



# OCCOQUAN TOWN COUNCIL

## Meeting Minutes

Town Hall - 314 Mill Street, Occoquan, VA 22125

Tuesday, September 5, 2023

7:00 p.m.

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

**Absent:** None

**Staff:** Adam Linn, Town Manager / Chief of Police; Matt Whitmoyer, Deputy Town Manager; Philip Auville, Town Clerk; Julie Little, Events Director; Liz Quist, Interim Town Treasurer (remote); Jason Forman, Deputy Chief of Police; 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

Town business owner, David Ormsby of the Spot on Mill Street, spoke on having string lights from their building at 406 Mill Street to the buildings across the street where the Mill at Occoquan will be constructed. They reported that the developer has given them permission to attach the lights to the buildings.

Council directed staff to work with the owners of the Spot on Mill Street, for any VDOT or Town regulations that relate to the request to string lights across Mill Street.

Since there were no further citizen comments, Citizens' Time was closed.

Mayor Porta asked for unanimous consent to move up on the agenda Item 9B entitled the Request to Execute Artist Agreement for Rt. 123 Mural. There being no objection, the item was moved up on the agenda.

#### 9B. Request to Execute Artist Agreement for Rt. 123 Mural

Vice Mayor Loges moved that the Town Manager, upon review and approval by the Town Attorney, enter into an agreement with Alethea Marie Robinson to install a mural, based off the design agreed to by Town Council, at the intersection of Rt. 123 and Commerce Street for an amount not-to-exceed \$5,000. Councilmember Perkins seconded. Motion passed unanimously by voice vote.

### 4. CONSENT AGENDA

a. July 18, 2023, Meeting Minutes

b. Request to Adopt Resolution Recognizing Vulcan Materials Company for Service to the Occoquan Community

**c. Request to Execute Participation Agreement for IDSP**

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

**5. MAYOR'S REPORT**

Mayor Porta reported the following:

- On July 19<sup>th</sup>, he gave a familiarization tour of the Town to a group of tour operators from the County Tourism Office.
- On July 21<sup>st</sup>, he emceed Trivia Night in River Mill Park.
- On July 22<sup>nd</sup>, he attended the Patriot Diving ribbon cutting ceremony.
- On August 1<sup>st</sup>, he participated in the Community Partnership Breakfast, he attended the Golden Plum ribbon cutting ceremony, and he attended the National Night Out event.
- On August 13<sup>th</sup>, he ran the Duck Splash event.
- On August 18<sup>th</sup>, he emceed Trivia Night in River Mill Park.
- On August 24<sup>th</sup>, he attended the Marine Corps Professional Association Annual Dinner.
- On August 30<sup>th</sup>, he enjoyed the first pour at the opening of the Mill Street Draft Garden.

Mayor Porta noted that he would like to invite the Prince William County School Board Chair to a Council meeting to give a presentation on the school systems sustainability program.

Mayor Porta also expressed to staff to look at options for improving holiday lighting.

**6. COUNCILMEMBER REPORTS**

Councilmember Freeborne Brinton noted that she attended the Community Partnership Breakfast and National Night Out.

Councilmember Daubresse noted that he attended the Community Partnership Breakfast and he suggested having a social media professional come into a future Partnership Breakfast.

Vice Mayor Loges noted that she attended the Duck Splash and National Night Out.

Councilmember Fithian noted that she attended the September Concert in River Mill Park, attended the ribbon cutting at Golden Plum, and the Community Partnership Breakfast.

Councilmember Perkins noted that he attended the opening of the Mill Street Draft Garden.

**7. BOARDS AND COMMISSIONS**

Councilmember Perkins reported that the Planning Commission met on August 22<sup>nd</sup>. He noted that the Planning Commission focused on the Strategic Planning Update. Councilmember Perkin made a presentation of the themes and goals for the Planning Commissions Strategic Planning Update. He also noted that Daniel Moore of the Virginia Department of Environmental Quality (DEQ) gave a presentation on the Chesapeake Bay Preservation Act.

Architectural Review Board (ARB) Chairperson Seefeldt reported that the ARB met on August 22<sup>nd</sup>, and the board reviewed and approved one exterior elevation application. She noted that the ARB discussed and have sent to Council an update to the Exterior Elevation Design Guidelines (EEDG).

Mayor Porta asked for unanimous consent to move up on the agenda Item 9C entitled Request to

adopt Revised Architectural review Board (ARB) Exterior Elevations Design Guidelines. There being no objection, the item was moved up on the agenda.

**9C Request to Adopt Revised Architectural Review Board (ARB) Exterior Elevations Design Guidelines**

The Council reviewed the proposed ARB guideline entitled “Chapter 13 Porches” and discussed the differences between the ARB suggested edits and the Town Attorney’s suggested edits.

After discussion by the Council, Mayor Porta directed staff to work with the Town Attorney and the ARB to create a compromise between the two suggested edits.

**8. ADMINISTRATIVE REPORTS**

**a. Administrative Report**

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

Mr. Linn added to his written report by providing an introduction and report on Jean Humbrecht from Humbrecht Law, P.L.L.C., who was retained as the new Town Prosecutor.

Mr. Linn then provided answers to brief questions on the Administrative Report from Council.

Mayor Porta asked the Town Engineer Mr. Reese if delays in approval of the updated FEMA Flood Map will jeopardize people’s eligibility to apply for flood insurance.

Mr. Reese replied that it will not jeopardize people’s eligibility.

Mayor Porta noted that it would be good to have an open house for the community to ask questions and learn more about the Town Police.

Vice Mayor Loges asked if there were any updates for the Mill at Occoquan.

Mr. Linn replied that the Town is waiting on the developer to submit a demolition plan and engineering report prior to any demolition work.

Councilmember Daubresse asked for an update on the drainpipe on Mill Street.

Mr. Linn replied that once construction of the Mill at Occoquan begins, VDOT agreed to assist by constructing a stormwater pipe under Mill Street to mitigate the runoff water from Kiely Court.

**b. Town Treasurer’s Report**

The interim Town Treasurer, Mrs. Quist, provided a written report as part of the agenda packet.

Mayor Porta asked about the balance sheet fund balances.

Mrs. Quist replied that the SLFRF are being handled outside the balance sheets and has been changed in the official report.

Council asked if a chart could be added to see the effect of the meals tax increase by month and fiscal year.

Mr. Linn responded that staff would provide an update and include such a chart in the Administrative Report.

**c. Town Attorney**

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

Mr. Crim introduced Tolley Gwinn as an associate attorney and his backup at Sands Anderson.

**9. REGULAR BUSINESS**

**a. Request to Adopt Ordinance to Repeal Town Code Section 92.02 Through 92.10 and Adopt New Article 2 in Chapter 92, Generally Relating to Noise**

Mr. Linn noted that staff along with Vice Mayor Loges and the Town Attorney met to discuss a new noise ordinance and to review noise levels around town using a decibel reader. Mr. Linn noted that the decibel limit of eighty-five (85) dB(A) for daytime levels related to restaurants is based off of OSHA standards to protect hearing safety and that enforcement of the ordinance will be complaint based.

Mr. Linn explained that staff had taken multiple sound decibel readings throughout the town, including at Trivia Night, behind Madigan's Tiki Bar (with a singer and music), outside the Tap Room, on Poplar Alley between the VFW and the Salad Saloon (with a singer and music). That the highest reading recorded was 79.7 dB(A). Vice Mayor Loges mentioned that the sound inside the business would likely be louder so 85 dB(A) reading at the property line would likely be much greater closer to the sound source and unsafe for those closer to the sound. Mayor Porta asked Mr. Linn to confirm that the enforcement would be complaint based and Mr. Linn indicated it would be complaint based and that the sound enforcement, like speed enforcement, would have a leeway of 1 or 2 decibels.

After Council discussion, the eighty-five (85) dB(A) for daytime levels for restaurants was lowered to eighty (80) dB(A).

**Vice Mayor Loges moved to adopt Ordinance O-2023-14 to repeal Town Code Sections 92.02 through 92.10 and replace them with new Article 2 in Chapter 92 generally relating to noise with modification to lower daytime sound level from eighty-five (85) dB(A) to eighty (80) dB(A). Councilmember Freeborne Brinton seconded. Motion passed unanimously by roll call vote.**

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

**Nays:** None

**d. Request to Allocate and Appropriate Funds for Purchase of Public Works Utility Vehicle**

**Vice Mayor Loges moved to allocate and appropriate the funds received from the sale of existing Town vehicles for the purpose of purchasing a utility vehicle in an amount not-to-exceed \$9,000. Councilmember Fithian seconded. Motion passed unanimously by voice vote.**

**10. DISCUSSION ITEMS**

**a. Discussion on Replaining the Town Seal**

Mayor Porta discussed the need to adopt a new Town Seal that was more indicative of the Town and proposed that the Council consider a competition for the design of the new seal.

The Council directed staff to put together a competition for a new seal design, whereas the current Town Seal was adopted in 2008 and is based off an earlier design adopted in the 1980's.

**b. Discussion on Timed Parking Enforcement**

Mr. Linn included a staff report on parking enforcement in the Free Timed Parking District. Mr. Linn noted that as indicated in the staff report, there are three issues identified with timed parking enforcement: (1) the process of marking or "chalking" of vehicles, (2) lack of interest in parking enforcement officers, and (3) concerns for police officers engaging in timed parking due to safety and time requirements.

Mr. Linn also noted that he had recently received two applications for part-time parking enforcement officers.

After discussion, Council advised that the proposed solutions did not appear practical and asked staff to see if it was possible to use a product like ParkMobile for free timed parking. Council agreed that the best option is to continue with the part-time parking enforcement officers.

**c. Discussion on Riverwalk Vision Plan Report**

Mr. Linn briefed the Council on the draft report received for the Riverwalk Vision Plan from the Berkley Group. He noted that he, Deputy Town Manager Whitmoyer, and Councilmember Perkins met with the Berkely Group to go over parts of the plan that didn't meet expectations, and that a revised draft will be provided before the next Planning Commission meeting.

**d. Discussion on RMP Playground**

Mr. Whitmoyer presented a presentation of three proposals from two vendors for a playground in River Mill Park using SLFRF funds and to seek guidance from the Council on the type of playground and the budget.

After discussion, Council noted that a playground isn't feasible for the budget it will require but to look into play sculptures as an alternative to a playground.

**11. ADJOURNMENT**

The meeting was adjourned at 9:57 p.m.

  
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Philip Auville, Town Clerk