



OCCOQUAN TOWN COUNCIL
Meeting Minutes
Town Hall – 314 Mill Street, Occoquan, VA 22125
Tuesday, January 5, 2021
7:00 p.m.

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

Staff: Kirstyn Jovanovich, Town Manager/Interim Town Clerk; Martin Crim, Town Attorney; Adam Linn, Chief of Police; Jason Forman, Deputy Chief of Police; Julie Little, Events and Community Development Director

1. CALL TO ORDER

Mayor Porta called the meeting to order at 7:00 p.m. Councilmembers Fithian and Holloway participated remotely from their homes in accordance with Town ordinances, due to illness and injury, respectively. The Town Attorney, Mr. Crim, participated remotely from his office.

2. PLEDGE OF ALLEGIANCE

3. CITIZENS' TIME

Betsy Merklein of Personally Yours thanked the Council and staff for its participation in the Untrim-A-Tree program, noting that it was the most successful year yet. Council members thanked Ms. Merklein for continuing this wonderful annual tradition. Ms. Merklein also asked about the status of the water draining from the Kiely Court property. Mayor Porta noted that this issue would be addressed during the Town Manager's report.

4. CONSENT AGENDA

a. December 1, 2020 Meeting Minutes

Motion to approve items on the consent agenda.

Moved by Councilmember Perkins, seconded by Councilmember Holloway.

Motion passed **unanimously** by voice vote.

5. MAYOR'S REPORT

Mayor Porta reported on the following items:

- On December 3 he spoke to the Occoquan Pointe HOA at their annual meeting, which was conducted online.
- On December 12 and December 13 he attended several of the Santa visits in River Mill Park and the staged readings of "A Christmas Carol." He thanked Ms. Little and staff for arranging these and thanked Councilmember Bienia for volunteering to help staff both events.
- On December 17 he participated in a Leadership Prince William panel on Economic Development in towns.

6. COUNCILMEMBER REPORTS

Councilmember Fithian reported that at last month's ARB meeting there was a presentation on the tourism kiosk that will be located near the Mill House Museum. She thanked staff for their involvement in the project. Ms. Fithian also requested that later in the agenda the Council discuss concerns she has expressed regarding ice along the path in River Mill Park. In addition, she noted that when the VDOT restriping is done she believes there is an opportunity to establish a new public parking spot near her house. Last, she asked to clarify remarks made at a prior Council meeting, by noting that in addition to herself she believes all Council members patronize and support town businesses, and that she is very appreciative of all the work the Planning Commission has devoted to the timed-parking proposal.

Councilmember Holloway reported that she had actively participated in the OCQ Cares Voucher Program and that she had received great positive feedback from both businesses and residents on what she considered to be a huge success. She also thanked Ms. Merklein for her efforts on the Untrim-A-Tree program.

Vice Mayor Loges reported that she had met with the Town Manager and that she appreciated the efforts Town staff were making with regard to ice accumulation. She noted that a stop sign at the corner of Center Lane and Union Street was continuing to be blown down or knocked down. Additionally, she wished to remind staff about checking on the status of the online version of the Town Code to make sure it included ordinances adopted over the past few months.

7. BOARDS AND COMMISSIONS

Brenda Seefeldt reported that she had nothing to add the ARB summary provided by Councilmember Fithian. Councilmember Perkins reported that the Planning Commission had not met since the last Town Council meeting.

8. ADMINISTRATIVE REPORTS

a. Town Manager

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

Councilmember Perkins asked about the status of CARES funding. Ms. Jovanovich indicated that funds still remain and that she planned to report to the Council at a future meeting on the details of what remained and how staff recommends it be spent. Additionally, Mr. Perkins noted that he had been in touch with the Town Manager about accessory structures being installed at the kayak launch ramp and had been reminded that staff had been directed by the Council earlier to evaluate use during a season and then come forward with a recommendation on adding additional equipment or accessories at the facility.

Vice Mayor Loges complimented Julie Little on event planning and requested that as plans develop Council be provided with more details about the cost of the planned events.

Ms. Jovanovich and Mayor Porta briefly reviewed the history of the water runoff from Kiely Court. They noted that there has always been a drainage issue on the property, including when it was simply a grassy field. Being downhill from the spring at Rockledge it has typically drained water across the sidewalk and into the street, with this water periodically freezing in the winter. The problem has been dramatically exacerbated by construction on the site and deficiencies in the crowning of the street, the latter of which does not keep the water adjacent to

the curb, nor direct it into an appropriate storm drain. However, as the Town Engineer pointed out in the early stages of the project, once completed according to construction plans the drainage issue should be resolved. The Town Engineer has pointed out, however, that there is no way to be certain on this point until construction is actually completed. The intent is for the water to drain into the storm water system to the west of the site. If that does not occur at the conclusion of construction, then the Town will need to pursue other remedies. In the meantime, the situation called for continued patience as the project moves toward completion.

Ms. Jovanovich indicated that staff is continuing to consider and work on potential interim mitigation measures. Mayor Porta noted that it is important to be prepared to take appropriate steps, both legal and engineering, if the problem is not resolved once construction is completed. Pam Konwin was recognized to speak and complimented staff on their efforts in trying to address the situation.

Councilmember Perkins asked generally about responsibilities for the ice/snow/water issues related to sidewalks and streets. Ms. Jovanovich noted that most property owners take care of their responsibilities in this regard and encouraged neighbors to speak to those who do not, or perhaps assist them. Councilmember Holloway asked who was responsible for clearing the curb of ice or snow. Mayor Porta responded that the Town's interpretation of the Town Code was that the adjacent property owner is responsible, as they are for the sidewalk adjacent to them.

Mayor Porta noted that when it comes to snow and ice there are some places in Town that while the responsibility of the property owner, the means or the location of the property owner (e.g. an absentee owner of a vacant property) have historically resulted in that area of adjacent public space (e.g. frontage sidewalk) not being shoveled or treated. As a result, over time, volunteers and/or staff have made a habit of taking care of this relatively small handful of areas. He stressed the importance, however, of the Town not making it standard practice to do this for areas where the owners/tenants are present and/or have the means of fulfilling their responsibility or it will simply overwhelm staff capabilities.

Ms. Jovanovich addressed the issue of ice in River Mill Park raised by Councilmember Fithian. She noted that during events in the park the Town would certainly take care of that issue, but that it has not been Town policy to treat the paths and boardwalk in the normal course of business. This is largely a staffing capacity and timing issue. She noted that not long after the Town staff arrive temperatures often rise and address ice issues before they can even be investigated.

Councilmember Fithian encouraged use of CARES Act funds for treating paths. Other councilmembers expressed reservations about the appropriateness of using CARES Act funds for that purpose. Councilmember Holloway asked that the path in River Mill Park at least be evaluated for treatment, since it was originally envisioned and installed as an unpaved path. Mayor Porta suggested he and staff discuss potential options to address this at a future meeting.

Councilmember Fithian asked about the Town's legal liability for ice on River Mill Park paths. The Town Attorney responded that it would be quite unlikely that the Town would be found to have engaged in gross negligence, which would be the standard if one assumed that sovereign immunity did not apply.

b. Town Attorney

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

9. REGULAR BUSINESS**a. Resolution to Approve Timed Parking Plan**

Councilmember Perkins moved to approve R-2021-02 adopting the Timed Parking District Plan as outlined in the Town Manager's staff report dated December 31, 2020 and to authorize the expenditure of \$6,000 for signage, educational materials, permits, and other products or services necessary or convenient for the implementation of the plan. Seconded by Vice Mayor Loges.

During discussion Councilmember Perkins noted that he believes the plan is a significant step toward addressing the Town's parking challenges and that he is particularly pleased that it is being evaluated as part of a larger, comprehensive initiative on parking challenges. Councilmember Perkins thanked the various parties involved in the development of the timed parking plan. This included the Planning Commissioners involved over time (Ms. Kisling, Mr. Somma, Mr. Hawkins, and Ms. Loges), Chief Linn and the Town police, the Guild leadership and other members of the business community, Town staff, and Mayor Porta.

Councilmember Perkins noted that the data collected thus far indicates that the vast majority of parkers would be adequately accommodated by a 3-hour street parking limit. Given, however, that only 3-5% of parkers stay between 3-4 hours, he felt it prudent to go ahead with the 4-hour, 8-hour, and 20 minute schema, for which members of the business community have advocated. Additionally, he noted that he also supports the addition of 8-hour spots in the western end of Town as members of the business community have also advocated. These are all reflected in the Town staff recommendation. Mr. Perkins noted that as the Town grows and as data is collected the Town should reevaluate the system on a regular (e.g. annual basis).

Vice Mayor Loges echoed Councilmember Perkins's comments and expressed appreciation for the collaboration of the community with staff and councilmembers, noting Ms. Merklein's cooperation in particular. She noted that maintaining a vibrant business district is important to everyone as it helps keep our residential real estate taxes low. While in her view the data supports 3-hour street parking, she indicated that 4-hours "feels right" for Occoquan and strikes a reasonable balance.

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

Nays: None.

Mayor Porta thanked the Council for their unanimity on the vote. He indicated that he agrees with Councilmember Perkins that the data supports the notion that a 3-hour street parking limit would generate more exposure for Town businesses, but that given the small number of parkers that would be affected, the intangible benefits of extending the time limit to 4 hours favor its adoption.

He also noted that while there are a great many people to thank for this, including staff, other council members, and members of both the business and residential community, he wanted to

particularly thank Councilmember Perkins for his efforts. Mayor Porta remarked that this has been an issue long under discussion as necessary for the longer-term health of the Town, but that it really took someone willing to put in the time and effort, largely behind the scenes, to research and evaluate options over a period of years to make it happen. That is something that Councilmember Perkins took upon himself to do as chair of the Planning Commission. The Mayor noted that over the almost twenty years that he has lived here he has known a number of people who have done great service on the Planning Commission; under Mr. Perkins, however, he feels that both as individuals and as a body the Planning Commission has been more engaged, diligent, and productive than at in any time in the recent past.

b. Request to Authorize Occoquan Artisan Market Events.

Ms. Jovanovich briefly summarized the request. Councilmembers expressed their appreciation to Ms. Little for her efforts. Vice Mayor Loges noted that she looks forward to learning more details in the future and encouraged reviewing the idea of a vendor area and alternatives to an entrance fee.

Councilmember Holloway moved to authorize staff to plan and execute the Occoquan Artisan Market events as proposed in the attached memo dated December 31, 2020. Councilmember Fithian seconded. Motion passed unanimously by voice vote.

10. CLOSED SESSION

Before entertaining a motion to go into closed session Mayor Porta advised members of the community in the audience to feel free to communicate the result of the vote on the timed parking program and not feel compelled to wait until the Town has disseminated information. In response to questions he noted that enforcement would not begin until March and that questions in the interim should be directed to the Town Manager. Ms. Merklein thanked the Council again for taking into consideration concerns expressed by the community.

Vice Mayor Loges moved that the Council convene in closed session to discuss as permitted by Virginia Code § 2.2-3711(A)(1) a personnel matter involving assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of the Town, specifically dealing with the Treasurer position, and; as permitted by Virginia Code § 2.2-3711(A)(3), a matter involving disposition of publicly held real property specifically involving 200 Mill Street, because discussion in an open meeting would adversely affect the Town's bargaining position. Seconded by Councilmember Fithian. Motion passed unanimously by voice vote.

The Council went into closed session at 8:01 p.m.

The Council came out of closed session at 8:26 p.m.

Vice Mayor Loges moved 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 in a closed session under the provisions of the Virginia Freedom of Information Act as cited in that motion. Seconded by Councilmember Perkins.

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

Nays: None.

11. DRAFT RFP FOR 200 MILL STREET AND PERSONNEL MATTER

No action was taken on the draft RFP for 200 Mill Street.

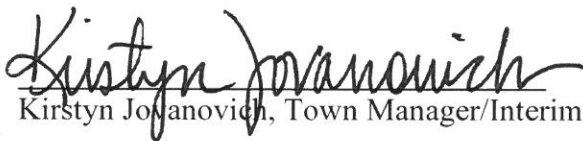
Councilmember Perkins moved adoption of Resolution R-2021-01 to Rescind R-2020-06. Vice Mayor Loges seconded.

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

Nays: None.

12. ADJOURNMENT

The meeting was adjourned at 8:29 p.m.



Kirstyn Jovanovich, Town Manager/Interim Town Clerk