



# OCCOQUAN TOWN COUNCIL

## Meeting Minutes

Town Hall - 314 Mill Street, Occoquan, VA 22125

Tuesday, June 6, 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; Julie Little, Events Director; Jason Forman, Deputy Chief of Police; Martin Crim, Town Attorney; Bruce Reese, Town Engineer (remote)

### 1. CALL TO ORDER

Mayor Porta called the meeting to order at 7:01 p.m.

### 2. PLEDGE OF ALLEGIANCE

### 3. CITIZENS' TIME

One Resident, Rod Loges, spoke. He wished to thank Ms. Little for RiverFest and Mr. Linn for providing the public safety during the event.

Mayor Porta asked for unanimous consent to move up on the agenda the request to vacate parking easement at the Townes of Occoquan Mills. There being no objection, the item was moved up on the agenda.

#### **Request to Vacate Parking easement at the Townes of Occoquan Mills**

Mr. Linn reported that the Townes of Occoquan Mills is a townhome community of 31 townhomes, where 8 of the townhomes have neither a garage nor driveway but rely on surface lots to park. The developer of the community granted a parking, utility, and sidewalk easement which included all surface parking spaces to the Town. The surface parking spaces are currently marked as reserved for the residents of the lots or for visitors, however, the reservations for residents without a garage or driveway are not enforceable by the HOA. The HOA is seeking to have the Town vacate the parking easement or to assign the specific parking spaces to the respective lot owners where the spaces are on the lots. If the parking easements are vacated those parking spaces would revert back to the townhome owners who don't have garages and driveway except for 1 townhome and there would then be 8 spots left over for the HOA to assign.

The following residents of the Townes of Occoquan Mills spoke on the parking issue and requested the easement be vacated or assigned: (1) Stacey Kennedy, (2) Trish Martinelli, (3) Caitlin Orr, (4) Michele Scott, (5) Stephanie Kurtz, (6) Amanuel Meaza and (7) Sherrin Christensen.

The Council then discussed proposing to vacate the parking easement and noted that one resident would have to be assigned parking spots since their lot doesn't fall on the parking easement for parking. Mayor Porta requested Mr. Eric Fox, the attorney representing the Townes of Occoquan

Mills HOA, draft a document to vacate part of the parking easement and assign two spaces to the one lot owner who did not have parking on his lot. Mayor Porta then asked that Mr. Fox provide the draft documents to Mr. Crim for review and then have the matter brought back before Council for action. The Town Attorney advised that depending on what was being done, there may be a requirement of a public hearing prior to any action by Council.

#### 4. PUBLIC HEARINGS

**a. Public Hearing on Zoning Text Amendment to Address the Use of Temporary Trailers for Real Estate Sales and Construction Uses Across All Zoning Districts**

Mayor Porta opened the public hearing at 7:35 p.m.

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

Vice Mayor Loges moved to close the public hearing at 7:35 p.m. Councilmember Perkins seconded. Motion passed unanimously by voice vote.

**b. Public Hearing on Zoning Text Amendment to Address Granting the Zoning Administrator Authority to Make Modifications from the Zoning Ordinance with Respect to Physical Requirements**

Mayor Porta opened the public hearing at 7:36 p.m.

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

Councilmember Daubresse moved to close the public hearing at 7:36 p.m. Councilmember Perkins seconded. Motion passed unanimously by voice vote.

**c. Public Hearing on Zoning Text Amendment to Remove § 157.335-157.339 and to Make Changes that Increase the Clarity of § 157.300-157.322 and that Streamline Administrative Permitting and Enforcement**

Mayor Porta opened the public hearing at 7:37 p.m.

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

Councilmember Fithian moved to close the public hearing at 7:37 p.m. Councilmember Freeborne Brinton seconded. Motion passed unanimously by voice vote.

Mayor Porta asked for unanimous consent to move up on the agenda the regular business items. There being no objection, the regular businesses items were moved up on the agenda.

#### 5. REGULAR BUSINESS

**a. Request to Adopt a Zoning Text Amendment Generally Relating to the Use of Temporary Trailers**

Vice Mayor Loges asked if the temporary trailers would be subjected to the sign guidelines if any signs are placed on the trailer.

Mr. Linn noted that was correct that any sign placed on or about the trailer would be subject to the sign ordinances.

**Vice Mayor Loges moved to adopt Ordinance O-2023-10 as presented. Councilmember Fithian seconded. Motion passed unanimously by roll call vote.**

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

**Nays:** None

**b. Request to Adopt a Zoning Text Amendment Granting the Zoning Administrator Authority to Make Modifications from the Zoning Ordinance**

Mr. Crim noted that not all properties within the Town meet the current zoning regulations due to properties being built before zoning regulations were in place. Zoning changes for a property that doesn't meet current regulations would therefore have to go before the Board of Zoning Appeals and this Ordinance will streamline any applications from having to go through that step for minor adjustments.

Councilmember Perkins advised that it could be used for up to a 10% change and that if someone wanted to contest the Zoning Administrators decision, this also provided a mechanism for appealing the decision.

**Councilmember Perkins moved to adopt Ordinance O-2023-11 as presented. Councilmember Daubresse seconded. Motion passed unanimously by roll call vote.**

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

**Nays:** None

**c. Request to Adopt a Zoning Text Amendment Generally Relating to the Sign Ordinance**

Mr. Linn noted that there are two versions of the Ordinance. The Architectural Review Board (ARB) recommends limiting the number of A-frame signage to one unpermitted sign per business, prohibiting A-frame signage being made from plastic and non-durable materials, and keeping "chalkboard" in the definition of A-frame signs. The Planning Commission version does not place a limit on the number of A-frame signage, does not limit the material that can be use, and removes the word "chalkboard" from the definition of A-frame signage.

Chair Seefeldt then spoke noting that keeping "chalkboard" in the definition and for limitations on materials to keep the look historic was one that occurred several times in the past and was part of the reason the ARB was established. Chair Seefeldt stated the recommendation for only one A-frame per business was the recommendation from the ARB Business Representative.

Councilmember Perkins noted that the Planning Commission did not specifically discuss the limitation of only one A frame and he agreed that the ARB changes made sense.

The Council discussed limiting the number of A-frame signs per business and came to unanimous agreement to restrict the number of A-frame signs to one.

**Councilmember Fithian moved to adopt Ordinance O-2023-12 as presented by the Architectural Review Board. Councilmember Perkins seconded. Motion passed unanimously by roll call vote.**

**Ayes:** Vice Mayor Loges, Councilmember Fithian, Councilmember Daubresse,  
Councilmember Freeborne Brinton, Councilmember Perkins  
**Nays:** None

## 6. CONSENT AGENDA

- a. **May 16, 2023, Meeting Minutes**
- b. **Request to Adopt Ordinance to Amend Section 35.041 Relating to Meal and Food Tax Rate**
- c. **Request to Adopt Ordinance to Amend Section 31.028 Entitled Remote Participation**

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

## 7. MAYOR'S REPORT

Mayor Porta reported the following:

- On May 6<sup>th</sup>, he attended the Leaf and Moss opening ribbon cutting.
- On May 7<sup>th</sup>, he participated in a bench dedication and memorial service in River Mill Park for the late Julian Reeves at the request of his widow, Deborah Reeves.
- On May 11<sup>th</sup>, he attended the opening of the Crisis Receiving Center in Woodbridge.
- On May 17<sup>th</sup>, he attended the retirement event for Jeff and Merial Curren.
- On May 19<sup>th</sup>, he gave a history bus tour of town to a group from Royal Tours.
- On May 20<sup>th</sup>, he held the third annual Occoquan River Paddle Challenge race that he organizes; went well with almost 70 registrants.
- On May 21<sup>st</sup>, he gave a history tour of town to members of the Gaslight Landing HOA.
- On May 24<sup>th</sup>, he attended the graduation ceremony in town hall for the newest class of auxiliary officers.
- On May 26<sup>th</sup>, he emceed the first Trivia Night of the season.
- On June 3<sup>rd</sup> and 4<sup>th</sup>, he participated in a variety of RiverFest related activities including the Occoquan Historical Society Auction, the Whatever Floats Your Boat Parade, and the Name the Island Contest.

Mayor Porta expressed his thanks to the staff for an excellent job during RiverFest. In particular, he wished to thank Julie, Adam, Matt, Philip, Jason and all the police. He also noted for the Council that in the days immediately up to and including the Friday before RiverFest the staff completed the installation of the new lights in town hall on their own, saving the town in the neighborhood of \$4,500.

## 8. COUNCILMEMBER REPORTS

Councilmember Perkin thanked staff for the quick clean up from RiverFest.

Councilmember Freeborne Brinton noted that she attended the opening of Leaf and Moss. She also mentioned that she is rejoining the Community Healthcare Coalition Greater Prince William Group.

Councilmember Daubresse noted that he attended the opening of Leaf and Moss, and attended the Retirement event for Merial and Jeff Curren from Patriot Scuba. He also wished to thank Julie for RiverFest and noted how special the Town is to have many volunteers for RiverFest be residents from Town.

Vice Mayor Loges noted that she attended the retirement event for Merial and Jeff Curren, and that she participated in RiverFest. She also noted that she attended a meeting with Mr. Linn, VDOT representatives, and Prince William County on the pedestrian safety issue at the Washington Street crosswalk just north of Edgehill Drive.

Councilmember Fithian noted that she attended the retirement event for Merial and Jeff Curren.

## **9. BOARDS AND COMMISSIONS**

Councilmember Perkins reported that the Planning Commission met on May 23<sup>rd</sup>. He noted that the Planning Commission continued to focus on the strategic plan for future directions of the Planning Commission.

Architectural Review Board (ARB) Chair Seefeldt reported that the ARB met on May 23<sup>rd</sup>, and the Board reviewed and approved one exterior elevation application. She noted that the ARB discussed the Sign Ordinance and choose a mural contest representative from the ARB.

## **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 gave a time frame on the future of the Washington Street crosswalk, indicating that it would be one to three months for changes to the streetlights and the addition of a new light and pole to be replaced at the crosswalk, about three years for a traffic chock or chicane to be approved and built, and about five years if all went well for a sidewalk extension to Edgehill Drive.

### **b. Town Treasurer's Report**

Mr. Casillas provided a written report as part of the agenda packet.

Mayor Porta mentioned the meals tax delinquencies and staff noted they are proceeding with enforcement.

### **c. Town Attorney**

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

## **11. DISCUSSION ITEMS**

### **a. Options for Increasing Town Storage**

Mr. Linn advised that staff were looking for Council direction on the storage options for Public Works and possibly Public Safety. He advised that public works and public safety currently use space at the Annex, the Mill Street building, and the area behind the Mill Street/Poplar Ally parking area. The space under River Mill Park is used for events and there is a need for additional storage.

Deputy Chief of Police Forman then discussed the options for additional storage. One option is to expand the space behind the dumpsters at the Mill Street/Poplar Ally and to add a shed for storage for things that needed to be locked up. The second option is to use the Town's property located on River Road. This location would help address long standing resident concerns on cut-thru foot traffic and littering in the area.

Vice Mayor Loges asked if there was concern about placing storage on the River Road property because it is remote. Mr. Forman advised that there would be a locked storage shed as well as

increased traffic by town staff.

## 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 Temporary Town Prosecutor and the Town Treasurer. Councilmember Freeborne Brinton seconded. Motion passed unanimously by voice vote.

The Council went into closed session at 8:50 p.m.

The Council came out of closed session at 8:57 p.m.

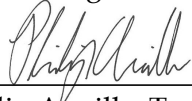
Vice Mayor Loges moved to certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed in a closed session under the provisions of the Virginia Freedom of Information Act as cited in that motion. Seconded by Councilmember Fithian. The motion passed unanimously by roll call vote.

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

Nays: None

## 13. ADJOURNMENT

The meeting was adjourned at 8:59 p.m.



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Philip Auville, Town Clerk