



OCCOQUAN TOWN COUNCIL
Meeting Minutes
Town Hall – 314 Mill Street, Occoquan, VA 22125
Tuesday, December 3, 2024
7:00 p.m.

Present: Mayor Earnie Porta; Vice Mayor Loges, Councilmembers Nancy Freeborne Brinton (remote), 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; 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 7:02 p.m.

2. PLEDGE OF ALLEGIANCE

As a result of personal reasons, Councilmember Freeborne Brinton attended remotely from Ada, OK.

3. CITIZENS' TIME

No one spoke during citizens' time.

4. CONSENT AGENDA

- a. Request to Adopt Resolution to Set the Schedule of Regular Town Council Meetings for Calendar Year 2025**

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

- a. Request to Accept November 6, 2024, Town Council Meeting Minutes**

The November 6, 2024, Town Council Minutes were amended to modify the Town Attorney's Report under section 8c. to say, "as long as it doesn't reveal any confidential tax information", rather than the current language of "as long as it doesn't violate FOIA".

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

5. MAYOR'S REPORT

Mayor Porta reported the following:

- On November 12th, he spoke to a group of Cub Scouts at the Chinn Park Library about being Mayor of Occoquan.

- On November 13th, he spoke for a program arranged by Dudley TV.
- On November 19th, he attended the D'Rocco's ribbon cutting, along with members of staff and Town Council.
- On November 22nd, he met with staff and representatives of the County to discuss the Ellicott Street Sidewalk Project. He also attended the farewell party for Bucky Brill along, with members of staff and Town Council.
- On November 23rd, he participated in the Town's Annual Tree Lighting and Firelight Night. He thanked staff for organizing the event and he thanked Councilmember Perkins, his wife, and his neighbors for volunteering and organizing the Firelight Night.
- On November 25th, he participated in the County's Community Partners Briefing.
- On December 3rd, he did an interview on the Town's history with a producer of a US sponsored Jordanian Arabic language program.

Mayor Porta wished to thank staff members Mr. Linn and Mr. Forman for keeping him in the loop on the utility pole fire. He asked Mr. Linn if there was enough information on what started the fire and if he should mention the Rt. 123 accident in an e-newsletter.

Mr. Linn replied that there is enough evidence to show that the cause of the fire was from a Dominion line coming out of the boot of the transformer and sparking with the Verizon line. The basics of what local media has also reported on the accident on Route 123 can be sent out and that it's still being investigated by Prince William County Police.

Vice Mayor Loges noted that the accident on Rt.123 was covered by the mainstream media such as NBC. She also wanted to recognize and thank the Town Police for supporting Prince William County's Police on the accident.

Councilmember Fithian asked if the clumps of cables on the utility poles are all abandoned lines that could be requested to be removed.

Mayor Porta after clarifying which lines, noted that he spoke with Mr. Forman and a Verizon worker who indicated most of the lines are unused or abandoned; however, there are still a few copper lines going to buildings where the customers have not upgraded to FIOS.

6. COUNCILMEMBER REPORTS

Councilmember Perkins noted that he attended Bucky Brill's farewell party. He noted that he participated in the Town Tree Lighting Firelight Night and thanked his wife and neighbors for helping with the event. He also thanked the Town Police on handling of multiple situations over the past month.

Councilmember Freeborne Brinton thanked everyone who helped with Firelight Night and the Tree Lighting event. She also provided feedback that the microphone couldn't be heard in the back of the crowd at the Tree Lighting event.

Councilmember Daubresse thanked everyone for working and supporting all of the events throughout the year.

Mayor Porta thanked Councilmember Daubresse for hosting the thanksgiving food drive.

Councilmember Daubresse noted that four hundred (400) turkeys were donated.

Vice Mayor Loges thanked Councilmember Perkins on his efforts on the Firelight Night.

Councilmember Fithian thanked staff and police on all the support at the Tree Lighting event.

7. BOARDS AND COMMISSIONS

Architectural Review Board (ARB) Chair Seefeldt reported that the ARB did not have a meeting scheduled for November. Their next meeting will be next week on December 10th.

Councilmember Perkins reported that the Planning Commission did not have a meeting scheduled for November. Their next meeting will be next week on December 10th.

8. ADMINISTRATIVE REPORTS

a. Administrative Report

Mr. Linn noted that Un-Trim-A-Tree tags are still available. New for this year the Town is partnering with Tiny Supply Co. to issuing the Un-Trim-A-Tree tags and that monetary donations can be made if there's not enough time to shop. Mr. Linn added that several treasurers' summonses for BPOL taxes were sent out to delinquent business owners and that audits have been set up for those owners to appear in person on Friday. As a result of the summons, one business paid their delinquent BPOL tax but were advised they still needed to appear and to show their financial books for an audit. The business that is currently going through the court process has paid their meals taxes up through September but was still being required to appear in court this week. Another delinquent business filed their meals tax reports and plans on entering into a payment plan for six months to become current.

Mayor Porta asked where in the process we are with the CFPF Grant to upgrade the stormwater infrastructure and the DEQ ARPA 2022 Appropriation for sediment removal and stormwater remediation.

Mr. Whitmoyer replied that the Town is still waiting on the final payments for the latter and for the appropriation on the former.

Mayor Porta noted that he can send out an e-newsletter on the StormReady Certification signage that has been installed at the Town Gateways.

Councilmember Perkins asked what the plan on educating the community on the StormReady Certification at another council meeting.

Councilmember Fithian asked about the status of the EV Charging Station Grant and if we had another location in Town to install EV Charging Stations.

Mr. Linn advised that staff had not received any updates and that the grant would include acquiring property next to the Rt. 123 bridge parking lot.

Councilmember Perkins noted that the town gateways need better landscaping and updates. He asked that staff bring to Council the landscaping plans for next spring by March.

Mayor Porta directed staff to bring forward a plan that is specific with the landscaping at the March Meeting.

Councilmember Perkins asked if staff had any updates on the glass recycling installation at the 123 and Old Bridge VDOT Commuter Lot.

Mayor Porta noted that he will send a letter to Supervisor Boddye to see if he could get any more specific updates on the glass recycling installation.

Councilmember Perkins then asked if the Mr. Linn could explain the difference in traffic summons between FY24 and FY25. He also asked to explain the reduction in November's parking tickets.

Mr. Linn replied that the police department is down three patrol officers as compared to the same period last year. With respect to the reduction in parking tickets, Mr. Linn advised that the parking enforcement officer resigned last month.

Vice Mayor Loges noted that Fairfax County is looking to get more authority from the state to be able to ticket excessively loud vehicles.

Mr. Linn added that Fairfax County is trying to get authority for a pilot program to have excessive vehicle noise recorded on video and for a civil violation citation to be issued.

Vice Mayor Loges asked if this is something that could be brought before the General Assembly for the Town.

Mayor Porta noted that Delegate Sewell wants to hold a meeting with the Town Council, which would need to be a public meeting, and that could be a time to bring up the topic of enforcement actions for noisy vehicles.

b. Town Treasurers' Report

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

Ms. Rupani noted that she did a meals tax trend for FY24 and FY25 and we are very close to being even or better for FY25 when estimating the missing meals tax payments.

c. Town Attorney's Report

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

9. REGULAR BUSINESS

a. Request to Approve Encroachment License for 450 Mill Street

Councilmember Perkins moved to adopt the encroachment license as presented. 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

10. DISCUSSION ITEMS

a. Riverwalk Extension Project Discussion

Mayor Porta noted that the Riverwalk Extension Project Discussion was on the agenda for the last meeting but was deferred since all the members of the Council were not present. Due to apparent policy changes at VDOT there are now doubts as to whether or not the extension project would be eligible for TAP grant funding. Consequently, he noted, the town must now decide, given these

doubts, if it is still willing to incur a variety of pre-application expenses previously discussed that were considered important for a competitive application.

Mr. Reese expressed his opinion that the document from the Berkley Group would probably be sufficient documentation to apply for a TAP grant and that the work items previously discussed would thus not necessarily need to be done before applying. Mr. Reese explained that if the Town does find out that an application would be entertained for TAP funding, then the work under consideration could be accomplished within approximately eight (8) weeks; so, he would not recommend doing any advance work.

After discussion, Council directed staff not to expend funds on advance Riverwalk Expansion services (planning, geotechnical, and surveying). Council will reconsider the expenditures at a future time.

b. Ellicott Street Sidewalk Discussion

Mayor Porta noted that he and the Town Manager met with County staff regarding the Ellicott Street Sidewalk Project. The meeting clarified some confusion regarding the project, which the town had understood to be a county-proposed, discretionary extension of the Occoquan Greenway connection project. This turned out not to be the case. In addition to the Occoquan Greenway connection project, a number of years ago the town had also discussed with the county funding for new sidewalks both on Ellicott Street and on a section of Mill Street adjacent to what is now the Mill Street Draft Garden. These two projects were part of a broader pedestrian safety initiative. Ultimately, the county incorporated the Ellicott Street project (but not the Mill Street project) into a broader federal funding proposal that also included among other projects, the Occoquan Greenway connection.

The meeting addressed the Council's concern that the sidewalk project would both narrow Ellicott Street and cause the removal or destruction of the magnolia tree that is on the county's historic tree list. When the project was understood to simply be a discretionary extension of the Occoquan Greenway connection, Mayor Porta had indicated that the Town preferred the formal Greenway route simply follow Union Street, removing any need to upgrade the Ellicott Street sidewalks and threaten the historic tree or narrow the road. The county noted, however, that the Ellicott Street sidewalk project had been formally incorporated into the application for federal funds as part of the Greenway connection and that therefore, such a change in scope would require resubmitting the entire application, securing approvals from the Commonwealth Transportation Board among others, and result in substantial unrecoverable costs incurred to date, essentially jeopardizing the entire project. After discussions with staff, the county recommended installing mountable curbs to improve the current experience of turning onto Ellicott Street from Mill Street and thus mitigate the narrowing of the road. Additionally, they agreed to work with the county arborist to take all reasonable measures to preserve the Magnolia tree.

After discussion, Council accepted the County's revised proposal to include mountable curbs on the sidewalk and to take all reasonable measures to preserve the magnolia tree.

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)(1), a personnel matter involving: assignment, appointment,

promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town; specifically dealing with the Town Manager. Councilmember Fithian seconded. Motion passed unanimously by voice vote.

The Council went into closed session at 8:58 p.m.

The Council came out of closed session at 9:08 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 Fithian. The motion passed unanimously by roll call vote.

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

Nays: None

12. BUSINESS AFTER CLOSED SESSION

Vice Mayor Loges moved to improve an annual salary increase of \$10,000 for the Town Manager effective January 1, 2025. Councilmember Fithian seconded. Motion passed by roll call vote.

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

Nays: None

13. ADJOURNMENT

The meeting was adjourned at 9:10 p.m.



Philip Auville, Town Clerk