



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

Present: Mayor Earnie Porta; Vice Mayor Jenn Loges; Councilmembers Krys Bienia, Cindy Fithian, Laurie Holloway and Eliot Perkins

Absent: None

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

1. CALL TO ORDER

Mayor Porta called the meeting to order at 7:11 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Porta noted that due to the communication challenges caused by physical distancing measures and remote participation, he would call on each Council member to allow them a chance to speak about each discussion item.

3. CITIZENS' TIME

Terry Haas, a Town business owner, expressed concerns about the administration of the Town's COVID-19 Microgrant Program. She noted that the Town was in the process of responding to her concerns, and that she had inquired twice with the Occoquan Merchants' Guild regarding the organization's structure and term limits, but had not received a response. She said she previously had been a Guild member and found that the organization did not address the needs of non-brick-and-mortar businesses like hers. She also noted that Prince William County Supervisor Kenny Boddye was helping to address some of her concerns. Ms. Haas said she had missed the first application deadline for the Prince William County microgrant program because she thought she should apply for the Occoquan program instead. She explained that she had lost 75 percent of her business due to the COVID-19 pandemic, so this was an important issue for her.

Ms. Haas also said she was concerned about the plaque in River Mill Park commemorating the Dogue people. She submitted printed information about the Dogue people, as well as a Washington Post article titled "How a Long-dead White Supremacist Still Threatens the Future of Virginia's Indian Tribes." She said she thought the Town should change the word "departed" on the plaque, as the term had a connotation with death and the Dogue people had been driven out of the area. She suggested that the Town reach out to the Federally recognized tribes of Virginia for guidance on the text, adding that the country as a whole was working to give a voice to non-dominant cultures.

Mayor Porta responded that the plaque had been in Town for a long time and that he would bring the matter to the attention of the Prince William County Historic Preservation Division. He also noted that he planned to move up the microgrant program item on the meeting agenda to allow Ms. Haas to participate in the discussion.

Dan Domenech, a resident of Gaslight Landing, expressed concern about increased signage in Town. Mr. Domenech said he had been raised in Brooklyn, New York, and that he did not want

Occoquan to take on a similar aesthetic with signs all over Town. He added that he did not want to impede anyone's freedom of speech, but he was concerned that the number of signs would continue to increase due to the upcoming elections. He asked whether the Town had guidelines for signage.

Mayor Porta responded that he had planned to address this subject in his Mayor's Report and that Councilmember Fithian had contacted him earlier in the day about the issue. He said he would ask Council for consent to add this item to the agenda.

4. ELECTION OF VICE MAYOR

Mayor Porta requested nominations for the position of vice mayor.

Councilmember Fithian requested an opportunity for discussion prior to the vote.

Motion to allow discussion following nominations and prior to voting for Vice Mayor.

Moved by Councilmember Fithian; seconded by Councilmember Holloway.

Motion **passed** unanimously by voice vote.

Councilmember Perkins nominated Councilmember Loges for vice mayor. Councilmember Loges accepted the nomination.

Councilmember Fithian nominated Councilmember Holloway for vice mayor. Councilmember Holloway accepted the nomination.

Hearing no further nominations, Mayor Porta closed the nominations and opened the discussion.

Councilmember Fithian read the following statement:

"It is my honor and privilege to nominate Councilmember Laurie Holloway to be Vice Mayor of the Occoquan Town Council. Since Laurie first moved to Occoquan in 2016, she has been an ardent and effective community activist and advocate. She was named "Volunteer of the Year" in 2018. Whether volunteering multiple shifts at the Craft Show, cleaning up regularly under the 123 bridge (the spot she and her wife, D, "adopted"), sharing her communications expertise with the town staff, Council, and mayor, promoting Occoquan constantly on social media, and participating in every town event – it has always been evident that Laurie loves Occoquan. That is why I encouraged her to run for Town Council in 2018. Her communications, public relations, and business owner background have been a positive force on behalf of our town for the last two years as the Council addressed myriad issues. She also served as Council Representative to the ARB (Architectural Review Board) for the last three years, and also to ASAP (Alcohol Safety Action Program). I strongly believe that it is critical to bring a minimum of one term Council experience to the role of Vice Mayor. Council Member Laurie Holloway will make an excellent Vice Mayor. It is not because she is my next-door neighbor and friend that I nominate her this evening. I nominate her because the time, talent, and energy she devotes to this town - and to this Council - make her the best qualified to serve as Vice Mayor. Her dedication and integrity are above reproach."

Councilmember Loges thanked Councilmember Perkins for his nomination. She said that while it was unusual for a first-term councilmember to be nominated for vice mayor, the nomination spoke to her experience with the Town, including two years of service with the Planning Commission, attending most of the Town Council meetings during the last two years and volunteering at the Craft Shows. She also noted that her experience as both a resident and a former Town business owner

gave her a unique perspective. She noted that the vice mayor provided support for the mayor, and that she and Mayor Porta had worked together to establish a not-for-profit organization in Town and had served together on the inaugural board for Patriots for Disabled Divers.

Councilmember Holloway requested that her response be included in the minutes in its entirety:

“Councilmember Fithian, I’m truly honored by your nomination. I did fall in love quickly with this Town and with the people. It’s a privilege to serve and certainly to volunteer in such a unique place. It’s a really cool town. In three years on the ARB and in my first term as councilmember, I worked tirelessly to bring a calm, balanced voice to complex issues facing the Town. It’s never been about adding a line to my résumé or anything like that. It’s because I live here and I love it. I’ve offered thoughtful, strategic advice to the Mayor on countless occasions and I’m confident that our residents recognize my efforts, as I was re-elected last month with the most votes of any councilmember. Councilmember Fithian, I absolutely know the strength of your moral compass and that you would not nominate or vote for anybody on the basis of friendship. I know that. I’ve heard enough from you over the past three years to know that, and I admire that. In fact, if things were different, I’d be nominating you, because integrity, honesty and fairness are my true north as well. Given that, I am dismayed and disappointed by back-room deals that were set in motion weeks ago regarding this position and as such, I respectfully decline your heartfelt nomination with deep appreciation for your kind words. They mean the world to me and I appreciate that. I hope that going forward, we all place the Town’s interests first and foremost because we owe that to this Town that we all love.”

Mayor Porta confirmed that he had worked well with Councilmember Loges in a number of capacities. He also confirmed that he had sought Councilmember Holloway’s counsel on multiple occasions and that she had been generous and enthusiastic in giving it.

Councilmember Perkins stated that Ms. Loges had an incredible amount of business acumen, had attended every Planning Commission meeting and was certified by the State of Virginia as a Planning Commissioner, that she was viewed by the community as someone to look to for her thoughts and opinions on important matters, and that residents could trust her to put Town issues first. He added that he thought other members of Council were qualified to serve as vice mayor and that he was happy to have nominated Councilmember Loges.

Mayor Porta said he thought either candidate would be excellent in the role of vice mayor, and he was glad that all of the Council members were willing to serve the Town.

Mayor Porta called for a vote on the nomination of Councilmember Loges for the position of Vice Mayor. The following Councilmembers raised their hands in support of Councilmember Loges’ nomination: Councilmember Bienia, Councilmember Loges and Councilmember Perkins.

Councilmembers Fithian and Holloway abstained from the vote.

Mayor Porta requested that Council add an item for discussion of signs/banners/flags, and move up the microgrant item. No objections.

9. REGULAR BUSINESS

a. Discussion of Signs, Banners and Flags

Mayor Porta explained that the Chair of the Architectural Review Board had approached Council earlier in the year with concerns that a sign/banner “war” was developing within the Historic District. Mayor Porta noted that the Town’s regulations regarding signs, banners and flags were unclear and that violators could make the argument that the ordinance was confusing. He explained that he had worked with the Chair of the Architectural Review Board to revise the Town’s sign ordinance, which would require the approval of both the Planning Commission and Council. He noted that the Planning Commission planned to take up the matter at its next meeting and that he planned to send a letter to several residents requesting their cooperation.

Mayor Porta told Mr. Domenech that the Town had rules in place regarding signage, including the following, and that he was aware of several existing violations:

- A limit of four flags per building.
- Flags must be separate from buildings (e.g. attached to poles).
- Signs, flags and banners may not obstruct architectural features of buildings.
- Banners must be removed from buildings by at least 12 inches.
- Signs may not take up more than 25 percent of window space on one side of a building.

Councilmember Fithian distributed photos of signs, banners and flags in Town and asked for an explanation of the violations pictured. Mayor Porta responded that the photos included violations of most of the regulations listed above. He noted that the hope was for the Town to help residents and business owners comply with the rules.

Councilmember Fithian asked if there were special restrictions for political signs. Mayor Porta responded that the Town Code previously allowed political signs for up to 45 days prior to and 15 days after an election. He explained that the courts had determined this type of restriction was an unconstitutional violation of the First Amendment, as it was content-specific. Mr. Crim noted that a Federal ruling had established that political signs must be treated the same as all other signage.

Councilmember Fithian asked what would happen if those in violation did not comply with Mayor Porta’s written request. Mayor Porta responded that his letter was simply a request with no legal obligation. He added that if they were still in violation after the revised Sign Ordinance was adopted, the violation would be sent to the Zoning Administrator for enforcement.

Mr. Domenech thanked Council for addressing his concerns.

b. Small Business Relief Micro-Grant Program

Mayor Porta asked Ms. Haas if she had any questions. Ms. Haas responded that she had submitted her questions by email and had received responses to some of them. She said she would like to know how the amount – approximately \$94,000.00 – of Coronavirus Aid, Relief, and Economic Security (CARES) Act funding for the Town had been determined. She noted that the funding criteria should guide the Town’s use of the money, adding that the Town had a tradition of putting the shops before the residents. Ms. Haas also inquired about the approximately \$6,000.00 that had been earmarked for Town administrative use. She stated that she thought the Town should use the funding to make its meetings available live online so all residents could participate. She added that the pandemic and demanding work schedules made it difficult for many residents to participate in Town meetings.

Mayor Porta explained that Prince William County had distributed the CARES Act funding based on population. He noted that the funding only could be used for COVID-19-related expenses, and that the \$6,000.00 was comprised of funds the Town already had spent on COVID-19-related costs. Mayor Porta stated that the Town had not been under any obligation to create a microgrant program, but Council had decided to use \$30,000.00 of the grant funding to help support Town businesses. He explained that staff had proposed that the \$30,000.00 be split between all eligible businesses that applied, and that the Town Attorney had notified Council and staff that the Town could not directly disburse the funds to its businesses. As a result, the Town planned to distribute the funds through the Occoquan Merchants' Guild.

Mayor Porta said he expected the Town to incur additional COVID-19-related expenses, and that the Town could have used its CARES Act funding exclusively to reimburse those costs. He noted that he disagreed with the idea that Council had helped Town businesses to the exclusion of residents. He added that he had heard from many residents who supported Council's decision.

Mayor Porta stated that although many residents were active in the community, he agreed the Town should consider providing live coverage of its meetings. He added that the Town would need to consider the recurring costs of such an initiative.

Mayor Porta said he was sorry to hear that Ms. Haas had missed the first round of grant funding from Prince William County, and that the Town had tried to make it clear that businesses could apply for funding from both the County and the Town. He added that it was his understanding that Ms. Haas would be eligible for Prince William County's second round of grant funding, as well as the Town microgrant.

Mayor Porta asked Ms. Little if Prince William County was including home-based businesses in its second round of microgrant funding. Ms. Little responded yes. Mayor Porta noted that the Town intended to mirror the County's eligibility criteria, so Council would need to approve this change to its own microgrant guidelines.

Motion to approve an amendment to the Small Business Relief Micro-Grant program guidelines to include home-based businesses as eligible if they meet all other requirements.

Moved by Councilmember Holloway; seconded by Councilmember Fithian.

Motion **passed** unanimously by voice vote.

Ms. Little confirmed that she had extended the microgrant application deadline to July 15. Councilmember Holloway asked how many applications the Town had received so far. Ms. Little responded that the Town had received 11 applications. Mayor Porta asked Ms. Haas if she thought a July 15 microgrant application deadline provided businesses with enough time to apply. Ms. Haas responded yes, considering that the businesses needed the funding right away.

Mayor Porta asked if the Town should mail information about the microgrant program to all Town businesses. Councilmember Perkins asked if Ms. Little had the ability to contact all Town Businesses in other ways. Ms. Little responded that she had received an offer from a councilmember to help call the Town businesses. Councilmember Fithian said she would be happy to help with this as well.

Councilmember Holloway asked how the program had been communicated so far. Ms. Little

responded that she had emailed her business community distribution list and included information on the Town website and in the Town newsletter. She added that the Occoquan Merchants' Guild had notified its members of the program as well. Councilmember Fithian asked if most businesses had registered for the email distribution list. Ms. Little responded that some businesses had signed up, but not most of them.

Councilmember Bienia asked if a mailing would reach the intended audience and if it would have a favorable return on investment. Ms. Little responded that there were approximately 130 Town businesses and that she could send a letter the following day.

Councilmember Perkins asked if a letter would be more effective than the measures Ms. Little already had taken. Ms. Little responded that some business owners did not read their email. Mayor Porta noted that the business owners who were invested in the community likely were paying attention to the Town's newsletter and emails, and that he did not want to hold up the process for the businesses that already had applied.

Vice Mayor Loges asked when the application period had opened. Ms. Little responded that it had opened on June 29. Vice Mayor Loges noted that the Town would need to balance its attempts to get the word out with the need to distribute the funds in a timely manner. Councilmember Bienia noted that a mailing likely would require an extension of the application deadline.

Mayor Porta asked Ms. Haas if she had any additional comments. Ms. Haas asked Mayor Porta about his earlier comment that he had heard from residents who supported Council's decision to create the microgrant program, noting that his observations were contrary to her own. She asked if these residents wanted all of the grant funding to go to the Town's shops. Mayor Porta responded that they did not want all of the funding invested in shops, but they were supportive of Council's efforts to improve the quality of life for residents and to help the business community. He added that these residents knew that the Town's business taxes helped to keep residents' taxes lower and that Occoquan would not be a town without its business community.

Councilmember Perkins asked Ms. Little to name her job title. Ms. Little responded that she was the Events and Community Development Director. Councilmember Perkins asked whether the Town had a full-time Community Development Director prior to Ms. Little. Ms. Little responded no. Councilmember Perkins said he was proud of the Town's efforts to get money into the hands of those who needed it and to keep the community safe.

Mayor Porta confirmed that Council did not want Ms. Little to send out a mailing for the microgrant program. Councilmember Fithian suggested posting the information on social media. Ms. Little said she could post the information on the Town's government Facebook page. Councilmember Holloway said she thought Ms. Little should use every available communication tool except for the mailing, and that she would be happy to make phone calls.

1. APPROVAL OF MINUTES

a. May 6, 2020 Regular Business Meeting Minutes

Moved by Councilmember Perkins; seconded by Vice Mayor Loges.

Motion **passed** unanimously by voice vote.

b. May 26, 2020 Special Meeting Minutes

Moved by Councilmember Holloway; seconded by Councilmember Bienia.

Motion **passed** unanimously by voice vote.

2. MAYOR'S REPORT

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

- Worked with some residents and an HOA regarding a problem with a street light on West Locust Street.
- Worked with a resident, an HOA, the Town Attorney and the Zoning Administrator regarding the apparent "abandonment" of a property on West Locust Street.
- The Zoning Administrator notified the Mayor that he was taking action regarding overgrowth at 119 Washington Street.
- Met with a property owner regarding tree trimming. Asked staff to prepare a report with recommendations, to be provided to the property owner.
- Mayor Porta noted that there had been some information circulating in Town regarding individuals who allegedly had COVID-19. He said he had discussed this with the Town Attorney and wished to caution staff and Council about engaging in such conversations. He explained that some of the information included details that could reveal the identities of the individuals and that this could lead to legal liability. He added that untrue statements about illnesses like COVID-19 could constitute defamation per se and that staff and Council could potentially subject not only themselves, but the Town to legal liability by contributing to the spread of false information.

3. COUNCILMEMBER REPORTS

Councilmember Perkins thanked the Police Department for volunteering to trim weeds the previous week.

Councilmember Fithian asked if there had been any progress on the design of the signs for the kayak ramp and free public parking at the corner of Washington and Mill streets. Ms. Leidich responded that she was not aware of any design work, as she had been on bereavement leave for several weeks. Councilmember Fithian asked whether there were guidelines as to the use of the Town logo versus the Town seal, as she had noticed the Town seal was used on some of the new signage at the kayak ramp. Ms. Leidich responded that because the signs displayed official Town policies, she was under the impression that the Town seal should be used. Councilmember Fithian asked if the logo would be used for the welcome sign. Ms. Leidich responded yes. Councilmember Holloway noted that the logo usage was addressed in the Town's brand guidelines and that she agreed that the logo should be used for the welcome sign. Councilmember Fithian said she would like Council to review the design of the welcome sign prior to production.

Vice Mayor Loges thanked Chief Linn for allowing her to participate in a Police Department ride-along. She also thanked several residents who had provided feedback on the Town's noise ordinance, which was under review by the Planning Commission. She thanked Councilmember Holloway for meeting with her regarding Town communications and social media.

Councilmember Holloway reported that she had recently resigned from the ARB after three years, and thanked ARB Chair Brenda Seefeldt for her partnership on the board. She also noted that she had resigned from the Virginia Alcohol Safety Action Program board. Additionally, she noted that a

national Pokémon Go Fest was scheduled for July 25 and 26, and that the event would take place both virtually and in person.

4. STAFF REPORTS

a. Town Attorney

Mr. Crim congratulated the new and returning councilmembers. He noted that he planned to conduct a presentation at a future meeting to acquaint Council with his responsibilities and services. Mr. Crim reported that he had been working on the following issues: COVID-19 compliance, CARES Act funding, and police use of force and duty to intervene policies.

b. Town Engineer

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

No further discussion.

c. Building Official

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

No further discussion.

d. Zoning Administrator

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

No further discussion.

e. Town Treasurer

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

Mayor Porta asked if the preliminary year-end numbers would be available for the August Council meeting. Ms. Dellinger responded yes.

f. Chief of Police

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

Chief Linn noted that the individuals involved in two recent incidents were doing well.

Mayor Porta noted that he had received notes of appreciation from several residents regarding Chief Linn's help resolving community problems.

Councilmember Holloway thanked the Police Department for the officers' professionalism in handling the recent incidents Chief Linn had mentioned. She also thanked Chief Linn for his thoughtful response to the George Floyd incident.

Councilmember Perkins commended Chief Linn for his prompt communications to Council regarding incidents in Town.

g. Public Works

Mayor Porta noted that the Town would need to be sure to communicate with property owners regarding work on trees that were not clearly in the public right-of-way.

Councilmember Perkins asked for an update on brick repairs. Chief Linn responded that the Town had obtained the replacement bricks and had conducted a survey of repairs needed. He added that the Public Works Department was contending with the summer heat, and that this item was on their priority list.

Councilmember Holloway asked if there had been a decline in mischief in Town. Chief Linn responded that the problems ebbed and flowed, and that he thought the issues were a result of young people with too much free time. Councilmember Holloway noted that she had seen people in River Mill Park late at night and asked whether this was generally harmless behavior. Chief Linn responded that the people in the park late at night generally were harmless and that his department had been trying to move them along without incident. He added that Council could decide whether to change the park hours or direct the police to provide more stringent enforcement. He added that he did not think people should be in the park after midnight.

Vice Mayor Loges asked whether the police were observing the same people in the park repeatedly. Chief Linn responded that while there were some regular offenders, the police usually observed different people in the park each night. Vice Mayor Loges asked if the lights in the park were left on late at night. Chief Linn responded that they were left on all night, which led to some confusion regarding the park's operating hours. Councilmember Holloway noted that even with the lights off, there were dark areas in the park that could attract nefarious activity. Mayor Porta noted that the Town would need to decide how much the police should enforce the park hours, and that many communities were cutting back on this type of police involvement. He added that a gate might help to increase awareness of the park hours and that he would like staff to develop a recommendation.

h. Events and Community Development Director

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

Ms. Little noted that Discover Occoquan would be a week-long event instead of the usual one day, and that the event was intended to support Town businesses during the pandemic. She also explained that she had distributed a list of costs and other variables for the Craft Show/RiverFest. She added that the event would be a risk for volunteers and that she thought the Town should start developing a contingency plan as it considered the safety issues involved with hosting a large event. She said she had developed an idea for a virtual Craft Show that would put the Artisans' Walk online. She noted that there would be little expense or risk to the Town with an online event, and that it would foster good will between the Town and the vendors. She added that she could prepare a feasibility study for the next Council meeting. Councilmember Fithian said she thought this was a good idea.

Mayor Porta asked if Council could make a decision regarding the Craft Show/RiverFest at its regular August meeting. Ms. Little responded yes. Mayor Porta said he did not see any way that the Town would be able to hold the event. He asked Ms. Little to consider whether the virtual event would be worth the effort, as he was not sure that the concept of the Occoquan Marketplace would be scalable to such a large event. He added that he had heard

from some residents who were disappointed about the Town's event cancelations, but the Town would need to ensure that its events were both legal and safe.

Councilmember Holloway commended Ms. Little for her work and said she would like to see a survey of the vendors to determine interest in the virtual Craft Show. She added that she did not think most residents would want a large number of people visiting Town for an event, and that volunteers likely would not want to work at such an event.

Councilmember Bienia agreed that an in-person Craft Show/RiverFest would not be feasible. She asked Ms. Little to think about whether a virtual version would be revenue-generating, and whether it would be worth her time. She also asked Ms. Little to consider what kind of virtual events would be beneficial to the Town socially and financially. Ms. Little responded that the first event would not be revenue-generating. She said she had attended a Zoom call with 50 other events directors and that approximately half of them were considering holding virtual events to support the artists. She added that she thought the virtual event would generate good will with the vendors and would be a way to celebrate the Town's 50-year Craft Show legacy. Councilmember Holloway noted that this option would not cost much and would show that the Town had not given up on the Craft Show. Councilmember Perkins said it was heartbreaking to cancel the event, but he did not see any way around it. He added it would be worthwhile to investigate the idea of a virtual event as a demonstration of good will to the vendors. He also noted that there might be potential for smaller, revenue-positive events in the future.

Mayor Porta noted that RiverFest and the Craft Show were designed specifically to generate revenue for capital projects without raising residents' taxes. He added that Business, Professional and Occupational License taxes already were at the maximum allowed by state law. He explained that the Town would need to consider the purpose of its future events, whether to generate revenue and/or to give residents something to enjoy.

Councilmember Holloway noted that the Town may be able to use CARES Act funding to make up some of the shortfall. Ms. Leidich responded that the Town only was allowed to use those funds for expenses directly related to COVID-19. Councilmember Holloway said some other localities had identified creative solutions to this issue when they were forced to cancel events.

9. REGULAR BUSINESS

c. Town Facility Rentals Discussion

Ms. Leidich explained that staff had received several recent requests for large, private gatherings in River Mill Park. She noted that staff was concerned about ensuring public safety and that the Town had not hosted any large events during the pandemic. She asked for Council's thoughts on allowing private gatherings of 200 to 250 people in River Mill Park.

Mayor Porta said he did not think the Town could safely manage large, private events, so he thought they should be prohibited. He added that the Town should consider how it would manage the situation if a large number of people showed up to its next concert. Ms. Little responded that staff planned to draw physical-distancing circles in the park and encourage participants to wear masks. She added that the police could monitor the event and encourage physical distancing. Mayor Porta asked how Town staff would ensure that everyone remained in their respective circles. Chief Linn responded that staff would request voluntary

compliance and that signs would be posted encouraging safe practices. He explained that the police would do their best to let people enjoy the concert while encouraging safety. Mayor Porta asked how the Town would respond to private event hosts who said they would ensure participants followed safety protocol. Ms. Leidich responded that if they did not follow through, the Town's only recourse would be to shut down the event. She said she thought the Town should limit private events up to a certain number of people, but staff wanted Council's input to help determine that number.

Mayor Porta said it sounded like the Town could adequately police its own events, but it would need to shut down any private events that did not comply with the state's safety guidelines. He added that the Town would not want to be put in that position. Ms. Leidich agreed, adding that she thought it would set everyone up for failure. Mayor Porta asked if staff had been allowing small events in Mamie Davis Park. Ms. Leidich responded that staff had been allowing events with 10 to 15 people and a short duration. Mayor Porta asked what the maximum attendance should be for private events in River Mill Park. Ms. Leidich responded that staff thought more than 100 people would be a problem, and the current number was zero.

Councilmember Holloway noted that private events would limit the use of the park for Town residents and the general public. Mayor Porta responded that the Town could not keep the public out of the park during private events. Councilmember Holloway explained that a private event would crowd the park, limiting safe public access, and that her number would be significantly less than 100 people.

Vice Mayor Loges asked when the proposed event was scheduled to be held. Ms. Nicholson responded that it was scheduled for Saturday, August 1. Vice Mayor Loges noted that Saturdays were particularly busy for River Mill Park, and that 200 event participants plus the public would be there. She said she did not know how the Town could control such a large number of people during a pandemic.

Councilmember Fithian asked if anyone had heard feedback about the effectiveness of spray-painted physical distancing circles. Ms. Little responded that as far as she knew, they worked well. She added that staff could fit 24 eight-foot circles six feet apart in front of the stage area. Councilmember Fithian asked if private event hosts could sign a waiver guaranteeing physical distancing and consenting to the dissolution of the event if safety measures were not followed. Ms. Leidich responded that private event hosts already signed a Facility Use Agreement, but enforcement would be an issue in this case. She asked whether Council wanted the police to monitor these events and break them up if necessary. Councilmember Perkins responded that he did not want the police to have to deal with such matters. Ms. Leidich noted that the Town already was receiving complaints about people not physically distancing or wearing masks.

Councilmember Fithian expressed concern that the Town already was losing revenue due to the cancellation of the Craft Show/RiverFest. She asked whether there had been enough private event requests to boost revenue substantially. Ms. Little and Ms. Nicholson responded no.

Councilmember Bienia said she did not think the Town should choose an arbitrary maximum number of event participants, and that there should be reasoning behind the number. She also asked what the Town would do if event participants showed up without

permission. Mayor Porta responded that the police would not stop people from using the park, but they would notify people of physical distancing measures. Councilmember Perkins noted that if the Town signed off on private events, it would have a responsibility for the safety of participants. He added that he was not comfortable signing off on large events during the pandemic. He and Mayor Porta said they did not think the Town should sign off on any private events at River Mill Park under the current conditions.

Mayor Porta explained that he wanted residents to be able to use the park safely, and that small events at Mamie Davis Park likely would be more manageable. Councilmember Holloway noted that signing off on private events would amount to tacit approval, and that she wanted to put the interests of Town residents and businesses first. Vice Mayor Loges and councilmembers Fithian, Bienia and Perkins agreed that they were not comfortable with approving any private events at River Mill Park during the pandemic.

i. Town Manager

Ms. Leidich reported that she expected the Town to receive a building permit for the kayak ramp later in the week. She added that once the Town received the permit, it would take approximately one month for the work to be completed.

Councilmember Perkins asked Ms. Leidich to be attentive to the signage and parking plan projects as she resumed her work following bereavement leave.

j. Boards and Commissions

Architectural Review Board Chair Brenda Seefeldt reported that the Board recently had held its first meeting since the beginning of the pandemic. She noted that the Board had received two Applications for Exterior Elevations, one of which had been deferred because the applicant did not attend the meeting. She also noted that the Board had held a special meeting prior to the Council meeting and that the Board denied the application that had previously been tabled.

Councilmember Perkins, chair of the Planning Commission, reported that the Commission was in the process of finalizing the language for a revised noise ordinance, and that the ordinance would be sent to Council for approval. He noted that the Commission was working on the replacement of the Town entrance signs. He also said the Commission would be discussing the Town's sign ordinance at its next meeting.

Mayor Porta asked whether any councilmembers would like to serve on the Architectural Review Board, as Councilmember Holloway had resigned after three years of service to the Board. Councilmember Bienia responded that she was interested and would like to learn more about the responsibility.

10. Closed Session

Motion to convene in closed session to discuss the following:

- **As permitted by the Virginia Code Section 2.2-3711(A)(1), a personnel matter involving the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town, specifically dealing with all Town officers and employees.**

- **As permitted by the Virginia Code Section 2.2-3711(A)(7), consultation with legal counsel and briefings by staff members or consultants pertaining to probable litigation involving a Certificate of Appropriateness.**
- **As permitted by the Virginia Code Section 2.2-3711(A)(1), consideration of panelists for the Town’s CARES Act Microgrant Program.**

Moved by Councilmember Perkins; seconded by Vice Mayor Loges.
Motion **passed** unanimously by voice vote.

Closed session began at 9:37 p.m.

Closed session ended at 11:14 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 Councilmember Fithian; seconded by Councilmember Perkins.

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

Nays: None.

Motion to direct the Mayor to communicate various issues to staff as discussed.

Moved by Councilmember Perkins; seconded by Councilmember Fithian.

Motion **passed** unanimously by voice vote.

11. ADJOURNMENT

The meeting was adjourned at 11:16 p.m.



Katy Nicholson
Town Clerk