



OCCOQUAN TOWN COUNCIL
Meeting Minutes
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, February 6, 2024
7:00 p.m.

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

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; Asma Rupani, Town Treasurer (remote); Bruce Reese, Town Engineer (remote); Martin Crim, Town Attorney (remote)

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.

The minutes of the meeting of January 16, 2024, were removed from the consent agenda to consider a modification to make two minor changes requested by the Town Attorney. The Request to Appoint Jason Forman as Coordinator of Emergency Management, was also removed from the consent agenda to consider a modification to the motion suggested by the Town Attorney.

4. CONSENT AGENDA

- a. **Request to Execute Mill House Museum Lease**
- b. **Request to Accept Department of Environment Quality 2022 American Rescue Plan Act Grant**
- c. **Request to Approve Contract for 2024 Town Festival Shuttle Services**

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

a. Request to Accept January 16, 2024, Town Council Meeting Minutes

The January 16, 2024, minutes were amended to modify the reference to Town Attorney on Pages 3 and 5 to refer to Pamala O'Berry as "Assistant Town Attorney."

Councilmember Perkins moved to approve the minutes as amended. Vice Mayor Loges seconded. Motion passed unanimously by voice vote.

a. Request to Appoint Jason Forman as Coordinator of Emergency Management

The proposed Motion to Request to Appoint Jason Forman as Coordinator of Emergency

Management was amended to "I move to appoint Mr. Jason Forman as the Coordinator of Emergency Management for the Town to serve at the pleasure of the Town Council."

Vice Mayor Loges moved to appoint Mr. Jason Forman as the Coordinator of Emergency Management for the Town to serve at the pleasure of the Town Council. Councilmember Fithian seconded. Motion passed unanimously by voice vote.

Mayor Porta asked for unanimous consent to add to the agenda a Request to Adopt Resolution of Support for 2024 TLC Grant Program Application. There being no objection, the item was added to the Regular Business section of the Agenda.

5. MAYOR'S REPORT

Mayor Porta reported the following:

- On January 17th, he attended the premier of the Travels with Darley episode that includes Occoquan. The episode will be released on PBS and Amazon.
- On January 29th, he attended the Riverwalk Expansion Special Committee Meeting.
- On January 30th, Councilmember Perkins and he met with representatives of the Potomac Heritage National Scenic Trail Association.
- On February 1st, he gave an Occoquan update at Westminster Retirement Community.
- On February 6th, he met with Dave Brickley regarding the Potomac Heritage National Scenic Trail.
- On February 6th, he attended the VFW's Annual Essay Contest.

Mayor Porta noted a voicemail that was left for Officer Wood, complimenting him on his work performance and the recording was played for Council. Mayor Porta commended Officer Wood as well as Chief Linn and Deputy Chief Forman for creating and leading a professional police department.

6. COUNCILMEMBER REPORTS

Councilmember Perkins noted that on January 25th he attended the Greater Prince William Trails Coalition Meeting. On January 30th he met with representatives of the Potomac Heritage National Scenic Trail Association along with Mayor Porta. On February 5th he attended the NOVA Parks and Trails Managers Meeting. On February 6th he met with Emily Frank from the Potomac Riverkeepers Network.

Councilmember Daubresse noted that he met with staff on February 1st to discuss sponsorship opportunities for the Craft Shows and that he attended the FOIA Training hosted by the Town of Haymarket.

Vice Mayor Loges noted that she worked with staff to wrap up the CROWDspring design process for the new town seal.

Mayor Porta thanked Vice Mayor Loges for her work on setting up and managing the relationship with CROWDspring and the resulting submissions, noting that using CROWDspring was helpful in providing an intermediary between council members and those submitting designs.

Councilmember Fithian noted that she participated in the Riverwalk Expansion Special Committee Meeting.

7. BOARDS AND COMMISSIONS

Architectural Review Board (ARB) Chair Seefeldt reported that the ARB met on January 23rd and the board reviewed two exterior elevation applications. One application was approved and one application was denied. She also noted that Carol Bailey resigned from the ARB.

Councilmember Perkins reported that the Planning Commission met on January 23rd. He noted that the Planning Commission continued to work on their strategic planning.

8. ADMINISTRATIVE REPORTS

a. Administrative Report

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

Mr. Linn introduced Tamika Martin to the Council as the new Event Coordinator to help the Event Director Ms. Little.

Mayor Porta asked on the Love sign mural update if the intention was for it to be redesigned every few years.

Mr. Linn replied that was the intention of the previous Town Manager to have the Love Sign redesigned every few years in River Mill Park.

Mayor Porta asked if the previous artist was commissioned to redesign the sign and if not had staff contacted the previous artist to advise that it was being redesigned.

Mr. Linn advised that it was a different artist, and that staff would follow up with the previous artist to make sure she understood and was aware of the redesign.

Mayor Porta asked if the jump in parking tickets is from the new hire of a Parking Enforcement Officer.

Mr. Linn replied that was correct.

Vice Mayor Loges asked to elaborate on the business recruitment under Visit Occoquan.

Mr. Linn asked Mr. Whitmoyer to address the question. Mr. Whitmoyer replied that Visit Occoquan will be looking into how they can promote business recruitment and are planning to work in line with the Planning Commission and their goals.

b. Treasurer's Report

Ms. Rupani provided a written report as part of the agenda packet.

Mayor Porta noted that if straight lining the budget through December, we should expect to see expenses at approximately 50% of budget, which he noted is largely the case except for some categories where the costs tend to be incurred early in the fiscal year.

Mayor Porta noted that this time last year the balance sheet showed \$919,000 in cash while this year there is only \$418,000. He confirmed with staff that this reflects outstanding receivables of approximately \$350,000 were from the DEQ Grant funds as was reported last Council Meeting.

Councilmember Fithian asked that when businesses are years delinquent in taxes what steps are

taken to notify them.

Mr. Linn replied that of the two businesses listed one had gone out of business and the other one had gone out of business and then started again. Mr. Linn further indicated that with the new Treasurer we are now moving forward with ways to track down delinquent businesses efficiently. He noted that some of the amounts owed are small and that it would cost more to go through the legal process than would be collected.

Ms. Rupani replied that we are now streamlining the collection process and creating new standard operating procedures.

Councilmember Fithian asked if we can't pursue the business if they will eventually come off the list.

Mr. Linn replied that there are some items by code that can't be written off but business license taxes may be written off as a loss if it costs more to go through the legal process and there is little hope of collecting.

Vice Mayor Loges asked if this process is the same for real estate taxes.

Mr. Linn replied that there will be a tax lien against the property for delinquent real estate taxes. Mr. Crim advised that Mr. Linn was correct and further added that usually delinquent real estate taxes also do not pay County real estate taxes so that the County will begin the collection process and the Town taxes would be included.

Councilmember Freeborne Brinton asked about the numbers under the CIP for income grants.

Mr. Linn replied that revenue items in the CIP are for grants expected to be received; therefore, they are budgeted. However, if the grant isn't approved or the money received then the project is not completed and removed from the current budget.

Councilmember Perkins asked for an update to the landscaping for the entrances to town.

Mr. Linn asked Mr. Whitmoyer to update Council on the entrance ways to Town. Mr. Whitmoyer replied that he is meeting with the landscaper later that week to go over plans for the landscaping of the entrances to town.

c. Town Attorney Report

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

Mr. Crim noted two VML updates on two bills going before the General Assembly which could negatively affect the Town. Specifically, one was regarding the ability to restrict accessory dwelling units and the other on short term rentals (ie Air BNB).

Mayor Porta noted that during a recent conversation it was suggested to him that the Town consider selling or trading the Tanyard Hill Park property to the County. Mayor Porta advised that even after such a transaction, the existing conservation easement would prevent development of the property. The advantages of such a transaction would be that the County would be more likely to have the resources to improve the park, including by building a connection to the proposed Occoquan Greenway Trail, while the sale or transfer would also generate revenue or services for the town.

The Council discussed the matter and asked Mr. Crim some questions. After discussion staff was

directed to investigate what potential services could be sought from the county in lieu of cash transaction.

Mayor Porta asked for unanimous consent to move up on the agenda item 10a, Discussion on County Response to False Alarms within the Town and item 10b, Discussion on River Mill Park Drainage. There being no objection, the items were moved up on the agenda.

9. DISCUSSION ITEMS

a. Discussion on County Response to False Alarms within the Town

Mr. Linn noted that a business in Town has had multiple false alarms in the past 12 months, with six false alarms to date this year. After discussion with the County, the County Police advised that they did not think they had the authority to enforce the County Ordinance for false alarms, but after discussion it was determined that they do have the authority but don't plan on enforcing the County Ordinance in the Town.

Mr. Crim noted that the County requires all businesses, including in the Town, to have their alarms registered in accordance with county code; however, they are not addressing the additional enforcement part of the same code within the Town.

Mayor Porta noted that as Town residents also pay county taxes it would seem appropriate for the county to address this issue directly and suggested that the matter be discussed further with relevant county staff and elected officials.

b. Discussion on River Mill Park Drainage

Mr. Reese discussed the drainage issues at River Mill Park. It was noted that the soil in the park has settled which means that water is not draining out of the scuppers on the eastern wall. He discussed two possible solutions that are 1) add additional soil to raise the low points in the park and 2) to create a new drainage system to redirect the runoff.

Mayor Porta directed staff to reach out to Fairfax Water to help with a solution and to provide cost estimates for both solutions.

10. REGULAR BUSINESS

Mayor Porta asked for unanimous consent to move up on the agenda item 9c, Request to Set a Date to hear Appeal of Architectural Review Board Denial of Certificate of Appropriateness ARB2023-004 and item 9b, Request to Refer Zoning Review to the Planning Commission. There being no objection, the items were moved up on the agenda.

a. Request to Set a Date to Hear Appeal of Architectural Review Board Denial of Certificate of Appropriateness ARB2023-004

Council discussed setting a date for the appeal of the denial of the Certificate of Appropriateness for the vinyl porch stair railing installed by Mr. Jennings at 204 Ellicott Street. Council was advised that per code, they needed to address the appeal within 30 days of the denial; however, Mr. Jennings had requested the hearing be continued since he was out of state.

Councilmember Perkins moved to set a public hearing for March 5, 2024, on the appeal of the denial of ARB2023-004. Councilmember Fithian seconded. Motion passed unanimously by voice vote.

b. Request to Refer Zoning Review to the Planning Commission

Mayor Porta noted that he believes that in the future some individuals on or near Washington Street are likely to request that their properties be rezoned for higher density in anticipation of sale. He believes it would be best if the Planning Commission begin such an evaluation now of areas potentially suitable for higher density, rather than wait for such requests from individual property owners.

Mayor Porta also addressed the issue of Kudzu growing on the hill along Commerce Street, where a property owner has expressed an interest in using goats to manage the invasive species. Currently farm animals are not allowed by Town Code. Mr. Crim, the town attorney, noted that upon application the Zoning Administrator may determine such a use is not an agricultural use and therefore may be permitted on a temporary basis under the existing Town Code. Mayor Porta suggested that staff and the Planning Commission look into the matter.

Vice Mayor Loges moved to refer a zoning review of the Town's current zoning map to the Planning Commission to (1) evaluate the extent to which it believes it appropriate to alter the Town's comprehensive plan and zoning to allow increased density in specific areas, (2) consider whether the parcel immediately east of the Route 123 bridge currently zoned R-1, should be considered for business zoning, and (3) to review the restrictions on accessory dwellings and determine whether or not adjustments are warranted. Councilmember Freeborne Brinton seconded. The 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 Use SLFRF Funds to Pay for FY2024 Government Operations

Vice Mayor Loges moved that the Coronavirus State Local Fiscal Recover Funds (SLFRF) spending plan adopted on July 19, 2022 be amended to permit the remaining SLFRF funding to be used as revenue loss to pay for the Town's government operations for Fiscal Year 2024. Councilmember Perkins seconded. Motion passed unanimously by voice vote.

d. Request to Adopt Resolution of Support for 2024 TLC Grant Program Application


Councilmember Freeborne Brinton moved to adopt the resolution of support for the Town of Occoquan's application to the FY 2025 Transportation Land-Use Connections (TLC) Technical Assistance Program. Councilmember Fithian seconded. Motion passed unanimously by voice vote.

11. DISCUSSION ITEMS**a. Strategic Framework and FY2025 Budget Process Overview**

Mr. Linn provided a presentation on the FY25 Budget Schedule and reviewed the status of the Strategic Framework.

12. ADJOURNMENT

The meeting was adjourned at 9:25 p.m.


Philip Auville, Town Clerk