



OCCOQUAN TOWN COUNCIL

Meeting Minutes

Town Hall - 314 Mill Street, Occoquan, VA 22125

Tuesday, September 19, 2023

7:00 p.m.

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

Absent: None

Staff: Adam Linn, Town Manager / Chief of Police; Matt Whitmoyer, Deputy Town Manager; Philip Auville, Town Clerk; Jason Forman, Deputy Chief of Police; Bruce Reese, Town Engineer (remote)

1. CALL TO ORDER

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

Mayor Porta made four announcements. First, he noted that Councilmember Fithian had advised him in advance that she may need to temporarily leave the meeting and return. As a result of the advance notice he had advised her that at such time that she needed to go she should feel free to do so and not feel obligated to raise a point of privilege. Second, although no citizen's time is scheduled for the meeting, there are two members of the public who want to address the Council and assuming no one objected he was going to let them do so. Third, he noted that he has received the architectural design proposal for the potential Mill House Museum expansion and will forward it to Town Staff. Last, he mentioned that a Councilmember asked if he would be more aggressive in restricting any side commentary or interruptions during the meeting, so he planned to do so.

Town business owner, Donna Sherman of Puzzle Palooza, spoke on the sign ordinance changes that were adopted at the June 6, 2023, Council Meeting. Her concerns were about the code now only allowing one A-frame sign per business, which limits signage for business owners who don't have store frontage on a street.

Mayor Porta asked staff to review the issue and to follow up with Mrs. Sherman. Mayor Porta also explained that since the ordinance was brought forward by the Architectural Review Board (ARB), Mrs. Sherman may want to bring her concerns to the ARB to see if they would entertain possible changes to send to Town Council.

Town resident, Amy Barnes, spoke on having better police coverage and traffic control at Center Lane during the Fall Arts and Crafts Show.

Mayor Porta asked Mr. Linn if Center Lane could be made one way during the Craft Show.

Mr. Linn replied that VDOT would not permit Center Lane to be made one way since during the craft show it's the only traffic route to and from Union/Tanyard Hill Road and Ellicott Street. Mr. Linn asked Deputy Chief Forman who is in charge of traffic control during the Craft Show to speak.

Deputy Chief Foreman discussed the traffic issue from Riverfest and explained that it was caused by interstate 95 being shut down and traffic being rerouted down Rt. 123. He noted that for the upcoming craft show there is an increase in message boards to let traffic on Route 123 know that there is restricted access in Town as well as signage on Old Bridge Road and Tanyard Hill Road. He also noted that there is a contingency plan if traffic happens on Center Lane.

2. CONSENT AGENDA

The minutes of the meeting of September 5, 2023, were removed from the consent agenda to consider a modification related to discussion on the Regular Business item 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.

- a. **Request to Adopt Revised Architectural Review Board (ARB) Exterior Elevations Design Guidelines**
- b. **Request to Authorize Execution of Copier Contract with Commonwealth Digital Office Solutions**

Councilmember Fithian moved to moved approval of the consent agenda. Councilmember Freeborne Brinton seconded. Motion passed unanimously by voice vote.

3. REGULAR BUSINESS

a. September 5, 2023, Meeting Minutes

Mr. Linn advised that the Town Attorney recommended providing more detail in the minutes regarding Item 9a of the September 5th Town Council Meeting to avoid any challenge of arbitrariness. After reviewing the recordings, the following addition was proposed to Item 9a: "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."

Mayor Porta asked if there were any further changes.

Councilmember Fithian asked to make a change to her report to note that she attended the ribbon cutting for the Golden Plum.

The minutes of the meeting of September 5, 2023, were amended to include additional discussion on Regular Business item 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 and to add attendance at that ribbon cutting for the Golden Plum to Councilmember Fithian's report.

Vice Mayor Loges moved to approve the September 5, 2023, Meeting Minutes as amended. Councilmember Perkins seconded. Motion passed unanimously by voice vote.

b. Request to Adopt Amendments to Title III of the Town Code

Mr. Linn noted that the Town Attorney had two amendments to the ordinance. The first amendment is at § 35.024 to change the second reference to “churches” to “IRS-recognized religious entities” for consistency. The second amendment is at § 35.049 to remove the article and replace it with “No tax shall be imposed under this Article on items exempted from the tax as provided in Virginia Code § 58.1-3840,” to reflect the State Code and not require the Town to amend the code every time the State Code is changed.

Councilmember Perkins moved to adopt the amendments to Title III of the Town Code as amended. Councilmember Fithian seconded. Motion passed unanimously by roll call vote.

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

Nays: None

c. Request to Engage Prince William County Public Works for Stormwater Repairs

Councilmember Fithian moved to authorize the Town Manager to engage and contract with Prince William County to address and correct the sinkhole and related stormwater issues for an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00). Vice Mayor Loges seconded. Motion passed unanimously by roll call vote.

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

Nays: None

4. DISCUSSION ITEMS

a. Discussion on Riverwalk Access Extension

The Town Engineer proposed two alternatives for access to the Riverwalk from the gravel parking lot at 301 Mill Street. The first is to have a 5x5 foot wooden extension with stairs and the second is for a 65-foot wooden ADA ramp.

Councilmember Perkins asked Mr. Reese what the standard slope is for an ADA ramp.

Mr. Reese replied that it depends on where it is located and how long the ramp will be. Due to the short distance from the parking lot the slope would have to be 8.3% (percent) to go 60 feet and have a 5-foot landing area.

Mayor Porta noted that it would be a good idea to have a temporary exit from the Riverwalk at 301 Mill Street to stop people from cutting through private property or walk back away from shops.

Having an ADA ramp wouldn't be feasible due to it going into a gravel parking lot and that it is planned as temporary until the completed Riverwalk is built. Council was in unanimous agreement that the stair option would be best suited as a temporary solution.

Mayor Porta directed staff to begin discussions with the property owner of 301 Mill Street to allow a temporary exit from the current Riverwalk.

Bob Love, the President of the HOA at Gaslight Landing, noted reasons why having an exit would be a good idea. First, it would improve safety and security as people would be less inclined to jump private fences. Second, as an exit point during Town events. Third, to help direct people to more businesses on the other side.

b. Discussion on Holiday Decorations

Mr. Linn started the discussion by advising that it is to address concerns about the holiday decorations from the last holiday season. He noted that he has reached out to the group of former business owners in Town who in the past had installed the holiday decorations to see if they were willing help advise on the holiday decorations for this season. Staff has also reached out to the current contractor who will be installing the holiday decorations to increase the number of ornaments and lights on the Town Hall tree and around Town.

Mr. Linn proposed piloting new snowflake light fixtures on the utility poles, replacing some of the current wreaths that are installed during the holiday season. For the pilot the light fixtures would be every other pole on Washington and Mill Streets to get an idea how Town Council and residents react to the change.

Council directed staff to move forward with the piloting of the light fixtures.

5. 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)(3), discussion or consideration of the acquisition of real property for a public purpose specifically involving 404 McKenzie Drive, because discussion in an open meeting would adversely affect the City's bargaining position or negotiating strategy. And as permitted by Virginia Code § 2.2-3711 (A)(29), discussion of the award of a public contract for the mural contest involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the City Council. Councilmember Perkins seconded. Motion passed unanimously by voice vote.

The Council went into closed session at 7:51 p.m.

The Council came out of closed session at 8:10 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 Freeborne Brinton. The motion passed unanimously by roll call vote.

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

Nays: None

Vice Mayor Loges asked after Closed Session to direct staff to explore options to restrict the sale of THC based products in Town to be presented at the October 17th, Council Meeting.

6. ADJOURNMENT

The meeting was adjourned at 8:11 p.m.



Philip Auville, Town Clerk