



OCCOQUAN TOWN COUNCIL
Meeting Minutes
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, April 2, 2024
7:00 p.m.

Present: Mayor Earnie Porta; Vice Mayor Jenn Loges (remote), Councilmembers Nancy Freeborne Brinton, Cindy Fithian, 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.

As a result of illness, Vice Mayor Loges attended remotely from her home.

2. PLEDGE OF ALLEGIANCE

3. CITIZENS' TIME

No one spoke during citizens' time.

4. CONSENT AGENDA

a. Request to Accept March 19, 2024, Town Council Meeting Minutes

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

5. MAYOR'S REPORT

Mayor Porta reported the following:

- On March 9th, he attended the ribbon cutting for the Ballywhack Shack Café.
- On March 14th, he attended the semi-annual Occoquan River Safety Forum and participated in the Occoquan District Budget Committee Meeting.
- On March 20th, he chaired the RESC Meeting.
- On March 22nd, he spoke at the Economic Summit of the Prince William Association of Realtors.
- On March 23rd, he spoke at the Prince William History Symposium.
- On March 24th, he attended the OWL installation of the new officer's dinner.
- On March 26th, he attended the Community Sponsorship Breakfast, along with Councilmember Daubresse.
- On March 28th, he met with a Fairfax County Parks Department Representative regarding trail connections.
- On March 29th, he participated in the Occoquan District Budget Committee Meeting.

Mayor Porta addressed his condolences on the passing of Officer David Ralston.

6. COUNCILMEMBER REPORTS

Councilmember Freeborne Brinton noted that she attended the ribbon cutting for the Ballywhack Shack Café.

Councilmember Daubresse noted that he attended the ribbon cutting for the Ballywhack Shack Café and attended the Community Sponsorship Breakfast.

Councilmember Fithian noted that she attended the ribbon cutting for the Ballywhack Shack Café and participated in Peeps Week.

7. BOARDS AND COMMISSIONS

Councilmember Perkins reported that the Planning Commission met on March 26th. He noted that the Planning Commission's zoning review is going before Council during Regular Business and that the Strategic Planning Report will be sent out to Council before their next meeting.

Councilmember Daubresse reported that the ARB met on March 26th and the board reviewed one exterior elevation application. The board had questions regarding the application and since the applicant was not present at the meeting, the application was tabled until the next meeting for the questions to be answered.

8. ADMINISTRATIVE REPORTS

a. Administrative Report

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

Mr. Linn noted that the Zoning Administrator provided an interpretation letter to Council which indicated that the temporary use of goats or sheep to remove invasive species would not be a violation of the Town's current zoning code. He also noted that staff has been in contact with Prince William County regarding placing a glass recycling bin under the Rt. 123 Bridge and will be placed in a manner that will not take up parking spaces.

Mayor Porta noted concern about restaurants that are delinquent on their Meals Tax payments for several months, remarking that this is money they are holding in trust for taxpayers that would be lost if they go out of business.

Mr. Linn reported that staff have been working on collection solutions, including the issuance of summons for those businesses that haven't paid their meals taxes.

Mayor Porta asked why the International Peace Center is paying real estate taxes according to the real estate records.

Mr. Linn reported he too noted that the County had the International Peace Center as paying taxes and believes that the organization did not file the required forms for their status as a non-profit religious organization to qualify for tax exemptions. However, when doing the proposed revenue for the real estate taxes, he had removed them believing it would eventually be changed to not be taxable property.

Mayor Porta noted on the meals tax that since the rate was raised there hasn't been a significant increase. Mayor Porta also recommended that staff perform a rolling audit on the businesses to make sure they are reporting their gross sales correctly.

It was discussed that some reasons for the drop in gross meals sales is a mix of delinquencies and low sales due to inflation.

Mayor Porta noted that the police volunteer hours are on track to equal two full time employees and noted his appreciation on having the storm drains cleared in town before each storm.

Councilmember Perkins asked about the Occoquan Greenway Trail and River Mill Park updates.

Mr. Linn replied that the Occoquan Greenway Trail is being handled by the County and they are looking at some concerns that arose regarding the turn from Mill Street onto Ellicott Street. They are trying to design solutions for installing a sidewalk along Ellicott Street.

Mr. Linn also advised that staff has been in contact with Fairfax Water on the River Mill Park drainage issue, and they confirmed that the water is likely from the construction of the new water main crossing the Occoquan River. He indicated that Fairfax Water responded favorably that they plan on creating a solution once the construction is completed. They are planning on adding remediations to stop water from going into the park.

b. Treasurer's Report

Due to the report not being included in the agenda packet, Ms. Rupani will brief the Council at the next meeting.

c. Town Attorney Report

Mr. Crim reported that he researched deeds of easement for the Riverwalk to prepare a template for additional deeds of easements. He consulted with staff on ceremonial naming of streets in Town, on the Mill at Occoquan demolition schedule, on the water leak on Edgehill, and advised staff on the budget adjustment process and the contract for police record software.

9. REGULAR BUSINESS

a. Request to Review Zoning Administrator Reports on Density Items Referred to Planning Commission

Mayor Porta noted that the parcel east of the Rt. 123 Bridge doesn't need to be rezoned to accommodate any potential future surface parking. Consequently, unless the property owner specifically requests that the property be rezoned it seems unnecessary to do so. Given that no such request from the property owner appears to be outstanding, with the concurrence of the Council he directed that review of the zoning for the parcel be removed from the zoning items referred to the Planning Commission.

Mr. Reese noted that his team looked at two other items referred by the Planning Commission that included evaluating the appropriateness of altering the density in certain areas on Washington Street and reviewing restrictions on accessory dwellings to determine if adjustments are warranted.

Mr. Reese noted the potential changes could include reducing the minimum lot size for single family detached homes to 6,000 square feet, consider allowing flag or stem lots, adopt zoning changes to allow for cluster development, permit the use of accessory dwellings, and to consider relaxing the

slope restrictions for land areas exceeding twenty percent (20%) slope.

Mayor Porta noted that removing the twenty percent (20%) slope restriction is presumably not something the Council would want to consider given that it is an important component of the town's compliance with Chesapeake Bay Act requirements and resulted, in part, from a prior legal decision involving a townhouse development in town.

Councilmember Perkins also noted that the twenty percent (20%) slope issue came up during the Planning Commission and they reached the same conclusion on not changing the restriction.

After discussion, the council directed that the Planning Commission continue its zoning review consistent with the Council's revised request.

10. DISCUSSION ITEMS

a. FY2025 Budget Work Session #2

Mr. Linn provided a presentation and briefed the Town Council on the proposed budget covering the General Fund and the Capital Improvement Program Fund. Mr. Linn reviewed the proposed budgets and responded to various questions from the Council.

Mr. Linn advised that at the next Council Meeting, Staff would be requesting Council approve the tax rates and proposed budgets for advertising purposes.

11. ADJOURNMENT

The meeting was adjourned at 9:48 p.m.



Philip Auville, Town Clerk