three of Governor Northam's reopening plan, and that she did not want to cancel all Town events indefinitely. She added that the Town would need to reopen its public restrooms prior to holding any events in the park.

Mayor Porta asked how many cars could fit under the Route 123 bridge. Ms. Little responded approximately 35, with proper distancing.

Vice Mayor Sivigny asked how the Town would handle restrooms for the proposed drive-in events. Ms. Little responded that she did not think the Town needed to provide restrooms for drive-in events.

Mayor Porta said he liked the idea of drive-in events, but he wanted to know the goal. Ms. Little responded that she did not want to give up on holding Town events and that she wanted to offer an opportunity to bring people out.

Councilmember Fithian noted that approximately 200 drive-in movie theaters across the country were open and were doing great business. Councilmember Holloway responded that those drive-ins were profit-driven enterprises, and that the Town's events would be gestures of goodwill.

Mayor Porta asked if the events would be resident-focused. Ms. Little responded yes. Mayor Porta asked whether staff would check IDs. Ms. Little responded that she did not plan to check IDs, but she would only focus the advertising on residents. Mayor Porta expressed concern about the Town's ability to limit participation to residents. Councilmember Fithian suggested requiring participants to have a Town vehicle decal. Mayor Porta responded that he was not sure that the Town wanted to limit participation to that extent.

Councilmember Perkins asked if there were liability concerns for the Town. Mayor Porta responded that Phase Two of the Governor's reopening plan would limit gatherings to 50 people, and the Town's concerns were related to social distancing.

Councilmember Perkins asked whether everyone at the drive-in movie would be able to see the screen. Ms. Little responded yes.

Councilmember Fithian asked whether the screen would be near the location of the new kayak ramp. Ms. Little responded that it would be closer to Madigans.

Councilmember Holloway asked if the drive-in movie would occur in July or August. Ms. Little responded that the movie would likely take place in August. She added that she planned to hold Discover Occoquan online, and the drive-in event would be a nice capstone.

Councilmember Holloway asked whether the Town would need to close the kayak ramp for the drive-in events. Ms. Little responded that it would only interfere with one evening of kayak ramp use.

Mayor Porta said Council would need to make a decision on the matter, and that this would be a commitment due to the screen rental. Ms. Little responded that the Town needed to cancel the screen rental at least one month in advance.

Ms. Little asked whether Council would like to hold drive-in concerts for the artists she had already booked for Concerts in the Park. Mayor Porta said he would like to do this for artists who were already booked, and that the Town could move the events back to River Mill Park if possible. Council generally agreed that the concerts should be held in the drive-in format.

Ms. Little noted that the screen for the drive-in movies would cost approximately \$2,000.00, while the screen for Movies in the Park cost approximately \$1,600.00. Councilmember Perkins asked when the movie events were scheduled. Ms. Little responded that they had been scheduled for May 1 and August 15. Councilmember Perkins said he would like to hold a movie in the park later in the summer if possible.

Mayor Porta proposed that Council authorize Ms. Little to proceed with the drive-in events concept with the understanding that the events would be moved to River Mill Park if possible. Council agreed with this proposal.

Councilmember Fithian noted that the Town could ask for donations for the events. Mayor Porta responded that the Town was not a nonprofit organization, so people may be less likely to donate. He added that Council could decide on this idea later.

**e. Status of Grounds and Maintenance Procedures**

Ms. Leidich noted that she had provided maintenance staff with a whiteboard to keep a list of projects. She added that the Maintenance Supervisor's hours had been adjusted to increase coverage on weekends for trash management.

Councilmember Perkins said he had some procedural suggestions to ensure that the Town would get the care it needed. Mayor Porta suggested that Council discuss procedural and personnel items in closed session.

Mayor Porta noted several maintenance items in need of regular attention:

- Empty trash cans
- Repair loose/broken bricks
- Clear leaves and debris from storm drains
- Sweep and remove trash from sidewalks, particularly on the 400 block of Mill Street
- Clean street gutters
- Straighten and paint sign poles
- Remove broken traffic mirrors

Councilmember Holloway said she would like to add the replacement of gas light mantles to the list.

Councilmember Perkins noted that many bricks were in need of repair and several trees were hanging over sidewalks. He also said that a tree had damaged Town Hall and he hoped the Town's storage building at the corner of Mill and Union streets could be beautified.

Vice Mayor Sivigny suggested that staff mount the Poplar Alley/Union Street traffic mirror higher on the pole to prevent it from being damaged. He also suggested that the Town's curbs be painted after craft shows to prevent damage.

Mayor Porta suggested that staff ask property owners for permission for the Town to trim the overhanging trees. Ms. Leidich asked Council to notify her if they noticed any specific locations in need of attention. Councilmember Perkins said the Town's historic markers were in need of cleaning.

Councilmember Holloway asked for an update on the kayak ramp project. Ms. Leidich responded that she expected the project to be completed at the end of June, as the Town had received four comments on the building inspection that needed to be addressed.

### 3. CLOSED SESSION

**Motion to convene in closed session to discuss, as permitted by the Virginia Code Section 2.2-3711(A)(1), a personnel matter involving the performance of all Town employees.**

Moved by Vice Mayor Sivigny; seconded by Councilmember Dawson.

Motion **passed** unanimously by voice vote.

**Closed session began at 8:28 p.m.**

**Closed session ended at 9:10 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 Dawson, Councilmember Fithian, Councilmember Holloway, Councilmember Perkins and Vice Mayor Sivigny, by roll call vote.

Nays: None.

### 4. ADJOURNMENT

The meeting was adjourned at 9:20 p.m.



Katy Nicholson  
Town Clerk