



# OCCOQUAN TOWN COUNCIL

## Meeting Minutes

Town Hall - 314 Mill Street, Occoquan, VA 22125

Tuesday, November 8, 2023

7:00 p.m.

**Present:** Mayor Earnie Porta; Vice Mayor Loges, Councilmembers Cindy Fithian, Nancy Freeborne Brinton (remote), Theo Daubresse, 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; Jason Forman, Deputy Chief of Police; Liz Quist, Interim Town Treasurer (remote); 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.

As a result of personal matters, Councilmember Freeborne Brinton attended remotely from Columbus, OH.

### 2. PLEDGE OF ALLEGIANCE

### 3. CITIZENS' TIME

No one spoke during citizens' time.

### 4. CONSENT AGENDA

- a. October 3, 2023, Meeting Minutes
- b. Request to Adopt Veterans' Day Proclamation

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

Mayor Porta asked for unanimous consent to move item 10A Discussion on Limiting Sales of Certain Products in Town to the December 5<sup>th</sup> Town Council Meeting. There being no objection, the item was tabled until the December 5<sup>th</sup> Town Council Meeting.

Mayor Porta asked for unanimous consent to add to the agenda a Request to Reappoint a Member to the Architectural Review Board (ARB). There being no objection, the item was added to the agenda to be approved under the Boards and Commissions Report.

Mayor Porta asked for unanimous consent to move up on the Administrative Reports the Town Treasurer Report. There being no objection, the item was moved up on the agenda.

### 5. ADMINISTRATIVE REPORTS

#### b. Town Treasurer's Report

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

Mayor Porta noted that the cash flow issue has been resolved and that if straight lining the budget about twenty-five percent (25%) has been spent and anything greater than that are from upfront costs.

Mayor Porta asked on the revenues if there has been an increase in park rentals.

Mr. Linn replied that the number of rentals are similar to last year's, with more rentals occurring before the winter period.

## 6. MAYOR'S REPORT

Mayor Porta reported the following:

- On October 4<sup>th</sup>, he attended the dedication of a new bench in River Mill Park by the Woodbridge Women's Club.
- On October 17<sup>th</sup>, he was interviewed by Caleb Eklund for a Boy Scout Project.
- On October 19<sup>th</sup>, he served as the Program Day lead for the annual Leadership Prince William History & Government Day session.
- On October 19<sup>th</sup>, he attended the Good Scout Award Dinner.
- On October 20<sup>th</sup>, he emceed Trivia Night in River Mill Park.
- On October 21<sup>st</sup>, he attended the ribbon-cutting for Occoquan Outfitters.
- On October 24<sup>th</sup>, he attended the annual Arbor Foundation Tree Planting event in town.
- On October 25<sup>th</sup>, he assisted with the painting of the Haunted Maze.
- On October 26<sup>th</sup>, he gave a walking historic tour of town to two AARP groups.
- On October 27<sup>th</sup>, he attended the end of the Murder Mystery event in River Mill Park and assisted with cleanup and breakdown.
- On October 28<sup>th</sup>, he led the annual Costume Parade down Mill Street and emceed the costume judging contest.
- On October 28<sup>th</sup>, he staffed the Haunted Maze from 5:00 – 10:00 p.m. as a skull-lit zombie.
- On November 3<sup>rd</sup>, he emceed the last Trivia Night of the year in River Mill Park.
- On November 7<sup>th</sup>, he met again with WETA for some additional filming on a segment they are doing on Occoquan.

## 7. COUNCILMEMBER REPORTS

Councilmember Perkins noted that he along with Planning Commissioner Somma attended the 2023 Northern Virginia Recreational Trail Summit. He also expressed his appreciation to the police department for the large amount of volunteer hours provided to the Town.

Councilmember Daubresse noted the outreach for the Spirits & Spirits events in Town appeared to draw more people from outside the area into Town.

Vice Mayor Loges noted that she assisted a resident on addressing some trees that were overhanging on the resident's property. She thanked staff for their quick response to the issue. She also noted that she helped Town Staff by reviewing the ad and criteria for a part time treasurer.

Councilmember Fithian noted that she attended and enjoyed the Hollywood Murder Mystery event in River Mill Park.

Councilmember Freeborne Brinton noted her appreciation to staff for the outreach on Town events, and is looking forward to the events being held on November 18<sup>th</sup>.

## 8. BOARDS AND COMMISSIONS

Councilmember Perkins reported that the Planning Commission met on October 26<sup>th</sup>. He noted that the Planning Commission has been focused on Strategic Planning. He further indicated that the Planning Commission had been holding subcommittee meetings on individual topics of the Strategic Plan (Riverwalk Vision Plan, Parking Solutions, Occoquan as a Trail Town, Beautification and Public Arts Program, and Environmental Sustainability). He further noted that he and Councilmember Daubresse have been working on a Volunteer Corp Program for events in Town.

Councilmember Daubresse reported that the Architectural Review Board (ARB) did not meet on October 24<sup>th</sup>.

A Request to Reappoint Member to the Architectural Review Board (ARB) was added to the agenda to reappoint Ms. Merial Curren as a Regular Member of and the Business Representative to the Architectural Review Board (ARB).

**Councilmember Perkins moved to reappoint Ms. Merial Curren for a three-year term, effective November 8, 2023 and ending December 31, 2026. Councilmember Fithian seconded. Motion passed unanimously by voice vote.**

## 9. ADMINISTRATIVE REPORTS

### a. Administrative Report

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

Mr. Linn noted that at the next Council Meeting staff will present to Council a process for creating a new Town Seal including potential vendors for the design of the seal.

Mayor Porta noted the number of Meals Tax Delinquencies and was appreciative that staff was staying on top of the delinquencies.

Vice Mayor Loges suggested a possible option for designing a new Town Seal through the use of CrowdSpring.com. Vice Mayor Loges indicated her willingness to assist staff on the project.

Councilmember Daubresse asked when the SLFRF funds must be allocated. Mr. Linn replied that the SLFRF funds have to all be allocated by December of 2024. Mr. Linn further discussed the possibility of allocating remaining SLFRF funds to the General Fund since the remaining funds are considered "lost revenue."

Councilmember Fithian asked why the site plan for the Mill at Occoquan wasn't approved. Mr. Reese replied that not all the comments to the Developer were addressed, and it is common to go through multiple site plans on a large project.

Councilmember Perkins asked if there was a timeline on the crosswalk safety concern on Washington Street. Mr. Linn replied that the light heads at the crosswalk were replaced, and the County is currently waiting on Dominion Power for a quote on getting a new streetlight installed. Once received staff plans to approach Supervisor Boddye's office for funding.

Councilmember Fithian asked about the increase in traffic summons from September 2022 to September 2023. Mr. Linn noted that the auxiliary officers had completed the academy and were working more traffic. He also indicated that there has been more enforcement on Washington

Street especially during school bus hours adding to the increase in traffic summonses being issued.

Councilmember Freeborne Brinton asked about the timeline for Tanyard Hill Road to be reopened. Mr. Linn replied that the current date for the end of the road closure is scheduled for November 10<sup>th</sup>.

Vice Mayor Loges asked if Town Staff could do a walkthrough around the gaslights to see which ones needed to be repaired or relit. She also noted that she had spoken to the Town Manager about an event held in River Mill Park on a Saturday in October where the number of attendees exceeded the amount on the reservation application, and noted she was concerned about the parking. She noted that parking that day was completely full by 12 when the event started, and that event went on for 5 hours. She asked if something should be done regarding the parking associated with large events in the park. After discussion, it was decided that when there are large events held in the Town parks, the police department should plan on making sure that timed parking enforcement is monitored in the free timed parking district.

#### **b. Town Attorney**

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

### **10. REGULAR BUSINESS**

Mayor Porta asked for unanimous consent to move up on the Regular Business agenda the Request to Approve Services Funding Agreement with Visit Occoquan. There being no objection, the item was moved up on the agenda.

#### **d. Request to Approve Services Funding Agreement with Visit Occoquan**

Sarah Burzio, owner of Visit Occoquan, and Merial Currer, member of Occoquan Business Partners, came up to answer questions from Council in regard to the Services Funding Agreement.

Vice Mayor Loges asked if Visit Occoquan is currently registered as a 501 (c)(3). Mr. Linn and Ms. Burzio indicated that Visit Occoquan is not yet a 501(c)(3) organization but is applying for that designation. Mr. Linn noted that the Town is looking to support a non-profit organization so that the Town can start moving towards having a Virginia Main Street Program.

Vice Mayor Loges asked if an addendum can be added to acknowledge the intent of Visit Occoquan to become a 501 (c)(3). Mr. Crim agreed that an addendum could be added.

Vice Mayor Loges asked for clarification on the rationale for the fixed price contract with Visit Occoquan including only two payments, instead of more frequent payments. Mr. Linn responded that the first contract period was 6 months (the remainder of the existing fiscal year) and that for a full year the payments would be quarterly.

Vice Mayor Loges asked why section 3B of the agreement requires coordination with Public Works and Public Safety. Mr. Linn replied that Visit Occoquan may still be run events that the Occoquan Business Partners (OBP) organization ran and although they would be outside of the scope of this agreement, staff believed reiterating the need for coordination with the town on such events was warranted.

Vice Mayor Loges asked about the Item 3C, which indicates that Visit Occoquan shall have the opportunity to participate in any studies or on any boards or commissions that may impact the

continued vitality of the Town's Business District. Mr. Linn replied that this language originally came from the City of Manassas' funding agreement for a corresponding non-profit. It does not provide Visit Occoquan with any special access to information beyond that enjoyed by any citizen, but is simply designed to encourage cooperation in moving toward participation in the Virginia Main Street program.

Vice Mayor Loges noted that Item 3C says that the Town Mayor is to appoint a representative to its Board of Directors. Mr. Linn noted that this has been changed to indicate that the Town Manager will make the appointment.

Vice Mayor Loges asked for clarification on Item 10F of the agreement. Mr. Linn replied that it was added to make it clear that the agreement is with Visit Occoquan and not to be used as a pass-through to a single subcontractor.

Vice Mayor Loges asked why Item 11, the Termination Clause, requires 120-days minimum notice and asked if it could be moved it to a lower number. Mayor Porta recommended the minimum notice be reduced to 60 days, noting that work already done by Visit Occoquan would nevertheless need to be reimbursed.

Vice Mayor Loges asked to confirm that there isn't an increase of the budget line item for Visit Occoquan. Mr. Linn replied that Town Budget remains the same and that the cost of the Agreement would come from currently-budgeted funds.

After discussion the Town Council moved to have Town Staff make minor adjustments to the Agreement and to have the Agreement on the agenda for December's Town Council Meeting.

**a. Request to Approve a Resolution of Appreciation and Recognition to Althea Marie Robinson**

**Councilmember Freeborne Brinton moved to adopt Resolution R-2023-15 recognizing Alethea Marie Robinson for sharing her time and talents with the Occoquan Community in the design and installation of a mural at the intersection of Route 123 and Commerce Street. Councilmember Fithian seconded. Motion passed unanimously by voice vote.**

Mayor Porta asked for unanimous consent to move up on the agenda the Request to approve the Reimbursement of the Hollows Section II HOA for the Installation of a Streetlight at West Locust and Frayer's Farm Court and the Request to Execute Agreement with Axon Enterprise for New Body-Worn Cameras System. There being no objection, the items were moved up on the agenda.

**c. Request to Approve the Reimbursement of the Hollows Section Town HOA for the Installation of a Streetlight at West Locust and Frayer's Farm Court**

Vice Mayor Loges asked if the road the streetlight is going on is private or public. Mayor Porta noted that it is on a private road but will serve a public purpose since the road is the only access to a Town-owned road.

**Vice Mayor Loges moved to approve the reimbursement of up to \$1,712.03 from the Capital Improvement Program's Streetscape Budget to the Hollows Section Town HOA for the installation of a streetlight at the intersection of Frayer's Farm Court and West Locust Street. Councilmember Daubresse seconded. Motion passed unanimously by voice vote.**

**e. Request to Execute Agreement with Axon Enterprise for New Body-Worn Cameras System**

Mr. Linn noted that the cost for body-worn cameras has gone up and was originally budgeted in

the CIP Funds for \$7,000. The cost has since gone up to just under \$10,000 a year for the system. He also noted that the cost is not only for the cameras but for video storage and system costs. Mayor Porta noted that he believes it necessary for their own protection for the Police Department to have body-worn cameras.

**Councilmember Perkins moved to authorize the Town manager to execute an agreement with Axon Enterprise to provide a body-worn camera system for the Occoquan Police Department for an amount not to exceed \$50,000.00. Councilmember Fithian seconded. Motion passed unanimously by voice vote.**

**b. Riverwalk Vision Plan Report and Next Steps**

Councilmember Perkins presented and briefly discussed The Berkley Group Riverwalk Vision Report. Councilmember Perkins also provided a PowerPoint Presentation from the Planning Commission's Riverwalk Subcommittee.

**Vice Mayor Loges moved to authorize the Mayor to appoint and chair a special committee for the purpose of planning the expansion of the Town Riverwalk and providing a report thereon by May 21, 2024. Councilmember Freeborne Brinton seconded. Motion passed unanimously by voice vote.**

Mayor Porta appointed Vice Mayor Loges, Councilmember Fithian, Councilmember Freeborne Brinton, Councilmember Daubresse, Councilmember Perkins, Town Manager Adam Linn, Town Resident and Planning Commissioner Bob Love, and Town resident Nick Roper, to the Riverwalk Expansion Special Committee.

## **11. DISCUSSION ITEMS**

**b. Discussion on EV Charger Agreement**

Mr. Linn noted that the Town was working with Greenspot as a potential vendor for a franchise but noted that the town attorney had advised that section 13.1 of the draft franchise agreement would be unenforceable against the town under Virginia law.

After discussion Council directed staff to post an notice to potential bidders of an EV Charging Franchise for the installation of EV Charging Stations in Town at 170 Mill Street.

**c. Discussion on Tree Lighting**

Councilmember Perkins discussed expanding the 2023 Tree Lighting Event at cost of up to \$1,000 to purchase luminary bags with candles to line Mill Street, additional decorations, food related items, and additional fire pits for roasting marshmallows and nuts. Staff may approve such costs unilaterally but wanted the matter discussed by the Town Council. After discussion the Council indicated it had no objection.

## **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 Town Manager / Chief of Police. And as permitted by Virginia Code § 2.2-3711 (A)(3), a matter involving: discussion or consideration of the acquisition of real property for a public purpose; specifically involving**

**Property within Town, 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)(7), consultation with legal counsel or briefing by staff members or consultants pertaining to: probable litigation involving ADA Matters; where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the city. And as permitted by Virginia Code § 2.2-3711 (A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to ADA Matters. And as permitted by Virginia Code § 2.2-3711 (A)(19), a matter involving: Comprehensive Emergency Management Response including tactical plans. Councilmember Fithian seconded. Motion passed unanimously by voice vote.**

The Council went into closed session at 9:40 p.m.

The Council came out of closed session at 11:07 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 Daubresse, Councilmember Freeborne Brinton,  
Councilmember Perkins

Nays: None

### 13. ADJOURNMENT

The meeting was adjourned at 11:08 p.m.



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Philip Auville, Town Clerk