



# OCCOQUAN TOWN COUNCIL

## Meeting Minutes

Town Hall - 314 Mill Street, Occoquan, VA 22125

Tuesday, December 5, 2023

7:00 p.m.

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

**Absent:** Eliot Perkins

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

### 1. CALL TO ORDER

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

### 2. PLEDGE OF ALLEGIANCE

### 3. CITIZENS' TIME

No one spoke during citizens' time.

### 4. CONSENT AGENDA

- a. November 8, 2023, Meeting Minutes
- b. Request to Reappoint Walt Seiberling to the BZA
- c. Request to Adopt Ordinance to Amend Title VII of the Town Code
- d. Request to Adopt Arbor Day 2023 Proclamation

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

Mayor Porta asked for unanimous consent to add to the agenda a Request to Accept VRSA Grant and Authorize the Purchase of a Public Safety Drone. There being no objection, the item was added to the Regular Business section of the Agenda.

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 report covers through October and that if straight lining the budget about one-third of the budget has been spent and anything greater than that are from upfront costs.

No questions were asked.

## 6. MAYOR'S REPORT

Mayor Porta reported the following:

- On November 9<sup>th</sup>, he attended the semi-annual Occoquan River Safety Forum.
- On November 15<sup>th</sup>, he represented the Town at the 96<sup>th</sup> birthday party of former Town resident Alice Gardiner at Westminster.
- On November 17<sup>th</sup>, he participated in the Tunnel Tour provided by Fairfax Water.
- On November 17<sup>th</sup>, he provided a historic tour of the Town to a group brought by Wade Tours.
- On November 18<sup>th</sup>, he met with the Occoquan District Supervisor and the State Senator-Elect for our area.
- On November 18<sup>th</sup>, he participated in the ribbon cuttings for the Welcome Mural at the entrance to Town and the designation of the island adjacent to the Route 123 bridge as "Heron's Haven".
- On November 18<sup>th</sup>, he participated in the Town Tree Lighting and related kickoff activities for HolidayFest.
- On November 20<sup>th</sup>, he participated in a tour of the Fairfax Water treatment plant and the High Dam arranged at the request of the Gaslight Landing HOA.
- On November 29<sup>th</sup>, he participated in Delegate Briana Sewell's bill workshop at Town Hall.
- On November 30<sup>th</sup>, he participated in an interview with a free-lance reporter working on real estate story on Occoquan for the Washington Post.
- On November 30<sup>th</sup>, he chaired the first meeting of the Riverwalk Expansion Special Committee.
- On December 2<sup>nd</sup>, he brought Santa Claus to Town by boat for the Holiday Artisan Market and associated activities.

Mayor Porta thanked Julie Little and all of the Town Staff for their excellent job over the weekend with all the holiday activities, including but not limited to Santa's arrival and the Holiday Artisan Market. He noted that he had received a great deal of positive feedback from vendors and visitors.

Mayor Porta reminded those in attendance that Chabad Lubavitch of Greater Manassas & Gainesville would again be lighting on the first night of Hanukkah (December 7<sup>th</sup>) at 5:30 p.m., the menorah they donated last year to the Town.

## 7. COUNCILMEMBER REPORTS

Councilmember Fithian noted that she participated in the Tree Lighting and Holiday Artisan Market Events and thanked everyone involved with their efforts.

Councilmember Daubresse noted that he participated in the Tunnel Tour provided by Fairfax Water Authority. He also noted the good feedback he received from the Holiday Artisan Market, and thanked the Town Staff and Police for all the work over the Holiday Artisan Market weekend. He also met with the Washington Post free-lance reporter on a real estate story and he was able to provide data to her to use.

Councilmember Freeborne Brinton thanked Staff for their work for all of the events in Town during HolidayFest.

Vice Mayor Loges noted all of the positive feedback on the Holiday Artisan Market and that she worked with Town Staff on a process to have a new Town Seal designed.

## 8. BOARDS AND COMMISSIONS

Architectural Review Board (ARB) Chair Seefeldt reported that there was not an Architectural Review Board (ARB) meeting in November.

## 9. ADMINISTRATIVE REPORTS (Continued)

### a. Administrative Report

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

Mayor Porta requested to have the language related to the Riverwalk Planning Project Update corrected to accurately reflect that “the Town Council authorized the Mayor to appoint a committee,” rather than it saying that “the Town Council appointed a committee.”

Mayor Porta mentioned that after the calendar year is over that he along with the Town Manager and Vice Mayor will meet to discuss and review three financial items. First, to have staff put together an analysis of the Meals Tax to have a comparison over the years from how it has changed with increasing the Meals Tax rate and the event changes as well as the increase of number of restaurants. Second, to review the events budget in order to see where proposed changes maybe needed. Finally, to review the Strategic Framework within the current fiscal year.

Mayor Porta asked for clarification on the Public Works Inventory noted in the report.

Mr. Whitmoyer replied that is to log Public Works items located at the Annex, River Mill Park, and at the new River Road storage shed. The purpose is to be able to track supplies and equipment.

Mayor Porta thanked Ms. Little and Staff on the Holiday Artisan Market and asked how many new vendors were at the Holiday Artisan Market and general thoughts on doing more events.

Ms. Little replied that about thirty percent (30%) of the vendors were new to the event and Town.

Mr. Linn noted that holding more events is a strain on staff and to be able to hold more frequent events that the Town would need more staff to be able to help.

When asked, Ms. Little noted that she could see doing quarterly events since there are already 3 events held quarterly, RiverFest, the Fall Arts & Crafts Show, and the Holiday Artisan Market. Adding a fourth event in late winter would be possible. She also noted issues with mud in River Mill Park from rain and to look in the future how to manage the water issue in the park or to consider a different footprint to not place vendors in the park.

Mayor Porta asked if there was an engineering solution to help with drainage in River Mill Park.

Mr. Linn replied he would research the possibilities of an engineering solution to the water/mud problem in the park and respond back to council.

Ms. Fithian asked a question about a Holiday Artisan Market Vendor not being able to offer samples of the alcohol product they sell.

Mr. Linn replied that the vendor didn't have the correct license from ABC to provide samples or sell their alcohol products for people to drink in the Sip and Stroll. He explained that the Town's ABC DORA license only permits brick and motor ABC licensees in the Town to participate.

### b. Town Attorney Report

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

Mr. Crim mentioned that he has been working on revisions to the Freedom of Information Act to put before the Virginia State Legislature as a result of recent decisions of the Virginia Supreme Court. The first is based on the *Barry vs Board of Supervisors of Fairfax County* case, which concluded that a zoning ordinance was invalid because it was passed at an electronic meeting in a manner not consistent with Virginia law. Virginia does not currently have a remedy that validates ordinances if acted upon in good faith. The second issue involves the wording of a definition of meetings, which potentially causes problems with elected officials gathering at events where public business isn't being discussed. Mr. Crim noted he was working on legislative language to address such situations.

Mayor Porta noted that during the Tunnel Tour provided by Fairfax Water, the Council Members present were broken off into two separate groups of less than three members each so as to avoid any possible interpretation of the event as a meeting.

## 10. PUBLIC HEARING

### a. Public Hearing and Action to Award Franchise to Own and Operate EV Charging Stations at the Town-Owned Parking Lot on the 100 Block of Mill Street for Commercial Use

Mayor Porta opened the public hearing at 7:54 p.m.

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

Mayor Porta closed the public hearing at 7:55 p.m.

There was only one bid presented to the Council and the bidding process was closed.

**Councilmember Fithian moved to approve Ordinance O-2023-18 as presented to grant a franchise to Greenspot JC, LLC, to own and operate EV charging stations at the parking lot and associated property located at approximately 170 Mill Street. Councilmember Freeborne Brinton seconded. Motion passed unanimously by roll call vote.**

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

**Nays:** None

Councilmember Freeborne Brinton asked what had happened to the second group.

Mr. Linn replied that they didn't want to bid on a franchise, but wanted to go through a grant process, and the time frame to have EV chargers installed for that group was between 2 to 3 years rather than the 6 months to 1 year under the proposed franchise.

Councilmember Daubresse asked about the legal language in the agreement that was a concern from the last Council meeting based on getting a grant in the Town's name that would then be transferred over to the company to use as funding to install the EV chargers.

Mr. Linn replied that it wouldn't be an issue with the Town since the Town won't be applying for any grants for the EV chargers for that location. Mr. Crim agreed it would not be legally enforceable.

Vice Mayor Loges asked about the terms and conditions regarding what would happen on ion the event of an early termination of the agreement.

Mr. Crim replied that it would require the expenses be paid back.

Vice Mayor Loges asked what happens to the parking spaces if the EV chargers are down.

Mr. Linn replied that if the chargers are down then the parking spaces will be opened to the public to use.

## 11. REGULAR BUSINESS

### a. Request to Authorize the Town Manager to Select a Contractor for a New Town Seal and Approve a Selection Process

Mr. Linn provided a Town Seal selection overview as well as potential design ideas of other Town Seals.

Vice Mayor Loges noted that the process at crowdSPRING, LLC is a fast process, where the submissions are only open for seven (7) days. The Town will be able to contact artists and provide feedback.

Councilmember Daubresse asked what is included in the pricing for crowdSPRING, LLC.

Mr. Linn replied that crowdSPRING, LLC will provide the most value out of all the vendors looked at and will solicit designs from 20 different designers. By the January 16<sup>th</sup> Council Meeting, Council will be able to vote on a design or submit feedback on a design.

**Vice Mayor Loges moved to approve the Town Manager to engage with crowdSPRING, LLC for the purposes of creating a new Town Seal for an amount not to exceed the \$1,200 previously budgeted for consulting services. Councilmember Freeborne Brinton seconded. Motion passed unanimously by voice vote.**

### b. Request to Approve Agreement with Visit Occoquan

**Vice Mayor Loges moved to approve the Town Manager to engage and contract with Visit Occoquan to provide tourism and marketing services to the Town as detailed in the Agreement's Scope of Work. Councilmember Fithian seconded. Motion passed unanimously by voice vote.**

### c. Request to Accept VRSA Grant and Authorize the Purchase of a Public Safety Drone

**Vice Mayor Loges moved to accept the Virginia Risk Sharing Association Risk Management Grant and to allocate and appropriate the grant funds for the purpose of purchasing and equipping a public safety unmanned aerial vehicle. Councilmember Daubresse seconded. Motion passed unanimously by voice vote.**

## 12. DISCUSSION ITEMS

### a. Discussion on Limiting Sales of Certain Products in Town

Vice Mayor Loges discussed the Town being proactive in looking at potential products to be limited for sale in the Town, so as to reduce the risk of public health and safety concerns from these products.

Mr. Crim discussed two examples from the Town of Quantico and Chesterfield County as to how other jurisdictions in Virginia have gone about restricting certain products. He also discussed the legalities of restricting products and the legal process involved.

**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, 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. Councilmember Fithian seconded. Motion passed unanimously by voice vote.

The Council went into closed session at 9:02 p.m.

The Council came out of closed session at 9:06 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 Daubresse. The motion passed unanimously by roll call vote.

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

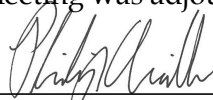
Nays: None

**14. BUSINESS AFTER CLOSED SESSION**

Vice Mayor Loges moved to approve an annual salary increase of 5% for the Town Manager effective January 1, 2024. Councilmember Daubresse seconded. Motion passed unanimously by voice vote.

**15. ADJOURNMENT**

The meeting was adjourned at 9:07 p.m.

  
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Philip Auville, Town Clerk