



TOWN OF OCCOQUAN
Town Hall - 314 Mill Street, Occoquan, VA 22125
MEETING DATE: 2020-08-25

MEETING TIME: 6:30 PM

Present: Darryl Hawkins, Eliot Perkins, Ryan Somma

Absent: Ann Kisling

1. Call to Order

The Planning Commission Public Hearing was called to order by Eliot Perkins on 2020-08-25, at 6:30 p.m.

Secretary for Meeting

Ryan Somma took minutes for the meeting.

2. Approval of Remote Electronic Participation Policy

Chairperson Perkins reviewed the policy with members. Ryan Somma asked to confirm this was Virginia's policy. Eliot Perkins confirmed.

Darryl Hawkins motioned to adopt the policy as stated. Ryan Somma seconded. The motion carried by unanimous vote.

3. Citizen Comments

Lance Houton of 127 Washington St spoke concerning the boundary line adjustment on the agenda. He explained this was adding land to an existing lot to make it bigger and had no plans to develop on it. He also informed the commission that 430-426 Mill St. had plumbing works proceeding without permit, and that the County was aware of the issue and will rectify it. The County will also inspect sewer lines connected to old Rockledge Mansion sewage lines.

3. Approval of Minutes June 23, 2020

Ryan Somma motioned to approve the minutes. Darryl Hawkins seconded. The motion carried.

6. Approval of Revised Sign Ordinance

Eliot Perkins moved the Sign Ordinance up on the agenda for discussion.

Mayor Earnest Porta provided an overview of the changes in the signage ordinance. Noting that in early February, the Chair of the Architectural Review Board was concerned about signage wars in Town. The existing ordinance had ambiguities that complicated enforcement. The Town went

through changes with the Chair of the ARB and Town Attorney. The changes are mostly just clarifications to make it clearer what the code already shows.

After walking the Commission members through the changes one-by-one. Eliot Perkins asked if the ordinance allowed a 4x4-foot sign, and the 3rd Base Restaurant had two such signs next to each other, how would the ordinance affect displays like that? Mayor Porta answered that those are temporary banners and wasn't sure how the ordinance applies to those. He noted that enforcement was suspended during pandemic to encourage business. In a normal environment, those signs would not be allowed.

Eliot Perkins asked how the First Amendment applies to this ordinance. Mayor Porta explained that any rule that limits speech must be content-neutral. Speech cannot be limited based on content. Some signs are violations, but they are violations because of ordinances that apply to every structure. Flags need to be attached in a certain way, banners must be attached in a certain way, and window signs are allowed provided they don't take up more than 25% of the window space on one side of a building. Eliot Perkins noted that the same standard applied regardless of content.

Daryl Hawkins motioned to approve the sign ordinance. Ryan Somma seconded. The motion carried by unanimous vote.

5. Boundary Line Adjustment - 127 Washington St./114 Commerce St.

Eliot Perkins noted that the property being expanded would have street access from Commerce Street if VDOT approved.

Ryan Somma motioned to approve the Boundary Line Adjustment at 127 Washington St. and 114 Commerce St. Darryl Hawkins seconded. The motion carried by unanimous vote.

4. Planning Commission Priorities Update

o Discussion of Noise Ordinance

Eliot Perkins informed members that Jenn Loges has resigned from the Planning Commission as she was now on the Town Council and only one member of the Town Council could serve on the Planning Commission at a time. He thanked her for her service to the Commission and wished her well serving on the Town Council.

Jenn Loges presented an overview of the proposed Noise Ordinance. She noted the original ordinance was unenforceable and that recent incidents required the Town to address the ordinance quickly. So the Town Council asked the Commission to address the ordinance. The version presented to the Planning Commission in June started from and made adjustments to the Prince William County ordinance. Jenn Loges asked Chief Lynn and residents in 'hot spot' areas to ask what they felt needed addressing.

Prince William County uses a standard of decibel noise values for enforcement that does not fit the Town of Occoquan. For example, a resident living near music venue noted that 50db was uncomfortable but permitted. Eliot Perkins added that a decibel reader requires being there at the time and the devices are expensive. This was not an effective tool and an would be an additional cost

to the Town. Jenn Loges said the changes replace decibel measurements with “plainly audible,” which is used in other municipalities.

Jenn Loges noted that music is part of who Occoquan is in the historic district, and residents indicated they did not want to do away with it. Leesburg implemented a permit system to allow music, which this Ordinance would also use. Eliot Perkins said this allows clear standards that staff can educate residents on, and businesses will follow the rules to comply with their permits.

Jenn Loges said that Virginia now allows civil enforcement of noise violations. Criminal enforcement was too severe for the Town, so the violations defined in the ordinance have increasing civil penalties and only criminal charges for repeat offenders.

Additional items Jenn Loges covered were that quiet time was moved to 6am from the 7am cutoff in the original proposal to allow delivery trucks. Exhaust systems were not addressed in the ordinance, specifically the issue of modified exhaust systems. She suggested the Town could adopt the Prince William County ordinance. Eliot Perkins noted that this was a problem under the 123 bridge, and that Town Council receives complaints about modified exhaust systems. Jenn Loges said it was reasonable to prohibit because it would match the surrounding municipalities.

Ryan Somma aski for clarification concerning the removal of decibels as a measure and how the new measure worked. Jenn Loges explained that with decibels noise is either not-to-loud or too-loud. The Plainly Audible measure was a set of definitions for situations and behaviors prohibited.

Ryan Somma motioned to adopt the Noise Ordinance. Darryl Hawkins seconded. The motion carried by unanimous vote.

Ryan Somma motioned to recommend that Town Council also adopt the Prince William County Exhaust System Ordinance. Darryl Hawkins seconded. The motion carried by unanimous vote.

o Beautification, Town Entrances, Streetscaping

Eliot Perkins reminded Commission members that the Town will not be moving forward on a Town sign this year due to COVID, but he will continue to meet with vendors.

o Parking and Traffic

Eliot Perkins said the Town Council will be continuing to move forward at next meeting.

o Strategic Relationship Building

Eliot Perkins said the Commission will move past this item tonight.

o CIP – 2019 Planning Commission Annual Report

Eliot Perkins said the Annual Report just needed the Parking Recommendations to be included.

Ryan Somma moved to approve the 2019 Planning Commission Annual Report with addition of the Parking Recommendations. Darryl Hawkins seconded. The motion carried by unanimous vote.

5. Chair/Town Council Report

Eliot Perkins asked to have the Mill at Occoquan added as a normal meeting discussion point. He said the applicant has continued to make many changes and that there would be an updated public meeting for residents, but not a public hearing at this time. The informational meeting would find a larger venue and technology to enable remote viewing and robust discussion. September 23rd or 24th were tentative dates proposed but not finalized. The Town would advertise heavily so every Occoquan resident would be aware and there would be an opportunity to reach many people remotely.

There was also a potential new member of the Commission who is an engineer, and that will be going before the Council.

6. Adjournment

The meeting was adjourned at 7:23 p.m.

Eliot Perkins: Perkins
Chair, Planning Commission

Submitted by Ryan Somma, Planning Commission Secretary