



OCOCOQUAN TOWN COUNCIL
Meeting Minutes
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, March 5, 2024
7:00 p.m.

Present: Mayor Earnie Porta; Vice Mayor Jenn Loges, Councilmembers Nancy Freeborne Brinton (remote), Eliot Perkins, and Theo Daubresse

Absent: Councilmember Cindy Fithian

Staff: Adam Linn, Town Manager / Chief of Police; Philip Auville, Town Clerk; Julie Little, Events Director; Jason Forman, Deputy Chief of Police; Asma Rupani, Town Treasurer; 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.

As a result of personal matters, Councilmember Freeborne Brinton attended remotely from Philadelphia, PA.

2. PLEDGE OF ALLEGIANCE

3. CITIZENS' TIME

No one spoke during citizens' time.

4. PUBLIC HEARING

a. Public Hearing on Appeal of Denial of Certificate of Appropriateness for ARB2023-004

Mayor Porta opened the public hearing at 7:02 p.m.

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

Councilmember Perkins moved to close the public hearing at 7:03 p.m. Councilmember Freeborne Brinton seconded. Motion passed unanimously by voice vote.

Mayor Porta asked for unanimous consent to move up on the agenda Item 10A the Request to Vote on Appeal of Denial of Certificate of Appropriateness for ARB2023-004. There being no objection, the item was moved up on the agenda.

5. REGULAR BUSINESS

a. Request to Vote on Appeal of Denial of Certificate of Appropriateness for ARB2023-004

Mayor Porta asked the Town Attorney Mr. Crim if he could discuss the grounds under which an appeal overturning an ARB decision could be granted. Mr. Crim indicated that this is an issue that has come

before Council in the past. He noted that the Architectural Review Board (ARB) Guidelines were loosened in September 2023, to allow vinyl railings with a wood grain pattern, whereas previously vinyl materials were not allowed for certain features in the Historic District. The application in this case was submitted after the installation of front porch railings with a vinyl wrap (without a wood grain pattern) at 204 Ellicott Street. This does not comply with the ARB Guidelines. Mr. Crim advised that there was no obvious error on the part of the ARB and the applicant gave no reason in his letter as to why the Town Council should overturn the ARB Denial of the Certificate of Appropriateness. As a result, he did not see a rational for overturning the ARB denial.

Vice Mayor Loges moved to affirm the ruling of the ARB and deny a Certificate of Appropriateness to the applicant. Councilmember Perkins seconded. Motion passed unanimously by roll call vote.

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

Nays: None

6. CONSENT AGENDA

- a. Request to Accept February 6, 2024, Town Council Meeting Minutes
- b. Request to Adopt Resolution of Recognition and Endorsement of the Potomac Heritage National Scenic Trail

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

7. MAYOR'S REPORT

Mayor Porta reported the following:

- On February 16th, he attended and staffed the popcorn maker at the Firelight Night.
- On February 20th, he attended the visitation for Jason Brunsman's passing.
- On February 21st, he attended the dedication of the Prince William County Library's new mobile library unit.
- On February 21st, he attended the farewell event for the retirement of the director of the Prince William County Library System.
- On February 22nd, he participated in a set of hikes with representatives from NVRPA, Fairfax County, the National Park Service, and the Potomac National Heritage Scenic Trail Association, to explore possible trail routes from the Occoquan Regional Park through Town to Belmont Bay. The Resolution that was adopted in the Consent Agenda was endorsing trail activities related to the Potomac National Scenic Heritage Trail and was requested by advocates of the trail. This is to encourage Prince William County and the other parties to work together to fill in the trail gaps.
- On February 28th, he chaired the RESC Meeting.
- On March 4th, he met with a property owner to discuss the Riverwalk Project.

8. COUNCILMEMBER REPORTS

Councilmember Perkins noted that on February 15th he had a lunch meeting with representatives from NOVA Parks to discuss the trail connection of the Potomac National Heritage Scenic Trail. On February 22nd, he met with the same group of representatives that the Mayor met with but did not attend the hike. On February 27th he chaired the Planning Commission Meeting.

Councilmember Freeborne Brinton noted that she is looking forward to the Ballywhack Shack Café Ribbon cutting.

Councilmember Daubresse noted that he had been reaching out to potential sponsors to attend the Community Partnership Breakfast.

Vice Mayor Loges noted that she attended the Firelight Night on February 16th. She also noted that she has been working with staff on preparing the FY25 budget.

9. BOARDS AND COMMISSIONS

Architectural Review Board (ARB) Chair Seefeldt reported that the ARB met on February 27th and the board reviewed and approved one exterior elevation application.

Councilmember Perkins reported that the Planning Commission met on February 27th. He noted that the Planning Commission did a zoning review from a referral from Council and that the Strategic Planning Report will be finalized at the following meeting to then go to Council.

10. ADMINISTRATIVE REPORTS

a. Administrative Report

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

Mr. Linn noted that the new finance team has been working well together and are creating more efficient processes.

Councilmember Daubresse asked about the meeting with Fairfax Water Authority on remediating the water issue in River Mill Park.

Mr. Linn replied that staff is still reaching out to the appropriate representatives at Fairfax Water to help remediate the water issue.

Vice Mayor Loges asked why the volunteer police hours went down significantly in February.

Mr. Linn replied that two of the auxiliary officers were unavailable because of medical issues and that February did not have many events to utilize the auxiliary officers.

Vice Mayor Loges noted that there are currently over 3,200 volunteer hours from the police department and asked if an awareness campaign or a public recognition could be done to showcase the number of volunteer hours.

Mayor Porta directed Chief Linn to investigate ways to recognize the auxiliary officers for their volunteer time.

b. Treasurer's Report

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

Mayor Porta noted that there was a large number of delinquent Real Estate Taxes.

Mr. Linn noted that since the current report to Council a number of property owners and mortgage companies have paid the delinquent taxes. Mr. Linn also reported that a couple mortgage companies reported that they did not know about the change in real estate tax due dates.

Mayor Porta asked if the lower income is due solely from the real estate delinquencies.

Mr. Linn noted that in addition to real estate it is also from delinquent meals taxes.

Vice Mayor Loges noted that the meals tax seems to still be off considering the tax increase.

Ms. Rupani mentioned that she did a comparison of the past four years, and the trend has shown that the meals tax is currently on track to be the highest amount collected, despite the delinquencies.

Vice Mayor Loges asked if the “peer to peer” communications tax is new.

Ms. Rupani noted that this is a new state tax and that localities receive an allocation from the state based on the application of a formula to collections.

Vice Mayor Loges asked whether we anticipate collecting rent from the Occoquan Draft Garden.

Mr. Linn noted that we do anticipate receiving the rent but not until June. The rent due includes a credit for meals taxes up to the amount of the rent. Since the Draft Garden was not open for a full year prior to this fiscal year, the Draft Garden could not use any credit to pay for this current year. As a result, they requested and was agreed to by Council that if they generate a meals tax credit that totals two rental years (ending June 2024), then they will be credited for the rental. However, they would still be responsible to pay the interest and penalties for not paying rent timely.

c. Town Attorney Report

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

Mr. Crim noted that the Governor could sign a bill that would legalize recreational marijuana marketplaces in the state and that if the Town wants to restrict sales of marijuana within its boundaries, the Town will need to hold a referendum. The other option is to restrict where marijuana related businesses could be in Town through a Zoning Ordinance.

Mayor Porta asked if the bill gets signed, would the referendum be on this November’s ballot.

Mr. Crim replied that is correct and the request for a referendum must be made at least eighty days prior to Election Day. In response to a question from Vice Mayor Loges, Mr. Crim noted that the language of the referendum would be set by statute if the bill is enacted.

Mayor Porta asked for unanimous consent to move up on the agenda the Closed Session discussion. There being no objection, the Closed Session was moved up on the agenda.

11. 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)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to riparian rights and easements. Councilmember Perkins seconded. Motion passed unanimously by voice vote.

The Council went into closed session at 7:43 p.m.

The Council came out of closed session at 8:05 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 Perkins. The motion passed unanimously by roll call vote.

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

Nays: None

12. DISCUSSION ITEMS

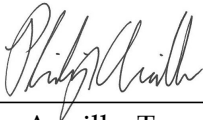
a. FY2025 Budget Work Session #1

Mr. Linn provided a presentation and briefed the Town Council on the proposed budget covering the E-Summons Fund, Mamie Davis Fund, and the Events Fund. Mr. Linn responded to various questions from the Council.

After discussion, the Council directed staff to propose revisions to the Events Fund based on the discussion. Council suggested that among other things such revisions might include removing the Holiday Artisan Market, which operates at a net loss. and removing concerts in the park due to the high cost of the various required licenses. Mr. Linn advised that updates to the Events Fund will be brought before Council at their next meeting.

13. ADJOURNMENT

The meeting was adjourned at 9:50 p.m.



Philip Auville, Town Clerk