



OCCOQUAN TOWN COUNCIL

Meeting Minutes

Town Hall - 314 Mill Street, Occoquan, VA 22125

Tuesday, December 6, 2022

7:00 p.m.

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

Absent: None

Staff: Adam Linn, Chief of Police/Interim Town Manager; Philip Auville, Town Clerk; Matt Whitmoyer, Management Fellow; Julie Little, Events Director; Manuel Casillas, Town Treasurer; Jason Forman, Deputy Chief of Police; Martin Crim, Town Attorney (remote); Bruce Reese, Town Engineer (remote); Sara Fila, Town Zoning Administrator (remote)

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Mayor Porta presented plaques of appreciation to outgoing Councilmembers Robert Love and Laurie Holloway and thanked them for their service to the town.

3. CITIZENS' TIME

No one spoke during citizens' time.

4. CONSENT AGENDA

a. November 1, 2022 Meeting Minutes

b. Request to Adopt a Resolution Approving Rappahannock Regional Criminal Justice Academy Charter Change

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

5. MAYOR'S REPORT

Mayor Porta reported the following:

- On November 9th, he attended the Annual Occoquan River Safety Forum.
- On November 14th, he joined the County's Committee on the 250th anniversary of the American Revolution.
- On November 15th, he participated in the Fairfax Water plant and dam tour along with members of Council.
- On November 16th, he met with the director of Occoquan Regional Park about partnership opportunities.
- On November 17th, he participated in a meeting of LOCA/Pelt.
- On November 18th, he served as the keynote speaker for the Leadership Prince William Emerging Leaders program graduation ceremony.

- On November 19th, he participated in a ribbon cutting for a new business, Earth Addiction. He also participated in the Towns' Tree Lighting and Shop Late Event.
- On December 3rd, he brought Santa to Town by boat for the Holiday Artisan Market.

Mayor Porta noted that he sent letters to Congressman Connelly thanking him for being our representative, and to The Computer Doctor for their years of IT service to the Town.

Mayor Porta stated that he was approached by a local Jewish Community Group to hold a Hanukkah menorah lighting ceremony in Town. He noted that the Town restricts private displays on the Town Hall lawn due to space concerns, but indicated he felt that a dedicated area in River Mill Park for such displays, under appropriate time and space restrictions, would be appropriate. The community group indicated that they would purchase and donate a menorah to the town for use in an annual lighting ceremony as a yearly lighting event, and Mayor Porta recommended accepting their offer and noted that he would handle organizing the lighting ceremony.

Councilmember Fithian stated that she approves having the lighting of the Menorah. Councilmember Holloway stated she approved and recommended adding a sign in River Mill Park about the display area noting its designation. Vice Mayor Loges stated that she approved of the lighting and added that this should occur during Hanukkah each year. Councilmember Love asked Mr. Linn if there would be any security concerns and noted he supports the lighting ceremony idea. Mr. Linn replied that there are not any security concerns and that the police do nightly patrols of the park. Councilmember Perkins stated that he approved as well.

Mayor Porta directed staff to develop a policy for unattended displays in River Mill Park. He further noted that when developing a policy, a time frame and how long displays can be in the park should be included.

Mayor Porta reminded Council that the volunteer dinner is December 12th at Madigan's Waterfront.

Mayor Porta made Council aware that the Town has received a request from Delegate Sewell for any requests from Town that would go before the Virginia Legislature. Mayor Porta noted that one request is to ask for funding for our stormwater system. Vice Mayor Loges noted that the 599 funding to supplement public safety has certain restrictions regarding its use for salaries and suggested that a change be requested for small towns and cities under 3,500 residents. She also suggested a one-time formula adjustment would be appropriate. Mayor Porta asked Vice Mayor Loges to draft up a request for him to use in crafting a request to our General Assembly representatives.

Mayor Porta mentioned that John Amodia is sponsoring a caroling event at Grind N Crepe on December 10th starting at 7pm.

Mayor Porta also noted that in the past, gift cards were given to staff during the Holiday season. Council approved of having gift cards given to staff.

6. COUNCILMEMBER REPORTS

Councilmember Perkins stated that he enjoyed the events during HolidayFest and volunteering.

Councilmember Holloway thanked the ARB Chair Seefeldt for welcoming her to the ARB commission before she joined Council. She also thanked everyone in Town for trusting her to serve on the Council and noted the love she has for the town. She noted the work on getting a kayak ramp installed, mentioned that the police force is a model for other forces, and asked the Council to continue being a guardian of the river and environment here in Town.

Councilmember Love noted that he attended the tour of Fairfax Water plant and dam. He also noted that his last official act will be attending the White House Electrification Summit on December 14th.

Vice Mayor Loges thanks Councilmembers Love and Holloway for their service and stated that she had learned a lot from them.

Councilmember Fithian thanked Councilmembers Love and Holloway for their service to the Town.

7. BOARDS AND COMMISSIONS

Councilmember Perkins reported that the Planning Commission did not have a meeting in November.

Architectural Review Board (ARB) Chair Seefeldt reported that the ARB did not have a meeting in November. Ms. Seefeldt asked Council for their opinion on an ARB Application for a request to use vinyl railings on a porch. Mayor Porta replied that there did not appear to be grounds for denying such an application since there was no restriction on such porch railings in the town code or ARB guidelines. Mayor Porta noted that there appear to be a number of structures in the historic district with vinyl porch railings. There are also, he noted, vinyl fences, which are specifically prohibited; one was recently installed, in fact, at 202 Mill Street and appeared to have come before the ARB. Town Staff will review the latter.

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 mentioned the Community Flood Preparedness Fund Grant request and asked if there is an update to when awards will be made. Mr. Linn replied that awards are going out after December 1st on a rolling basis.

Mayor Porta mentioned that he has received two complaints on the width of McKenzie Road with the sidewalk now in place. He had spoken to staff on the issue and staff has talked to the Town Engineer. Once construction is complete and the centerline is painted each lane will be approximately 10 feet in width, which exceeds the VDOT requirement.

Mayor Porta asked if there will be loud noise from construction once Fairfax Water begins laying the new pipes under the river. Mr. Linn replied that they don't know yet, but it will depend on the amount of rock to be drilled through.

Vice Mayor Loges asked about the DEQ ARPA Wastewater Funds Appropriation project only receiving one RFP Response. Mr. Linn replied that he is confident in the company and met the vendor with Councilmember Love. Councilmember Love noted that this vendor has a good track record on projects that are much larger in scope than this one.

Vice Mayor Loges recommended a 2022 calendar year review of parking enforcement. Mr. Linn replied that he can submit a report. Vice Mayor Loges also recommended to put a QR Code on the dock fee box for electronic payments.

Vice Mayor Loges asked if there was any ridership information on the shuttle bus for the Holiday

Artisan Market. Ms. Little replied that ridership was full and had good feedback from users.

b. Town Treasurer's Report

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

Mayor Porta reminded everyone that there is an increase in total funds as a result of the ARPA money being received earlier in the year.

Mayor Porta asked if we have received all or only half of the ARPA money. Mr. Linn replied that we have received all of the funds. Mayor Porta noted that the balance sheet assets are only around \$300,00 higher than last year at the same time and asked if we had received part of the money in the last fiscal year. Mr. Linn replied that there were two payments and we had received one payment in the prior fiscal year.

Vice Mayor Loges considered having financial reviews at the mid-month meetings to be able to see finances in a more timely manner. Mr. Linn replied that staff will look into providing mid-month statements.

Mayor Porta asked if there is a penalty for late meals tax. Mr. Casillas replied that there is a late penalty fee of 10%.

c. Town Attorney Report

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

Councilmember Holloway asked about the as-built plans on number two in the report. Mr. Crim replied that the as-built plans are in regard to Rivertown Overlook, which need to be provided to be released from the bond.

9. REGULAR BUSINESS

a. Request to Adopt a Resolution to Refer Zoning Map Amendments to the Planning Commission

Mayor Porta noted that the first step in allowing parking facilities in Town was to amend the town's Comprehensive Plan to permit parking structures in town generally, which has been completed. The next step is to ensure zoning of relevant parcels is in accord with the Comprehensive Plan. Prior to its recent amendment, the Comprehensive Plan already had parcels relevant to a parking facility designated as B-1; the zoning of those parcels, however, was not in conformance with the Comprehensive Plan. By this action Council will refer the relevant zoning map amendments to the Planning Commission. Additionally, the Council will be referring to the Planning Commission an adjustment to the Comprehensive Plan and rezoning from B-1 to R-3 of the residences on Myrtle Place, consistent with their current and intended future use. The result of these changes would finally fully update the town's Comprehensive Plan as it applies to the historic and business districts, and bring all the zoning in those areas into conformance with the Comprehensive Plan.

Councilmember Holloway moved to adopt Resolution R-2022-13 to refer a zoning map amendment to the Planning Commission for its recommendation after public hearing. Councilmember Fithian seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Love, Councilmember Fithian, Councilmember Holloway, and Councilmember Perkins

Nays: None

b. Request to Adopt a Resolution to Refer Zoning Map and Comprehensive Plan Amendments to the Planning Commission

Councilmember Perkins moved to adopt Resolution R-2022-14 to refer a comprehensive plan amendment and a zoning map amendment to the Planning Commission for its recommendation after public hearing. Vice Mayor Loges seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Love, Councilmember Fithian, Councilmember Holloway, and Councilmember Perkins

Nays: None

c. Request to Adopt Ordinance to Update Title III: Administration, Chapters 31 Through 32 of the Town Code to Amend and Recodify the Chapters as a Whole for the Purpose of Updating and Addressing Changes Necessitated by the Charter Change

Mayor Porta asked if this makes the code conform to what's in the Town Charter. Mr. Linn replied that is correct and added that there is an increase from \$500 to \$1,500 limit for individual expenditures requiring approval from Town Council.

Vice Mayor Loges asked if the wording at 32-06 Section B, the third line says, "as the Town Council believes", should be changed to "as the Town Manager believes". Mr. Crim replied that the wording of Town Council is correct. Vice Mayor Loges also asked if the wording under Town Officers Section 9, under the Town Engineer, says, "the Town Engineer will assist the Mayor and Town Council", should change to the Town Manager. Mr. Crim confirmed that is correct.

Councilmember Love moved to adopt Ordinance O-2022-06 with the following changes: to change the Town Engineer will assist the Mayor and Town Council to the Town Engineer will assist the Town Manager. Councilmember Perkins seconded. Motion passed unanimously by voice vote.

d. Request to Execute Contract for IT Services

Mr. Linn thanked Vice Mayor Loges, Mr. Whitmoyer, and Mr. Forman for taking the time to review the proposals. Mr. Linn added that 40 vendors responded, 20 came out to visit, and 16 submitted a proposal. Vice Mayor Loges added that this review was comprehensive, and the key was reaching out to different groups.

Vice Mayor Loges moved to execute the attached contract with Digicon, Inc. for IT support services. Councilmember Holloway seconded. Motion passed unanimously by voice vote.

e. Request to Execute Contract for DEQ ARPA Funds Occoquan River Stormwater Sediment Removal (Dredging)

Councilmember Love noted that this project started back in 2019 with a bathymetric survey. Sediment removal would occur at the cauldron at Gaslight Landing and at 101 Poplar Lane. Both sites needed to receive their own set of permits from the Army Corps of Engineers and from the State of Virginia's Department of Environmental Quality. Three vendors visited and only one submitted a proposal. Councilmember Love also noted that there is a second contract which is a Threatened and Endangered Species Review that has to be completed. Councilmember Love noted that there will be a third contract for a post-bathymetric survey of the two sites and a fourth contract for site plans. The total amount for the project will be around \$260,000, and the current two contracts to be approved by Council totals around \$237,000. The project will last about a month long and is planned to get done during the winter before the shad run.

Mr. Linn noted that this will be brought back at the next Council meeting for a budget amendment for remainder of the funds.

Councilmember Fithian noted that the discrimination clause in our contracts is outdated and should be updated. Mayor Porta moved to have staff look at the clause with the Town Attorney.

Councilmember Holloway moved that the Interim Town Manager execute the attached contract with Lake Services, Inc. and approve an amount not-to-exceed \$150,000 to have stormwater sediment removed from the Occoquan River and authorize the Town Treasurer to submit the actual cost incurred for reimbursement from DEQ ARPA grant funds. Councilmember Perkins seconded. Motion passed unanimously by voice vote.

f. Request to expend DEQ ARPA Funds for Occoquan River Stormwater Sediment Removal (Threatened and Endangered Species Review)

Vice Mayor Loges moved to approve an amount not-to-exceed \$2,500 to have a Threatened and Endangered Species Review completed and authorize the Town Treasurer to submit the actual cost incurred for reimbursement from DEQ ARPA grant funds. Councilmember Holloway seconded. Motion passed unanimously by voice vote.

g. Request to Execute Contract for Marketing/ Sponsorship Services

Mr. Linn noted that the contract is to have sponsorship packages developed and potential sponsors solicited before RiverFest 2023 and for events in FY23.

All members of the Council expressed concerns about the proposal, noting in particular some differences between the details of the proposal and its summary, some confusion about what types of sponsors would be sought, and some work that seemed unnecessary, such as an event study. Accordingly, the staff was directed to seek out other proposals and discuss shortcomings or areas of confusion with the applicant whose proposal was submitted to Council.

10. DISCUSSION ITEMS

a. Field Revisions to Site Plan SP-2021-005(SPR-2022-005), Occoquan Beer Garden

Mayor Porta indicated that the reason this was being brought back to Council was because the Council had originally approved the site plan under previous code provisions and that there are proposed changes to the site plan that Council may want to question. Ms. Fila replied that they are still working with the developer on the property and haven't approved of any of the changes. The biggest change was the original site plan approved a True Grid system, which has been replaced with gravel.

Councilmember Perkins asked what stormwater steps are being taken now that the True Grid system is not being used. Ms. Fila replied that there isn't a discharge point on site for stormwater and the water will continue to flow off site. The issue is the water quality runoff. Since there is no True Grid system, more phosphorus will sheet flow off the site rather than be absorbed into the ground. Ms. Fila advised that that the developer would have to do nutrient credit purchase and show proof before any approvals can be done.

Vice Mayor Loges asked why the developer chose to use gravel instead of the True Grid system. The developer replied that they use gravel at their other locations and their architect told them it was good to use gravel, and the gravel costs less and is easier to maintain.

After discussion and with Council agreement, Mayor Porta directed staff to move forward on the site plan revisions.

b. Update on Facility Use and Special Events Fees

Mayor Porta noted that this was a request that he had made at a previous meeting.

Mr. Linn asked Mr. Whitmoyer to review the update. Mr. Whitmoyer advised that the update was made to address inconsistencies between the original Facility Use and Special Events policies, and to make the parks more accessible for people to use. The two main additions to the policy are for recurring events and for-profit competitive events, all to take place in River Mill Park.

11. ADJOURNMENT

Mayor Porta added that there are plans to give former Councilmember Krys Bienia the Volunteer Award at the Annual Volunteer Holiday Party.

Vice Mayor Loges moved to approve giving Krys Bienia the Volunteer Award. Councilmember Perkins seconded. Motion passed unanimously by voice vote.

The meeting was adjourned at 10:00 p.m.



Philip Auville, Town Clerk