



# OCCOQUAN TOWN COUNCIL

## Meeting Minutes

Town Hall - 314 Mill Street, Occoquan, VA 22125

Tuesday, October 18, 2022

7:00 p.m.

**Present:** Mayor Earnie Porta; Vice Mayor Jenn Loges; Councilmembers Cindy Fithian and Eliot Perkins

**Absent:** Councilmembers Robert Love and Laurie Holloway

**Staff:** Adam Linn, Chief of Police/Interim Town Manager; Philip Auville, Town Clerk; Matt Whitmoyer, Management Fellow; Julie Little, Events Director; Manual Casillas, Town Treasurer; Martin Crim, Town Attorney (remote); Bruce Reese, Town Engineer (remote)

### 1. CALL TO ORDER

Mayor Porta called the meeting to order at 7:00 p.m.

### 2. PLEDGE OF ALLEGIANCE

### 3. CITIZENS' TIME

No one spoke during citizens' time.

### 4. CONSENT AGENDA

a. September 20, 2022 Meeting Minutes

b. Request to Set a Public Hearing on Zoning Text Amendments to Add a Definition of "Multilevel Parking Structure" and to Amend Town Code § 157.121 to Permit Structured Parking with a Special Use Permit in the B-1 Zoning District

c. Request to Adopt Support Resolution for VMS Application

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

### 5. MAYOR'S REPORT

Mayor Porta reported the following:

- On September 16<sup>th</sup>, he emceed Trivia Night in River Mill Park.
- On September 17<sup>th</sup>, he provided a history tour of Occoquan for a coach group brought by Starr Tours.
- On September 24<sup>th</sup> and 25<sup>th</sup>, he participated in the Fall Arts & Craft Show. He offered his thanks to Julie Little and staff for a job well done.
- On October 5<sup>th</sup>, he participated in the annual Tree Planting ceremony as part of our Tree City USA activities.
- On October 15<sup>th</sup>, he participated in the 45<sup>th</sup> anniversary celebration of Artists' Undertaking Gallery.

Mayor Porta recognized Chief Linn for the recent award he received from the Virginia Association of Chiefs of Police. Chief Linn and 7 other chiefs/former chiefs received the award for "exemplary leadership that

positively impacts Policing across the Commonwealth.”

## 6. COUNCILMEMBER REPORTS

Councilmember Perkins advised that he was requesting Potomac Riverkeeper Network representatives attend the November 1, 2022, Town Council meeting to make a presentation on water quality monitoring in the Occoquan River and on their *50 Million Mussel Project*. There were no objections from Town Council or staff on having this presentation at the next Town Council meeting.

Councilmember Fithian noted the success of the Fall Arts & Craft Show, and the popularity of Imagination Alley. She also participated in the Tree Planting ceremony with the Mayor and Town staff.

Vice Mayor Loges noted that she is continuing to work with Town staff on reviewing the IT proposals.

## 7. BOARDS AND COMMISSIONS

Councilmember Perkins reported that the Planning Commission met on September 27<sup>th</sup>. He stated that the Planning Commission is continuing to move forward on the Occoquan Riverwalk Vision Project. He also indicated that they are continuing to engage with the leadership of Alpine X.

Architectural Review Board (ARB) Chair Seefeldt reported that the ARB met on September 27<sup>th</sup> and reviewed and approved one exterior elevation application. She noted that the ARB rediscussed updating the ARB Guidelines on solar facilities to be approved by the Town Council.

## 8. ADMINISTRATIVE REPORTS

### a. Administrative Report

Mr. Linn provided a written report as part of the agenda packet and responded to brief questions from the council.

Mayor Porta thanked Mr. Linn for providing weekly administrative updates.

Vice Mayor Loges asked about the progress of the VDOT punch list. Mr. Linn responded that he is working with VDOT and met with them last week. He noted that the last two punch list items are water pooling at Washington Street and Mill Street, and the damaged curbs from paving along Mill Street. VDOT has advised that the contractor (Branscomb) will be repairing the curbs by the end of November before the contract is up with VDOT. He is still waiting to hear back on the water pooling issue, which VDOT and Branscomb are discussing with Prince William County.

Councilmember Perkins asked for an update on the VDOT Block the Box repainting. Mr. Linn responded that he contacts the VDOT representative weekly on the issue of repainting and adding signs which hang off the lights and was recently advised that they are waiting on the traffic engineers.

Vice Mayor Loges asked about the business that was showing a six-month Meals Tax delinquency in the Administrative Report. Mr. Linn replied that all businesses were brought current as of the council meeting; however, the one business who was originally showing six-month delinquent only paid the estimated meals tax due as estimated by the Town Treasurer and had not reported actual sales. Mr. Casillas confirmed that the business fulfilled what was in the Town Code by paying what was estimated but not their actual amount based on sales per month. Mr. Casillas advised that he

emailed the business requesting the actual monthly sales numbers by the end of the week. Mr. Linn added that the estimates are based off previous months and that staff have not received any reports.

Vice Mayor Loges also noted that she wanted to make sure the Mill at Occoquan was aware of the limitations that apply to demolition, noting in particular regulatory requirements related to Osprey. Mr. Linn responded that they are aware of the issue. Councilmember Perkins expressed a preference for relocating any vacant osprey nests rather than destroying them. Mr. Linn advised that staff would research the matter.

**b. Town Treasurer's Report**

Mr. Casillas provided a written report as part of the agenda packet. There were no questions.

Mayor Porta highlighted that the increase in net assets relative to last year is due to ARPA funds.

**c. Town Attorney Report**

Mr. Crim provided a written report as part of the agenda packet. There were no questions.

**9. REGULAR BUSINESS**

**a. Request to Adopt Revised Architectural Review Board (ARB) Exterior Elevation Guidelines**

Mayor Porta requested clarification that the first set of redlined Guidelines were the ARB's version responding to the recommendations given to them and that the second set of redlined Guidelines were those prepared by the Town Attorney. Mr. Linn responded that was correct.

At the request of Mayor Porta, Mr. Crim discussed the differences between the two sets of redlined Guidelines. Mr. Crim starting with section "15. Skylights," indicating that the ARB set of Guidelines only state, "An application for a skylight must be based on a historical example." Mr. Crim advised that his version of the guideline is, "An application for a skylight must either (i) be based on a historical example from the period 1736 through 1928 or (ii) show installation in a location not visible from the adjacent right-of-way."

Mayor Porta clarified that under the Town Attorney's version the historical example is narrowed down to a specific date range consistent with the town's history. Mr. Crim confirmed that was correct.

Mr. Crim then discussed the differences under section "18. Solar Facilities (Photo Voltaic Systems). Under the Attorney's version, he kept the first two sentences from the ARB version the same, "Solar Facilities (Photo Voltaic Systems) are allowed in the Town of Occoquan even though they are not historically accurate. Solar facilities are permitted on contributing structures only if the panels are made of materials that closely match the color of the existing roof and panels are mounted flush with the roof." The third sentence of the ARB version, "The solar facilities should be located as inconspicuously as possible", was replaced with, "Solar facilities are permitted on non-contributing structures if mounted flush with the roof and gray, black, or silver in color." Mr. Crim noted that this would give property owners and developers an idea about what would be approved. He removed the statement requiring a permit from Prince William County since that statement is not necessary to the Guidelines.

Chair Seefeldt noted that the ARB didn't include roof colors since that might be too limiting. She also noted that they had taken "inconspicuously as possible" from the Town of Leesburg's ARB Guidelines. She also stated that the architect on the ARB noted that having a building permit was required and wanted to let people know in the guidelines as well.

Councilmember Perkins noted that having color limitations would be too limiting and there could be limitations to the colors of solar panels from manufacturers. Mr. Crim recommended amending the Attorney version of the guidelines to say, "gray, black, or silver in color, or if they match the existing roof color." Council was in agreement to amend the last sentence of the Town Attorney's version of the guidelines to read "gray, black, silver, or if they match the existing roof color."

**Councilmember Fithian moved to approve the Town Attorney's recommended revisions to the Architectural Review Board Design Guidelines with the immediately above modification.**

**Councilmember Perkins seconded. Motion passed unanimously by roll call vote.**

**Ayes:** Vice Mayor Loges, Councilmember Fithian, and Councilmember Perkins

**Nays:** None

**b. Request to Increase the McKenzie Drive Sidewalk Not-To-Exceed Limit**

Mayor Porta noted that there is a phosphorus fee for the land disturbance and associated engineering fees, which would increase the amount from \$140,000 to \$158,000.

**Councilmember Perkins moved to approve an increase in the SLFRF Funds for the McKenzie Street Sidewalk project of \$18,000 to a revised not-to-exceed amount of \$158,000. Vice Mayor Loges seconded. Motion passed unanimously by roll call vote.**

**Ayes:** Vice Mayor Loges, Councilmember Fithian, and Councilmember Perkins

**Nays:** None

## 10. DISCUSSION ITEMS

Mayor Porta noted that he was moving the River Mill Park Proposals to the end of the Discussion Items.

**a. 2023 Event Calendar**

Mr. Linn noted that National Night Out still needed to be added into the calendar of events for August 1, 2023. Mr. Linn then advised there were a few events that the town was not engaging in because the Occoquan Business Partnership decided not to hold them in 2023. Those events are Chocolatefest and Shop Late both in February. Discover Occoquan will now only be two days rather than a weeklong event. Due to a lack of interest and support from the businesses, Taste of Occoquan will not occur in 2023. Plays in the Park are also not scheduled for 2023 due to staffing limitations but may return in future years.

Councilmember Perkins wanted to know if it was accurate that some events being removed were due to a lack of interest from businesses and if they planned on adding any events to replace the events removed. Mayor Porta added for clarity that these events were run by the Occoquan Business Partnership and not the Town. Mr. Linn responded that they have not added any events to replace events that were removed.

Vice Mayor Loges noted a concern due to the amount of resources and staffing hours required to run events, especially with events in June, and wanted to make sure staff was not being over extended. Ms. Little responded that she enjoys running the Trivia Night events and that she takes into account the amount of time needed to run all of these events and plans ahead to coordinate timing of the events with the Craft Shows. Vice Mayor Loges noted that the Town has a lot of weekend events and asked what are ways that visitors and residents can be enticed to come into historic district during the weekdays. Councilmember Perkins suggested having Tap Takeovers at local restaurants as a way to bring people in, with the town only needing to advertise such events. Vice Mayor Loges and Councilmember Perkins will continue to brainstorm ideas to present to Ms.

Little.

**b. VDOT Foot Bridge Closure for Repairs**

Mr. Linn responded that he wanted to make it clear to Council and users of the Nathaniel Ellicott Foot Bridge that starting next week the foot bridge would be closed for up to two weeks to replace the top two layers of the bridge and the railroad timbers. Signs will go up October 19, 2022, noting the closure from October 24, 2022, to November 4, 2022.

**c. Town Public Address System**

Mr. Linn noted that staff had received a suggestion to improve public communication during events such as RiverFest and the Fall Arts and Crafts Shows. Staff has investigated public address systems within the Historic District, particularly on Mill Street. The least expensive solution would cost approximately \$4,500 to \$6,000. Mr. Linn indicated that the public address system was not included in the FY23 budget. Mr. Linn advised that staff is looking into grant opportunities but most of these would not be available until 2024. Mr. Linn asked for council direction as to how to proceed if council would like a public address system for RiverFest 2023.

Mayor Porta noted that as the fiscal year progresses, we could see where to pull funds in the budget. Councilmember Perkins asked what type of system staff was considering as an option. Mr. Linn responded that it would be speakers wired on utility poles along Mill Street. This would require permission from Dominion and the speakers would be permanently up.

Councilmember Perkins asked if there would be a cost increase in using wireless speakers. Mr. Whitmoyer responded that the cheaper option is using a wired system and that the system proposed was by JBL using weatherproof speakers. Mr. Whitmoyer advised that the issue with wireless isn't the price but the ability to connect to the speakers due to a limited range and the terrain throughout town.

Mayor Porta instructed staff to look into getting some proposals and try to demo the systems. Vice Mayor Loges expressed interest in having alerts for events happening with opt in text alerts that could be adaptable to other events.

Mr. Linn responded that staff is working on providing text alerts using the Everbridge system. He indicated that it was partially used during the Fall Arts and Crafts Show for weather alerts to vendors. Everbridge will be implemented by RiverFest 2023 for text alerts.

**d. River Mill Park Playground Proposals**

Mr. Whitmoyer provided a presentation to the Town Council on River Mill Park Playground Proposals.

Mayor Porta asked what the annual Maintenance on a playground would be. Mr. Whitmoyer responded that it would be minimal, and we wouldn't have to mulch the ground. Councilmember Perkins asked if there would be a warranty on the playground. Mr. Whitmoyer responded that the playground would come with a warranty.

Councilmember Perkins asked if Fairfax Water is fine with us moving forward with a playground in River Mill Park. Mr. Linn responded that they are fine with a playground being constructed as long as they received construction drawings that would show that the structure underneath could support the weight. He also indicated that if the waterproof membrane needed to be cut that it had

to be constructed the same as the pavilion. Mayor Porta also asked if there would be a change in liability insurance for the Town for construction and maintenance of a playground. Mr. Linn advised staff would research the answer.

Based on consent from Town Council, Mayor Porta recommended that staff focus on upper tier playgrounds and come back to council with another presentation with total costs presented in the context of a full ARPA project list. Mayor Porta indicated the full list would help council determine where a playground fits relative to other priorities for ARPA funds.

## 11. ADDITIONAL BUSINESS

Mayor Porta asked council to add an additional business item to be voted upon. There being no objection, the item was added.

The Mayor noted that some time ago the Interim Town Manager had written a memo proposing means of addressing any potential conflicts of interest associated with the Town Clerk now being his step-son. At a prior meeting in closed session the Town Council had discussed the substance of the memo. Mayor Porta was now requesting a formal vote to document the Council's approval of the procedures proposed by the Interim Town Manager.

**Councilmember Fithian moved to approve the procedures outlines in the memo from Adam Linn to Mayor Porta of 8/16/2022 regarding employment and supervision of relatives. Vice Mayor Loges seconded. Motion passed unanimously by roll call vote.**

**Ayes:** Vice Mayor Loges, Councilmember Fithian, and Councilmember Perkins

**Nays:** None

## 12. CLOSED SESSION

**Vice Mayor Loges moved 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: assignment, appointment, promotion, performance, demotion, salaries, discipling, or resignation of specific public officers, appointees, or employees of the Town; specifically dealing with the Interim Town manager. Councilmember Perkins seconded. Motion passed unanimously by voice vote.**

The Council went into closed session at 8:20 p.m.

The Council came out of closed session at 8:33 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. The motion passed unanimously by roll call vote.**

**Ayes:** Vice Mayor Loges, Councilmember Fithian, and Councilmember Perkins

**Nays:** None

## 13. ADJOURNMENT

The meeting was adjourned at 8:34 p.m.



Philip Auville, Town Clerk