



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

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

Absent: None

Staff: Adam Linn, Town Manager / Chief of Police; Matt Whitmoyer, Deputy Town Manager; Philip Auville, Town Clerk; 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 7:06 p.m.

2. PLEDGE OF ALLEGIANCE

As a result of personal reasons, Vice Mayor Loges attended remotely from Ohio and Councilmember Daubresse attended remotely from Brooklyn, NY. As a result of taking care of an individual under a disability, Councilmember Fithian attended remotely from Springfield, VA.

3. CITIZENS' TIME

No one spoke during citizens' time.

4. PUBLIC HEARING

a. Joint Planning Commission and Town Council Public Hearing on Accessory Dwelling Units and Accessory Structures

Mayor Porta noted that this is a joint Public Hearing on a zoning text amendment and that the Planning Commission will hold a Public Hearing with the Town Council. The purpose of the Public Hearing is to hear from interested members of the community about the advisability of making proposed changes in the zoning code. The Public Hearing will be for the purpose of changes to the text of the zoning ordinance relating to accessory dwelling and accessory buildings in all commercial and residential zoning districts.

Planning Commission Chair Perkins called the Planning Commission to order at 7:08 p.m.

Present: Chair Eliot Perkins, Commissioners Don Wood, Ralph Newell, Robert Love, and Darryl Hawkins

Absent: Commissioner Ann Kisling

Chair Perkins opened the public hearing for the Planning Commission at 7:08 p.m.

Mayor Porta opened the public hearing for Town Council at 7:08 p.m.

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

Commissioner Love moved to close the public hearing for the Planning Commission at 7:09 p.m. Commissioner Newell seconded. Motion passed unanimously by voice vote.

Councilmember Freeborne Brinton moved to close the public hearing for Town Council at 7:09 p.m. Councilmember Perkins seconded. Motion passed unanimously by voice vote.

Commissioner Love moved to recommend approval of the attached draft ordinance O-2024-03 as presented. Commissioner Wood seconded. Motion passed unanimously by roll call vote.

Ayes: Chair Perkins, Commissioner Love, Commissioner Wood, Commissioner Newell, and
Commissioner Hawkins

Nays: None

Chair Perkins closed the Planning Commission at 7:10 p.m.

5. CONSENT AGENDA

a. Request to Accept July 2, 2024, Town Council Meeting Minutes

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

6. MAYOR'S REPORT

Mayor Porta reported the following:

- On July 9th, he joined Chief Linn and ARB Chair Seefeldt in presenting a Council Resolution of Appreciation to Carol Bailey for her service on the ARB.
- On July 11th, he attended a gathering of County Staff Leaders at the Mill Street Draft Garden at the invitation of County Executive Chris Shorter.
- On July 12th, he emceed Trivia Night in River Mill Park.
- On August 6th, he attended the Town's National Night Out Event.

7. COUNCILMEMBER REPORTS

Councilmember Fithian noted that she attended Music on Mill.

Councilmember Daubresse noted that he attended and assisted Ms. Little with the Sponsorship Breakfast.

8. BOARDS AND COMMISSIONS

Architectural Review Board (ARB) Chair Seefeldt reported that the ARB met on July 23rd and discussed revising the ARB Design Guidelines relating to Public Art. Chair Seefeldt noted that Merial Currer has resigned from the ARB as the Business Representative.

Councilmember Perkins reported that the Planning Commission met on July 23rd and focused on the question asked from Council on increasing density on certain parcels in Town. The Planning Commission felt that the review of increasing density should be part of the comprehensive plan update process for 2026 and the Commission will continue to actively look into options related to density within the Town at future meetings.

9. ADMINISTRATIVE REPORTS

a. Administrative Report

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

Mr. Linn added that staff is currently dealing with the current trash contractor after receiving notification that the rates will increase about thirty-eight percent (38%) over last year. After receiving the first invoice the increase is actually forty-three percent (43%) higher since it includes an added fuel surcharge. Staff has reached out to the contractor on the increased costs and hasn't received a response from them as of this Council meeting.

Mayor Porta noted that the gas light conversion update to a single flame gas light reflects a decrease in utility spending by approximately thirty percent (30%) and eliminated most of the maintenance costs for the gas lights. He also complimented the Police Department on creating HEAT packs to help individuals who might experience any heat related emergency from the warm weather.

Vice Mayor Loges noted that new signage on the Town dock with the QR Code to pay for the docking fee is a good improvement over placing cash in a cash box on the dock.

Councilmember Perkins asked if there were any additional updates on the sales trailer for the Mill at Occoquan.

Mr. Linn noted that there have been no changes since the agenda was sent out.

Councilmember Perkins noted that almost half the parking tickets issued were related to the timed parking district for 20 minute and 4-hour parking, which is helping create parking turnover, making more parking available, and sending a message that VIP spots in Town are for people visiting.

b. Treasurer's Report

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

Ms. Rupani noted that the court date for Bann Thai has been extended until September.

Mayor Porta noted that revenue is meeting projections and pointed out that the management of expenses is well done.

Vice Mayor Loges brought up some questions regarding the Mill Street Draft Garden lease on whether it was monthly and if it was caught up.

Mr. Linn replied that the lease is annual so payment would only be once per year. Additionally, that the rent payment is due in June of each year, but the lessee is credited based on the meals tax remitted timely. The lessee would only pay the town rent if their timely meals tax for the year was less than the annual rental amount.

Vice Mayor Loges then asked about the Events Fund unearned revenue of \$76,000 found in the Treasurer's Report and if that should be carried over to the next craft show.

Ms. Rupani replied that the unearned revenue is prepayments for the Fall Arts and Crafts Show that will be moved beginning July 1st, which will be in next month's report to Council.

Vice Mayor Loges asked a question about whether it would make sense to reassign the Event Fund amount as of June 30th to the CIP Funds assigned assets.

Mr. Linn replied that the fund balances will be reassigned once the fiscal year is closed and that the included report only covers unaudited entries up to June 30th.

Ms. Rupani added that the report is not a complete final report, and changes will be made with income and expenses once logged. Once the audit is complete the funds will be moved as needed.

Mr. Linn added that the entire balance of the Events Fund is not reassigned to the CIP since the Events Funds needs capital to operate for the summer events and the Fall Craft Show.

Vice Mayor Loges asked if a written policy could be put in place on the Events Fund to describe how the funding works for CIP so that there isn't any confusion in the future.

Mayor Porta directed staff to create a policy document or an administrative practice to document the procedure for the transfer of the Events Fund to the CIP.

c. Town Attorney Report

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

Mayor Porta asked for unanimous consent to move up on the agenda item 10a. There being no objection, the item was moved up on the agenda.

10. REGULAR BUSINESS

a. Request to Adopt Revised Architectural Review Board (ARB) Exterior Elevations Design Guidelines Relating to Public Art

Mayor Porta noted that the only changes from the Town Attorney were minor changes of words from shall to must or should.

Mr. Linn provided some background on how the revised guidelines came about, indicating that the ARB received an application for an art structure and the ARB was concerned the current guidelines did not provide them with adequate guidance to make a decision. As a result, the ARB requested staff review the current guidelines. Staff worked with the Chair and the Council Representative to the ARB, Mr. Daubresse, to draft new guidelines that dealt specifically with art structures and that proposal went before the ARB and was approved at the last ARB Meeting to go before Council.

Mayor Porta noted that in the text under "Period of Significance", the "with" should be "within". He also asked what the outcome of the dragon sculpture application will be now that new guidelines are being implemented.

Chair Seefeldt responded that since these updated ARB Guidelines weren't created when the application was submitted that the dragon sculpture will be grandfathered in and if the sculpture is moved on the property, it will then be subjected to the new ARB Guidelines.

Councilmember Perkins asked for clarification on "Contextual Relevance".

It was discussed that the guidelines would only affect the Historic District and would be flexible on

public art as it relates to the history of the Town. The public art would still be subject to the color and materials in the current guidelines and to the guidelines on placement and scale relative to the property on which it will be situated.

Vice Mayor Loges asked if the updated ARB Guidelines would affect temporary holiday decorations.

Mr. Crim replied that holiday decorations would not be considered a structure and therefore not fall under the ARB Guidelines.

Councilmember Daubresse added that the updated ARB Guidelines were created to be accommodating and flexible for public art.

Vice Mayor Loges moved to adopt the revisions to the ARB Design Guidelines relating to artistic structures and murals and a definition for a period of significance, as amended by Mr. Crim and Mayor Porta. Councilmember Perkins seconded. Motion passed unanimously by roll call vote.

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

Nays: None

b. Request to Adopt Ordinance O-2024-03 Relating to Accessory Dwellings and Accessory Buildings

Vice Mayor Loges asked if this will only allow accessory dwellings as residences and if this would affect home-based businesses.

Mr. Reese replied that accessory dwelling units are intended for full time occupancy and therefore would have to be used as a full-time human occupancy of the space. He further stated that under the current ordinance a home-based business cannot be conducted in an accessory structure.

Vice Mayor Loges noted that this could be an issue with some tenants in town and something that could be fixed in how home-based business is defined.

Mr. Resse replied that the definition was what was existing in the ordinance.

Mr. Crim added that the ordinance could be modified to clear up the issue.

Vice Mayor Loges asked if there will be any impact on parking requirements.

Mr. Resse replied that if a bedroom is added to the accessory structure, then it will require an additional parking space on a single-family detached unit. If it is in the B-1 Zoning District, then it will need parking based off of square footage.

Vice Mayor Loges asked if this would affect short-term rental properties.

Mr. Reese replied that it would be treated as any other short-term rental unit.

Vice Mayor Loges asked if it would be considered operating a business if used as a short-term rental unit.

Mr. Crim replied that he will have to get back with the answer due to a search function issue on the code website.

Vice Mayor Loges noted that this limits accessory dwellings to one stories and leaves out a loft space. She asked if there was a reason not to allow an apartment or loft space above a garage which could

accommodate parking.

Mr. Crim replied that it was a direction from the Planning Commission.

Councilmember Perkins replied he would need to review the discussion from the Planning Commission meeting to get an answer for the decision.

Vice Mayor Loges asked if there were any additional risks this would introduce to town.

Mayor Porta asked for clarification on what the motivation is for adopting this ordinance.

Mr. Crim replied that the idea behind the ordinance was to provide a mix of housing opportunities for people and would expand the available housing within town. The risks would be parking and traffic issues with increased density.

After discussion, the Council decided unanimously to defer adoption of the ordinance until the questions asked could be evaluated and addressed, specifically on the single-story issue.

c. Request to Adopt Ordinance O-2024-04 Reducing Speed Limit on Specific Section of Washington Street

Mayor Porta noted that staff researched where lowering the speed limit would be suitable and determined that Washington Street was the only place where it would make sense based off the data and location.

Councilmember Perkins asked if to be able to add signal lights on the speed limit signs if we would need to change the speed limit below 25 mph.

Mr. Linn replied that VDOT does not permit the placement of lights on their speed limit signs and in order to place lights up the town would have to have its own signs, which would mean the Town would have to lower the speed limit.

Councilmember Perkins noted on that section of Washington Street there are multiple crosswalks and school bus stops. He explained that since people speed on that road already at 25 mph, lowering that speed will help prevent any pedestrian accidents, and this will show that the Town is trying everything within its power to prevent a potential accident. He noted that 15 mph may be too low, and that 20 mph would be more appropriate.

Mr. Linn noted that people wouldn't be getting tickets going a few miles over and that as a practice, the police are not giving tickets to people going under 30 mph for several reasons. The main point to lowering the speed limit is to bring attention to the road, slow drivers down, not give out tickets.

The Council was in agreement to lower the speed limit to 20 mph rather than 15 mph.

Councilmember Perkins moved to adopt ordinance O-2024-04 Reducing Speed Limit on Specific Section of Washington Street from 25mph to 20mph. Councilmember Freeborne Brinton seconded. Motion passed unanimously by roll call vote.

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

Nays: None

d. Request to Reassign Budget Line Item for Kayak Launch Dock Extension

Mayor Porta asked if the length of the extension will extend beyond the existing kayak launch.

Mr. Linn replied that it will extend four feet beyond the existing kayak launch.

Councilmember Freeborne Brinton moved to reassign an amount not to exceed \$6,200, within the Riverwalk Improvements line item in the Capital Improvements Plan for the purpose of adding a dock extension to the kayak launch. Councilmember Fithian seconded. Motion passed unanimously by voice vote.

11. DISCUSSION ITEMS

a. Council Compensation Discussion

The council deferred discussion until all members are present in person at a later meeting.

b. Town Fee Schedule Discussion

Councilmember Perkins moved to adopt the updated Draft Fee Schedule. Vice Mayor Loges seconded. Motion passed unanimously by voice vote.

12. ADJOURNMENT

The meeting was adjourned at 8:59 p.m.



Philip Auville, Town Clerk