



OCCOQUAN TOWN COUNCIL
Meeting Minutes
Town Hall – 314 Mill Street, Occoquan, VA 22125
Tuesday, February 2, 2021
7:00 p.m.

- Present:** Mayor Earnie Porta; Vice Mayor Jenn Loges (remotely); Councilmembers Krys Bienia, Cindy Fithian (remotely), Laurie Holloway, and Eliot Perkins
- Staff:** Kirstyn Jovanovich, Town Manager/Interim Town Clerk; Adam Linn, Chief of Police; Julie Little, Events and Community Development Director; Martin Crim, Town Attorney (remotely); Bruce Reese, Town Engineer (remotely)

1. CALL TO ORDER

Mayor Porta called the meeting to order at 7:10 p.m. Due to illness, Vice Mayor Loges and Councilmember Fithian participated remotely from the hospital and from home, respectively, in accordance with Town ordinances. The Town Attorney and Town Engineer participated remotely.

2. PLEDGE OF ALLEGIANCE

3. CITIZENS TIME

No one spoke at Citizens Time.

4. SPECIAL PRESENTATION

- a. Resolution of Recognition for Cathy Campbell

Mayor Porta read a resolution honoring the late Cathy Campbell. **Councilmember Fithian moved adoption, Councilmember Perkins seconded. Ayes: Vice Mayor Loges, Councilmember Bienia, Councilmember Fithian, Councilmember Holloway, and Councilmember Perkins, by roll call vote.**

Nays: None.

Mayor Porta presented a framed copy of the resolution to Merchants Guild representative Betsy Merklein.

5. CONSENT AGENDA

- a. **January 19, 2021 Town Council Meeting Minutes**
b. **Request to Appoint Town Representative to Bull Run ASAP Board**

Councilmember Perkins moved approval of the items on the Consent Agenda. Vice Mayor Loges seconded. Motion passed unanimously by voice vote.

6. MAYOR'S REPORT

Mayor Porta reported on the following items:

- On January 21, 2021, he and Ms. Jovanovich participated in a virtual meeting of the Greater Prince William Trails Coalition, where he had been invited to speak on the subjects of the Town's canoe/kayak ramp and the trail on the Town's Tanyard Hill Park property.

- On January 30, 2021, he participated with Ms. Little in a ribbon cutting for the new business, “Forever Young.”
- He noted that he is still awaiting a response from ParkMobile regarding the use of their parking app for parking on private property in Occoquan.

Mayor Porta addressed three items related to the Mill at Occoquan application that had been raised with him and that he wanted to discuss publicly to help dispel related misinformation that might exist.

First, he noted that the applicant for the Mill at Occoquan is not requesting “variances,” which can only be granted by the Board of Zoning Appeals and are based on undue hardship. Instead, the applicant is requesting special exceptions (special use permits), which are permitted uses under the Town Code provided they are subjected to public hearings and approved by the Town Council.

Second, he explained that he had learned that some individuals believe it was inappropriate for members of the Planning Commission to have draft resolutions prepared in advance of their recent hearing and vote concerning the Mill at Occoquan special exception requests. He noted that this is not, in fact, inappropriate at all, but is a common and responsible way to prepare for votes on complicated issues – a practice that is probably familiar to those who have watched land use matters at the County level. In fact, he pointed out, the Town Council packets typically contain draft motions and resolutions on relevant issues. Such advance draft resolutions, often prepared by staff, are particularly important in situations where a special use permit request is under consideration since any approval granted with conditions needs to have those conditions stated in a legally enforceable manner. Similarly, denials may need to articulate a legally permissible basis for denial. As a result it is quite common, he remarked, to have one or more resolutions drafted in advance, which are then modified if need be (as happened at the Planning Commission) or that members decide not to offer, based on discussions occurring at the meeting. Far from being inappropriate, in other words, the preparation of draft motions or resolutions in advance is the most responsible way to deal with complicated issues like special exception requests.

Third, Mayor Porta noted that despite third-party representations he has heard to the contrary, while individual business owners may have made comments in favor or in opposition to the Mill at Occoquan project, to the best of his knowledge the business community in the form of the Merchants Guild has taken no position whatsoever on the project.

7. COUNCILMEMBER REPORTS

There were no reports by Councilmembers.

8. BOARDS AND COMMISSIONS

Councilmember Perkins noted the work involved in the multi-year effort devoted to the analysis of the Mill at Occoquan special exception requests and expressed his appreciation to the Planning Commission members, Town Attorney, Town Engineer, Town Manager, and the people of Occoquan who have participated. He noted that the last, in particular, contributed substantially to improvements in the proposed project over the series of approximately a dozen iterations. Mr. Perkins explained that going forward the Planning Commission will be focusing on a review of the Comprehensive Plan and on starting discussions with the entities working on AlpineX and the north Woodbridge project, with the goal of minimizing potential negative impacts and maximizing benefits to Occoquan.

ARB Chair Seefeldt noted that the ARB had not met since the last meeting. Mayor Porta thanked Ms. Seefeldt for reaching out to relevant ARBs in other jurisdictions for professional development and consultation.

9. ADMINISTRATIVE REPORTS

a. Town Manager

The meeting agenda included a written report from the Town Manager, who solicited questions from the Council.

Mayor Porta noted that the report shows that the Police Department staff have donated the equivalent of more than a full year FTE of voluntary time to the Town, for which he wanted to express his appreciation.

Mayor Porta also asked if the Council wished to direct staff to begin the process of consulting with VDOT on the impact of converting Commerce Street to two-way traffic between Washington and Union Street. He noted that although this would cause the loss of eight (8) parking spots, that should be more than compensated for by the implementation of the Town's comprehensive 3-part approach for addressing the long-term parking problems in Town: (1) free timed-parking to move longer-duration parkers to lots, (2) the construction of a parking facility to increase the overall availability of parking, and (3) partnering with private property owners to make their unused space available for app-based public parking, thus also increasing the overall availability of parking. After discussion, the Council agreed to direct staff to begin this examination, with Councilmember Holloway confirming that this did not mean that the Council was approving making a change to two-way traffic on Commerce Street at this time.

b. Town Treasurer's Report

Ms. Jovanovich presented the Treasurer's report. Mayor Porta noted that revenues and expenses appear to be tracking expectations. Mayor Porta also noted that Ms. Jovanovich had explained the increase in IT expenses and indicated that most of it was covered by CARES Act funds.

c. Town Attorney

The Town Attorney presented a written report and solicited questions.

Mayor Porta noted for the Town Council that the Virginia State Senate had passed a bill that would move all municipal elections to November. He and other members of the Town Council expressed the view that they are not in favor of this change and discussed potential options if the bill ultimately becomes law. One option would be to move the years in which Town elections are held so they do not coincide with the most partisan or crowded elections (e.g. presidential election years or the year before the presidential elections when there are 30+ races on the ballot). This would require a charter change and might entail going to 4-year cycles as is done in Towns like Dumfries.

10. REGULAR BUSINESS

a. Request to adopt an Ordinance to Amend the Town Code Generally Relating to Parking and Traffic Control

Ms. Jovanovich noted that Ms. Fithian had stepped away.

Councilmember Perkins moved to adopt Ordinance O-2021-01 amending the Town Code generally relating to parking and traffic control. Councilmember Bienia seconded.

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

Nays: None.

Absent from Vote: Councilmember Fithian

b. E-Summons Implementation

Mayor Porta asked for unanimous consent to add to the agenda an item requested by staff regarding implementation of an e-summons system. There being no objection the item was added to the agenda.

Chief Linn explained the benefits of the system and that the matter was being brought to the Council since the dollar amount exceeds \$500.

Vice Mayor Loges moved approval of expenses for the e-summons system. Councilmember Holloway seconded. Motion passed unanimously by voice vote.

c. Planimetric Survey/Draft Pavement Striping Plan

Ms. Jovanovich explained that staff is looking for guidance on what particular characteristics for parking spaces they would like to see in a final plan that will be submitted to the council for adoption and subsequent submission to VDOT. The key considerations for which guidance is being sought are: (1) stall width, (2) angled or straight parking, (3) availability of motorcycle spaces, and (4) 2-way traffic on Commerce Street between Washington and Union Streets. Mr. Reese reviewed various sample options. Mayor Porta also solicited the views of audience members Betsy Merklein, Pam Konwin, Brenda Seefeldt, and Walt Seiberling. With regard to stall width, Councilmembers noted that increasing stall-width of on-street parking would result in a loss of parking spots, but would in no way ensure that larger spots would not be taken up by smaller vehicles (e.g. Town could not reserve for non-compact cars). Audience members expressed a general desire to retain stall width (rather than lose spaces) and supported angled parking.

After a lengthy discussion Council directed staff to proceed with a plan that incorporates the following characteristics: (1) maintain existing stall width of on-street parking (lot-parking stall width is larger), (2) implement angled parking in areas where parking is currently straight-in, (3) add designated motorcycle parking spaces, (4) show plans with and without 2-way traffic on Commerce Street between Washington and Union Street.

11. CLOSED SESSION

Councilmember Holloway moved that the Council convene in closed session to discuss as permitted by Virginia Code § 2.2-3711(A)(1) a personnel matter involving consideration of candidates for appointment, specifically dealing with the Town Treasurer position, and as permitted by Virginia Code § 2.2-3711(A)(3), a matter involving disposition of publicly held real property specifically involving the Visitors Center, and as permitted by Virginia Code §

2.2-3711(A)(7), consultation with legal counsel pertaining to probable litigation involving a former Town employee, and as permitted by Virginia Code § 2.2-3711(A)(8), consultation with legal counsel regarding a specific legal matter requiring the provision of legal advice by such counsel, relating to the Mill at Occoquan special exception applications. Seconded by Councilmember Perkins. Motion passed unanimously by voice vote.

The Council went into closed session at 8:21 p.m.

The Council came out of closed session at 9:50 p.m.

Councilmember Holloway 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.

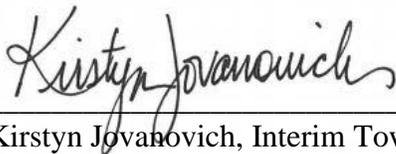
12. APPOINTMENT OF TREASURER

Mayor Porta asked for unanimous consent to add to the agenda the appointment of a new Treasurer. There being no objection, the item was added.

Councilmember Holloway moved to adopt Resolution R-2021-04 to appoint Manuel Casillas as Town Treasurer effective February 7, 2021. Cindy Fithian seconded. Motion passed unanimously by voice vote.

13. ADJOURNMENT

The meeting was adjourned at 9:52 p.m.



Kirstyn Jovanovich, Interim Town Clerk