



OCCOQUAN TOWN COUNCIL
Meeting Minutes - DRAFT
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, September 7, 2021
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: Kirstyn Jovanovich, Town Manager; Martin Crim, Town Attorney; Sara Fila, Zoning Administrator (remotely); Adam Linn, Chief of Police; Manuel Casillas, Town Treasurer; Michele White, Town Clerk; Julie Little, Events Director

1. CALL TO ORDER

Mayor Porta called the meeting to order at 7:03 p.m.

2. PLEDGE OF ALLEGIANCE

3. CITIZENS' TIME

No one spoke at Citizens' Time.

4. SPECIAL PRESENTATIONS

- a. Request to Adopt Resolution of Appreciation and Recognition to Ms. Betsy Merklein on the Occasion of her Retirement.

Councilmember Fithian moved to adopt the Resolution. Councilmember Perkins seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Bienia, Councilmember Fithian, Councilmember Holloway, Councilmember Perkins

Nays: None.

- b. Request to Adopt Resolution of Remembrance of the 20th Anniversary of September 11th

Vice Mayor Loges moved to adopt the Resolution. Councilmember Fithian seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Bienia, Councilmember Fithian, Councilmember Holloway, Councilmember Perkins

Nays: None.

- c. FY 2020 Draft Financial Audit Presentation

Mr. Michael Moran from Robinson, Farmer, Cox Associates, PLLC presented the completed Independent Auditors' Report for FY20. Councilmember Fithian asked that the town's population be updated on Page 10 of the draft report.

5. CONSENT AGENDA

- a. July 6, 2021 Meeting Minutes
- b. Request to Accept DMV NHTSA Highway Safety Grants
- c. Request to Accept FYE 2020 Financial Audit
- d. Request to Approve Site Plan SP-2021-006, 102 Poplar Lane
- e. Request to Approve an Encroachment License with 203 Union Street LLC

Councilmember Perkins moved approval of the Consent Agenda. Councilmember Holloway seconded. Motion passed unanimously by voice vote.

6. MAYOR'S REPORT

Mayor Porta reported the following:

- On July 11, he participated in the Ribbon Cutting for Zorba's Greek Restaurant.
- On July 22, he met with the Trowel Garden Club President, regarding projects they would like to do in Occoquan.
- On July 23, he and Dr. Bienia staffed Trivia Night.
- On July 24, he gave an historic tour of Occoquan by water (SUP/Kayak) to the Belmont Bay Paddlers Club.
- On July 31, he participated in the Ribbon Cutting for the new store Leaf & Petal.
- On August 3, he participated in the Town's National Night Out event.
- On August 5, he spoke about Town issues and activities with the ROMEO (Retired Old Men Eating Out) group from River Ridge.
- On August 10, he met with Mike Stoupa of the County's Tourism Office and a tour vendor interested in including the Town on one of their itineraries.
- On August 15, as part of Discover Occoquan he ran the Duck Splash race, which raised almost \$4,000. The Mayor was assisted on the day of the event by our police, his wife, Ms. Jovanovich, and Harrison Jovanovich.
- On August 20, he participated in the Ribbon Cutting for Anewed Soul Designs.
- Also on August 20, he attended the surprise retirement party for Betsy Merklein.
- On September 1, Ms. Jovanovich, Ms. Little, and he met with some interested parties about re-opening the Mill House Museum for Saturdays and Sundays.
- On September 3, he participated in the ribbon cutting for the new LOVE sign reveal – artistic work done by local artist Marisela Rumberg.
- On September 3, he led a historic tour of the Town as part of the County's annual historic town's program.
- On September 5, he had the pleasure of attending *Midsummer Night's Dream* at River Mill Park.
- In closing his report, the mayor noted the following:

- he plans to make a future request that the Council consider whether or not to establish an enforcement mechanism for the Town’s property maintenance code, which some residents have been requesting.
- staff will be bringing forward for consideration a zoning text amendment regarding flexibility for single story residences on Commerce Street that will require referral to the Planning Commission.
- he will be establishing a Team Occoquan for this year’s ACTS I Walk.

7. COUNCILMEMBER REPORTS

Vice Mayor Loges, and Councilmembers Bienia, Holloway and Perkins had no reports.

Councilmember Fithian attended National Night Out, the LOVE sign reveal, the Duck Splash, and Midsummer Night’s Dream. She suggested the installation of a bench at the Kayak Launch Ramp.

8. BOARDS AND COMMISSIONS REPORTS

Brenda Seefeldt reported that the Architectural Review Board (ARB) approved two exterior elevation applications in August and provided an update on the ARB Guidelines.

Councilmember Perkins reported that the Planning Commission has been busy updating the Comprehensive Plan. He stated that part of this is a community plan to make the Town a more attractive and walkable community. He thanked Planning Commissioner Ryan Somma and Ms. Jovanovich in their efforts in developing the community plan and updating the comprehensive plan.

He stated that the Planning Commission recommended approval of two site plans.

Mayor Porta asked for unanimous consent to move up on the agenda Item 10D.

10D. Request to Approve Updated Architectural Review Board Design Guidelines

Councilmember Holloway made a motion to approve the revised Architectural Review Board Design Guidelines as presented. Councilmember Perkins seconded the motion. Motion passed unanimously by voice vote.

9. ADMINISTRATIVE REPORTS

a. Administrative Report

Mayor Porta asked Ms. Jovanovich about the construction status of the intersection improvements and the timing of the Tanyard Hill Road paving. Ms. Jovanovich stated that the intersection improvement project is tentatively planned to occur around November and VDOT has advised the Tanyard Hill Road is on schedule for paving in October. The Town has not yet received construction schedules or dates for either of these projects.

Mayor Porta asked about real estate tax delinquencies and asked about the enforcement process. The Town Attorney stated to ask whether Prince William County also has delinquencies on those properties and if so, that the County will take care of it by taking the property owner to court. He also stated that if the County taxes are paid, but Town taxes are not, then it could be simply a matter of reaching out to the property owner. Mayor Porta asked that the Town Manager and Town Treasurer make these a priority.

Mayor Porta commented on the quality of the police and maintenance reports in the Town Council agendas and thanked Ms. Jovanovich and Chief Linn.

Councilmember Perkins asked about the remaining CARES Act Funds. Ms. Jovanovich stated that around \$5,000 is remaining. Some of these funds will be dedicated towards additional masks and hand sanitizer. All CARES Act funds must be disbursed by December 31, 2021.

Vice Mayor Loges stated that she has noticed graffiti under the bridge and asked staff to keep an eye out for this.

b. Town Treasurer Report

Mr. Casillas provided a written Treasurer's report.

Vice Mayor Loges asked about the Profit and Loss (P&L) ending FY21 and stated that we appear to be ahead of the budget in terms of taxes, fines and licenses. She asked about the amount that we were over budget in expenses. Mayor Porta stated that most of these expenses are CARES Act expenses and are covered by CARES Act funds. Mayor Porta also noted that for FY 2021 staff managed the budget exceptionally well, so that the net result was better than the adopted budget even though they had to absorb some substantial unanticipated expenses.

c. Town Attorney

Mr. Crim provided a written report. There were no questions.

10. REGULAR BUSINESS

Mayor Porta stated that on tonight's agenda is a request for a zoning text amendment to make the Town's site plan process administrative since site plans are generally ministerial in nature. As a result, the Town Council will not see future site plans, except in cases where the applicant requests exceptions to the Town Code.

a. Request to Approve Site Plan SP-2021-005, Occoquan Beer Garden

Councilmember Perkins made a motion to approve Site Plan SP-2021-005 dated July 1, 2021, last revised August 25, 2021. Councilmember Holloway seconded the motion. Motion passed unanimously by voice vote.

b. Request to Approve Site Plan SP-2021-008, 301 Commerce Street

Councilmember Holloway made a motion to approve Site Plan SP-2021-008 dated July 22, 2021. Councilmember Fithian seconded the motion. Motion passed unanimously by voice vote.

c. Request to Set Public Hearing Date for Town Charter Update

Councilmember Perkins made a motion to advertise a public hearing for the proposed Charter amendments for October 5, 2021. Councilmember Fithian seconded the motion. Motion passed unanimously by voice vote.

e. Request to Adopt Resolution to Refer Subdivision and Site Plan Amendments to the Planning Commission, Relating to Land Development Process

Councilmember Holloway made a motion to adopt Resolution R-2021-11 to refer subdivision and site plan amendments to the Planning Commission for its recommendation after public hearing. Councilmember Fithian seconded the motion. Motion passed unanimously by voice vote.

f. Request to Allow Installation of a Historic Marker within the Town Addressing Valentine Peyton

Councilmember Fithian made a motion to allow the installation of a historic marker within the Town of Occoquan addressing Valentine Peyton, and direct the Town Manager to work with the Peyton Society of Virginia in identifying an appropriate location. Councilmember Perkins seconded the motion. Motion passed unanimously by voice vote.

Mayor Porta requested that the minutes reflect that he had worked with the Peyton Society and the head librarian at RELIC to determine whether or not records indicated that Valentine Peyton had held enslaved individuals on his properties. While it is expected that he did, there are no records (e.g. wills, census, tax, etc.) to document this. Consequently, the Society has not mentioned it in the marker text.

g. Request to Appoint Members to the Board of Zoning Appeals

Vice Mayor Loges made a motion that the Town Council recommend the following appointments: Vicky Somma for a term ending January 31, 2026; Jim Drakes for a term ending January 31, 2022; Nick Roper for a term ending January 31, 2023; Walt Seiberling for a term ending January 31, 2024; and Liz Quist for a term ending January 31, 2025. Councilmember Perkins seconded the motion. Motion passed unanimously by voice vote.

h. Request to Appoint a Member to the Planning Commission

Councilmember Perkins made a motion to appoint Ralph Newell to serve on the Planning Commission for a four-year term, effective September 7, 2021. Vice Mayor Loges seconded the motion. Motion passed unanimously by voice vote.

11. CLOSED SESSION

Vice Mayor Loges made a motion that the Council convene in closed session to discuss the following as permitted by Virginia Code § 2.2-3711 (A)(1), a personnel matter involving: performance, specifically dealing with the Town Manager, and as permitted by Virginia Code § 2.2-3711 (A)(3), a matter involving: acquisition of real property for public purposes; Councilmember Holloway seconded the motion. The motion passed unanimously by voice vote.

The Council went into closed session at 8:22 p.m.

The Council came out of closed session at 8:53 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 Holloway. The motion passed unanimously by roll call vote.

The meeting was adjourned at 8:55 p.m.



Michele L. White, Town Clerk