



OCCOQUAN TOWN COUNCIL

Meeting Minutes

Town Hall - 314 Mill Street, Occoquan, VA 22125

Tuesday, January 17, 2023

7:00 p.m.

Present: Mayor Earnie Porta; Vice Mayor Jenn Loges; Councilmembers Nancy Freeborne Brinton, Theo Daubresse, Cindy Fithian, and Eliot Perkins

Absent: None

Staff: Adam Linn, Town manager / Chief of Police; 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); Sara Fila, Town Zoning Administrator (remote)

1. CALL TO ORDER

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

Mayor Porta and Town Council were officially sworn in prior to the start of the meeting. Mayor Porta reviewed for the new council the substance of emails he had sent to each member in the days leading up to the meeting covering: (1) public meeting rules and record preservation obligations, (2) training they are obligated to complete on Virginia's State and Local Government Conflict of Interests Act and Freedom of Information Act, (3) the rules of procedure for meetings, (4) the rules regarding remote participation, and (5) the process for communicating with staff.

2. PLEDGE OF ALLEGIANCE

3. CITIZENS' TIME

One resident, Walt Seiberling, spoke. He wished to thank the Town on the dredging project and noted the improvement to the river.

4. ELECTION OF VICE MAYOR

Mayor Porta requested nominations for the position of Vice Mayor.

Councilmember Perkins nominated Councilmember Loges for the position of Vice Mayor. Councilmember Loges accepted the nomination. The following Councilmembers voiced support of Councilmember Loges' nomination: Councilmember Freeborne Brinton, Councilmember Daubresse, Councilmember Fithian, Councilmember Loges, and Councilmember Perkins. Motion passed unanimously by voice vote.

5. PUBLIC HEARING

- a. **Public Hearing on CIP Budget Amendment for FY23 to Incorporate Coronavirus State and Local Fiscal Recovery Funds (SLFRF) and DEQ 2022 ARPA Appropriation Grant Funds Revenues and Projected Capital Expenses into the Capital Improvement Plan (CIP)**

Mayor Porta opened the public hearing at 7:23 p.m.

Mayor Porta invited the public to speak. No one spoke at the public hearing.

Mayor Porta closed the public hearing at 7:23 p.m.

6. CONSENT AGENDA

a. December 6, 2022, Meeting Minutes

b. December 20, 2022, Special Council Meeting Minutes

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

7. MAYOR'S REPORT

Mayor Porta reported the following:

- On December 9th, he attended a ribbon cutting for a new business in Town, Paradis Candles.
- On December 11th, he attended the Town volunteer dinner.
- On December 15th, he was a panel member at Leadership Prince William's Tourism and Economic Development Day session.
- On December 16th, he served as a judge for the Occoquan Pointe and Barrington Pointe holiday decorating contest.
- On December 17th, he participated in the Police Department's award dinner.
- On December 20th, he participated in the menorah lighting ceremony with Councilmember Love
- On January 6th, he participated in a meeting called by Woodbridge Supervisor Margaret Franklin regarding dredging requirements in various locations in the county.
- On January 17th, he participated in another meeting of the county's committee on the 250th anniversary of the American Revolution.

Mayor Porta noted that a town resident has a FEMA-designated flood zone on their property and was interested in having it removed, potentially as part of a town-wide revision of FEMA maps. FEMA is in the process of completing a county-wide map revision, but such revisions are not detailed at the parcel level and consequently would not address the situation for the town resident. The town engineer confirmed that to address such parcel-specific concerns, FEMA does have a revision process that individual parcel owners can pursue at their expense. Information on this has been provided.

Mayor Porta mentioned that at a prior council meeting concerns were expressed about limitations on the use of public safety 599 funds, in particular restrictions regarding their use for personnel costs. Mayor Porta agreed to contact the area's representatives in the state legislature to request that a change in the law be implemented for towns under 3,500 residents. Upon sending such a letter on the subject, State Senator Scott Surovell's office contacted the mayor the same day and put him in touch with an analyst on the Senate Finance and Appropriations Committee. The latter, working with the state's Department of Criminal Justice Services (DCJS), who administers the 599 funds, confirmed that the town's interpretation of the regulations was overly restrictive. Although the funds cannot be used to supplant public safety personnel costs that would otherwise be funded, they can be used for salary increases and for new hiring. This satisfied the town's concern, and no additional legislation is necessary as a result. Mayor Porta expressed his appreciation for the very prompt response by both Senator Surovell, the committee staff member, and DCJS.

Mayor Porta noted that he and staff have been working with residents of Brawner's Farm Drive, who would like to increase the lighting at the start of and along the drive into their neighborhood. Mayor Porta asked the Town Council if it would be acceptable to offer that community free-of-charge one of the types of

solar lights currently being tested as streetlamps. The Council had no objection and Mayor Porta indicated that he may come back to the Council to suggest it fund the post for such a light that would be in the public right-of-way.

Mayor Porta asked for unanimous consent to add under Regular Business a Resolution of Appreciation for Mom's Apple Pie under Regular Business on the agenda. There was no objection and the item was added to the agenda.

8. COUNCILMEMBER REPORTS

Councilmember Perkins asked if staff could put out a Request for Proposal (RFP) or some information requesting documents for a proposed parking garage. Mayor Porta mentioned that he would like to talk with Mr. Linn and Mr. Crim before the next Council Meeting to prepare for the ultimate issuance of an RFP. Councilmember Perkins also asked to put on the next Council agenda an item to discuss improving signage at the Town entrances.

Councilmember Daubresse indicated that he was excited for his part in representing the Town.

Councilmember Fithian thanked Ms. Little for the volunteer party.

Vice Mayor Loges stated that she is excited to work with the two new members of Council and to continue working with the existing members.

9. BOARDS AND COMMISSIONS

Councilmember Fithian reported that the Architectural Review Board (ARB) met on December 13th and reviewed and approved two exterior elevation applications. Councilmember Fithian noted that she is resigning as the council representative on the Architectural Review Board (ARB). Mayor Porta asked for unanimous consent to add under Regular Business, appointment of a council representative to the ARB. There was no objection and the item was added to the agenda.

Councilmember Perkins reported that the Planning Commission met on December 13th. He noted that there is an upcoming public hearing and discussion on the proposed zoning change related to creating a parking garage.

10. 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.

Mr. Linn provided three additions to the Administrative Report. First, the Town received grant approval from the Virginia Department of Conservation and Recreation (DCR) for \$169,805 to map the stormwater system and develop a stormwater resiliency plan. The mapping and development of the resiliency plan gives the Town the ability to receive additional grants to upgrade the current stormwater system. Second, that on Monday, January 23rd there will be a Riverwalk Vision Meeting. Third, staff has moved forward on the Town Hall improvements and Walkers Heating & Air will be replacing the Town Hall's heating and air conditioning system in mid-February. Staff has reviewed several quotes and is finalizing with Window Nation to replace the windows and doors at Town Hall which will make it more energy efficient.

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 commended Mr. Casillas for sending out draft financial reports before the final report in the agenda.

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 noted that Bann Thai is delinquent on meals tax by several months and requested staff to follow up with enforcement.

c. Town Attorney Report

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

Mr. Crim noted that the Beer Garden has not been paying rent.

Mayor Porta asked if there is penalty for not paying rent.

Mr. Linn replied that the previous Town Manager had given the tenant a rent extension to January 1st since they have not opened in 2022.

Mayor Porta asked Mr. Crim if they continue to give an extension could the Town have assurance they would have to pay back unpaid rent.

Mr. Crim replied that there will need to be an addendum to the lease to pay back once they open.

Mayor Porta directed Mr. Linn and Mr. Crim to work on a lease extension and an addendum to have the past due rent paid once they opened.

Mr. Crim commented on the issue of strategic planning for the Town. A brief discussion was held on holding a retreat to discuss strategic long-term planning or whether to do such planning during Council meetings. Mayor Porta recommended to the other Council members that they decide at the next Council Meeting on whether to talk about Town goals and the comprehensive plan during Council Meetings, or to hold a retreat for Council to discuss these topics.

11. REGULAR BUSINESS**a. Request to Appoint to the Architectural Review Board (ARB) a Town Council Representative**

Councilmember Fithian nominated Councilmember Daubresse to represent the Town Council on the Architectural Review Board (ARB). Councilmember Daubresse accepted the nomination.

Councilmember Fithian moved to nominate Councilmember Daubresse as the Town Council representative to the Architectural review Board (ARB). Councilmember Perkins seconded. Motion passed unanimously by voice vote.

b. Request to Adopt a Resolution of Appreciation for Mom's Apple Pie

Mayor Porta read publicly the Resolution of Appreciation for Mom's Apple Pie.

Vice Mayor Loges moved to adopt a Resolution of Appreciation for Mom's Apple Pie. Councilmember Fithian seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Daubresse, Councilmember Fithian, Councilmember Freenborne Brinton, and Councilmember Perkins

Nays: None

c. Request to Amend the Fiscal Year 2023 Capital Improvement Program Budget

Vice Mayor Loges moved to adopt Ordinance O-2023-01 to amend the Fiscal Year 2023 Capital Improvement Plan, as presented in the budget amendment amount of \$1,032,704 in expenditures and \$1,032,704 in revenue and appropriate the funds for the expenditures shown in the budget amendment. Councilmember Daubresse seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Daubresse, Councilmember Fithian, Councilmember Freenborne Brinton, and Councilmember Perkins

Nays: None

12. DISCUSSION ITEMS**a. Budget Priorities for FY24**

Mr. Linn provided a presentation on budget priorities for fiscal year 2024 covering Community Development and Programming, Historic Preservation and Town Appearance, Parking Management, Public Safety, Stormwater Management, and Economic and Pandemic Recovery.

b. RiverFest Boat Parade Benefits for Occoquan River Conservation

Mr. Linn explained that Town staff is seeking Council's guidance on whether to use a certain percentage of the proceeds from the RiverFest *Whatever Floats Your Boat* parade to help participate in the Potomac Riverkeeper Network's *50 Million Mussel Project* and the river water quality testing.

Mayor Porta with Council agreement indicated that staff could advertise that proceeds will go towards this project.

13. 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, disciplining, or resignation of specific public officers, appointees, or employees of the Town; specifically dealing with the Town Manager. Councilmember Fithian seconded. Motion passed unanimously by voice vote.

The Council went into closed session at 9:00 p.m.

The Council came out of closed session at 9:25 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 Love. The motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Daubresse, Councilmember Fithian, Councilmember Freeborne Brinton, Councilmember Perkins

Nays: None

14. BUSINESS AFTER CLOSED SESSION

a. Resolution Appointing Adam Linn Town Manager and Chief of Police

Councilmember Perkins moved to appoint Adam Linn Town Manager and Chief of Police retroactive to January 1, 2023, at the salary of \$115,000. Vice Mayor Loges seconded. The motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Daubresse, Councilmember Fithian, Councilmember Freeborne Brinton, Councilmember Perkins

Nays: None

15. ADJOURNMENT

The meeting was adjourned at 9:27 p.m.



Philip Auville, Town Clerk