



**OCCOQUAN TOWN COUNCIL**  
**Meeting Minutes**  
**Town Hall - 314 Mill Street, Occoquan, VA 22125**  
**Tuesday, January 21, 2025**  
**7:00 p.m.**

**Present:** Mayor Earnie Porta; Vice Mayor Jenn 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; Julie Little, Events Director; 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 7:01 p.m.

Mayor Porta briefly noted some humorous excerpts from town meeting minutes from the 1980s.

**2. PLEDGE OF ALLEGIANCE**

As a result of personal reasons, Councilmember Freeborne Brinton attended remotely from Campbellsville, KY.

**3. CITIZENS' TIME**

No one spoke during citizens' time.

**4. PRESENTATION**

**a. FY2023 Audit Presentation by Robinson, Farmer, Cox Associates**

Mr. Mike Moran from Robinson, Farmer, Cox Associates presented the FYE 2023 financial audit.

Mr. Moran responded to brief questions from council.

Mayor Porta asked if in Exhibit 1 the restricted cash of \$100,000 represented the Mamie Davis Funds; he also asked about the source of the unearned revenue of \$723,649.

Mr. Moran replied yes that the restricted cash amount is the Mamie Davis Fund and that the unearned revenue is made up of what were previously referred to as SLFRF Funds and some craft show revenue.

Mayor Porta asked for clarification on Note 5 - Capital Assets, which consists of items not being depreciated.

Mr. Moran replied that this is essentially land.

Mayor Porta asked whether the rates of return for the pension plan are dictated by VRS.

Mr. Moran replied that they are dictated by VRS and not from an independent actuary.

Mr. Moran indicated that the delay in getting the FY2023 audit was on his part and that staff had provided all information and did everything they needed. He indicated that he plans on having the FY2024 financial audit to Council by March.

Mayor Porta asked for unanimous consent to move up on the agenda Item 11b. Holiday Events and Marketing Discussion with Visit Occoquan. There being no objection the item was moved up on the agenda.

## 5. DISCUSSION ITEMS

### b. Holiday Events and Marketing Discussion with Visit Occoquan

Ms. Burzio presented on social media statistics and marketing spending for the holiday events. She noted that no additional marketing budget was spent on the holiday events.

Ms. Burzio answered brief questions from council on the holiday events and discussed the business holiday survey statistics from town businesses.

Ms. Burzio noted that she along with Mr. Whitmoyer will be attending the Mobilizing Mainstreet opening in Staunton.

## 6. CONSENT AGENDA

- a. Request to Accept November 6, 2024, Town Council Meeting Minutes
- b. Request to Reappoint Member to the Board of Zoning Appeals

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

## 7. MAYOR'S REPORT

Mayor Porta reported the following:

- On December 7<sup>th</sup>, he brought Santa to town by boat.
- On December 9<sup>th</sup>, he attended the volunteer appreciation holiday party.
- On December 13<sup>th</sup>, he participated in Firelight Night.
- On December 15<sup>th</sup>, he spoke on Occoquan history at the invitation of the Burke Historical Society.
- On December 16<sup>th</sup>, he attended Congresswoman Spanberger's end of term brunch in Fredericksburg.
- On December 19<sup>th</sup>, he served as day lead for the Leadership Prince William (LPW) History & Government Day, which this year was held at the Occoquan VFW and Town Hall; LPW held its holiday party at D'Rocco's that night as well and the Mayor expressed his gratitude for the organization coming to Occoquan this year and for the excellent service by the VFW, Town Hall, and D'Rocco's.
- On December 21<sup>st</sup>, he judged the Barrington Point/Occoquan Point decorating contest.
- On December 27<sup>th</sup>, he participated in the ceremony for the winners of the Occoquan Historical

Society raffle.

- On December 30<sup>th</sup>, he participated in the Chanukah menorah lighting ceremony sponsored by Chabad Lubavitch of Gainesville and Greater Manassas in River Mill Park.

Mayor Porta noted that he received very nice thank you letters from 4th grade Cub Scouts to whom he had spoken on November 12.

At the suggestion of Vice Mayor Loges he contacted the town's state delegate, as well another Prince William delegate who sits on the relevant committee in the Virginia General Assembly, to express the town's opposition to HB2004, which was introduced by a Republican delegate from Roanoke who seeks to limit the ability of localities to assess a meals tax. Also, at the suggestion of Vice Mayor Loges he contacted the town's state delegate regarding the town's authority to institute a cigarette tax.

As requested by the town council he contacted Occoquan Supervisor Boddye's office for an update on the glass recycling container the county's recycling office had indicated to town staff would be installed at the commuter lot at the corner of Route 123 and Old Bridge Road by last summer. According to Supervisor Boddye's office, the county public works office is unaware of any such plans – Supervisor Boddye's office agreed to look into the matter.

He contacted Supervisor Boddye's office to reiterate the town's desire for the county to purchase the Tanyard Hill property.

He contacted Fairfax County Supervisor Stork's office regarding any updates on Fairfax County's desire to purchase the property on the north side of the river adjacent to the Route 123 bridge. He thanked Councilmember Perkins for attending the lying in state of the late President Jimmy Carter.

He informed the Council that the day before Christmas he received a letter, as did many Virginia jurisdictions, from America First Legal, asserting that the town was a sanctuary jurisdiction and threatening legal action unless the town changed its policies. The Mayor noted that the town is not a sanctuary jurisdiction, and he confirmed at the time with the Town Manager/Chief of Police and the Town Attorney that the town had no policies that could be construed so as to render the town as such, a fact that the mayor reported he made explicitly clear in response to a subsequent press inquiry. America First Legal has sent such notices to a variety of independent towns in the state who are in counties that have differing policies on ICE detainers. Mayor Porta noted to the Council that since the town does not operate a jail it would never receive an ICE immigration detainer, thus making it impossible for the town to serve for any practical purpose as a sanctuary jurisdiction, a condition he indicated he thought should be clear to anyone professing expertise on immigration issues.

Mayor Porta also thanked staff for the exceptional, hands-on work that they performed during the most recent snow event, with many members of the staff clearing areas themselves by hand. He noted that with regard to snow removal it was the most dedicated effort on the part of staff he has ever witnessed during his time in Occoquan. Along with Councilmember Perkins he expressed his gratitude, but also his concern that staff does not burn themselves out with such efforts, noting that it is incumbent upon the town council to budget sufficient funds for contractors to perform such work as needed.

## 8. COUNCILMEMBER REPORTS

Councilmember Perkins noted that he will be providing the council an after-action report on the Tree Lighting Firelight Night at the next meeting.

Vice Mayor Loges noted that she received a complaint on VDOT's excessive salting of the streets and that the concerns were reported to VDOT.

Councilmember Daubresse asked about the enforcement of HOA's not clearing their sidewalks from snow and ice.

Mr. Linn replied that notices per town code were sent out three days after the snow event to the HOA's and individuals who hadn't cleared snow from their sidewalks.

Councilmember Fithian noted that she received a compliment from the owner of the Secret Garden Café for the town staff clearing out the snow quickly. She also noted that she attended the menorah lighting in River Mill Park.

## 9. BOARDS AND COMMISSIONS

Architectural Review Board (ARB) did not have a report.

Councilmember Perkins reported that the Planning Commission did not have a meeting in December.

## 10. ADMINISTRATIVE REPORTS

### a. Administrative Report

Mr. Linn noted that he had received a complaint from a resident on Washington Street that since the new 20 mph signs have gone up it seems that people are going faster and would like more policing on Washington Street.

Mr. Linn also noted that enforcement of the Town Auto Decals has begun.

Mayor Porta asked if the demolition permit from the Mill at Occoquan is only for the steel structures and not the buildings.

Mr. Linn indicated that the current permit from the Town was only for the steel structure. He also noted that there are no progress updates for the Mill at Occoquan.

Councilmember Perkins asked about the EV grant that the town did not get awarded.

Mr. Linn replied that the Town's goal in applying for the electric vehicle charging grant was to purchase the property next to the 123-bridge to make it a parking lot with additional EV chargers. He indicated that there was only one grant awarded in Virginia, and it went to the Virginia Department of Energy, which had a broader focus than the town and involved tourism around the state.

### b. Town Treasurers' Report

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

Ms. Rupani noted that Business License audits are being performed. Several businesses are in arrears on BPOL and is staff currently working on collections.

### c. Town Attorney's Report

Mr. Crim provided a written report that was distributed to the council.

Mr. Crim noted that there are several housing bills going through the General Assembly that would affect local jurisdictions and are a concern to VML. One would require by right-usage of residential usage in the commercial district, another would call for an increase in housing stock for localities,

and a third bill would mandate allowing accessory dwelling units on single family lots.

## 11. REGULAR BUSINESS

### a. Request to Adopt Ordinance to Amend Title IX of the Town Code

Mayor Porta noted that these amendments represent staff's ongoing cleanup of the Town Code.

Vice Mayor Loges asked if the proposed ordinance regarding having dogs leashed was compatible with the ADA for service dogs. She indicated that leashing some service dogs is not an option.

Mr. Crim noted after reading over the ADA law, that the section of code would need to be rewritten to clearly include service dog language.

Mayor Porta tabled the request to the next meeting to provide staff opportunity to include the ADA language.

### b. Request to Adopt the National Incident Management System (NIMS) and Emergency Operations

**Councilmember Freeborne Brinton moved to adopt Resolution R-2025-01 and Resolution R-2025-02. 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

## 12. DISCUSSION ITEMS

### a. Tax on Sale of Cigarettes

Mayor Porta noted that he was originally concerned that this would adversely affect the VFW, but he has confirmed that they no longer sell cigarettes. As a result, there are currently no businesses in town sell cigarettes and this ordinance would thus be preemptive. He also noted that the law doesn't include vaping.

Mr. Crim noted that the adoption of a cigarette tax requires a seven-day notice for a public hearing. Second, to join the Northern Virginia Cigarette Tax Board, the NVCTB would have to vote on including Occoquan into their membership at their June meeting. Third, the Town could adopt a tax that is in addition to or cumulative with Prince William County's tax.

Councilmember Daubresse asked if this would include cigars and pipe tobacco.

Mr. Linn replied that from the current understanding of the state code it does not include loose leaf tobacco or leaf rolled cigars. It would only tax paper-rolled tobacco products. He indicated, however, that he would confirm this.

Council gave direction to staff to prepare an ordinance to tax the sale of cigarettes within the town.

### b. StormReady® Certification Education Discussions

Mr. Forman presented on the Occoquan Police Department's plans to educate residents in the town about the StormReady® Certification.

Mr. Forman noted that a citizen preparedness guide will be available, and that information has been added about StormReady® on the town's website under the public safety page.

### 13. 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)(19), discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety. Councilmember Daubresse seconded. Motion passed unanimously by voice vote.

The Council went into closed session at 9:46 p.m.

The Council came out of closed session at 10:25 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 Fithian, Councilmember Perkins

Nays: None

### 14. ADJOURNMENT

The meeting was adjourned at 10:26 p.m.



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Philip Auville, Town Clerk