



OCCOQUAN TOWN COUNCIL
Meeting Minutes
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, March 4, 2025
7:00 p.m.

Present: Mayor Earnie Porta; Vice Mayor Loges, 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; Jason Forman, Deputy Chief of Police; Julie Little, Events Director; Tammy Hassett, Events Coordinator; Asma Rupani, Town Treasurer (remote); Martin Crim, Town Attorney (remote)

1. CALL TO ORDER

Mayor Porta called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. CITIZENS' TIME

Two residents spoke during Citizens' Time.

One resident from Mrytle Place expressed concerns he has about the developer of the Mill at Occoquan project potentially requesting that the Council reevaluate the possibility of expanding the project. He wanted to make certain that the developer could not change the materials used.

One resident from River Road spoke about the town's gravel parking area at the end of River Road where the Town installed no trespassing signs. He indicated that residents from the end unit have 6 vehicles and are parking on the grass next to their fence and trespassing by going through the gravel lot. He also asked who complaints can go to for too many people living in a single town house.

Since there were no further citizen comments, Citizens' Time was closed.

Mayor Porta first addressed the concerns about the Mill at Occoquan. He noted that the developer can request changes anytime to the Council but that the Council doesn't have to approve the request or could refer any request to the Planning Commission for review. He noted that after discussion with other Councilmembers individually that he reported to the developer that it was his personal opinion that it's "a nonstarter to add an additional floor to the project." Mayor Porta further added that if in the future the developer made a request for changes such changes it would still have to go through the process with the Planning Commission and Architectural Review Board, as well as have public hearings before the Planning Commission and Town Council before the Council could vote on any changes.

Mr. Linn addressed the issue on the parking at River Road. He noted that one issue is that the community does not have an active HOA to regulate parking and give permission to the police to tow the vehicles parked on private property in the grass. He also noted that the property in which the vehicles are parking was originally HOA property but after it was dissolved it reverted to the owners of the end unit. He further noted police can't charge a person for trespassing through the gravel lot unless it is witnessed by an

officer. He noted that as part of the CIP for next fiscal year there are plans to install a fence to block off the gravel lot.

The resident asked if a temporary barrier could be installed before the permanent fencing can be installed.

Mr. Linn noted that one reason a barrier hasn't been added yet is because several other residents had reported that they use the lot to turn around in.

After additional discussion with the resident, Council directed staff to install a temporary chain barrier between two posts to prevent use of the gravel lot and to investigate other additional measures that might improve the situation, including determining what, if any, regulatory authority existed to regulate the number of occupants of a residential structure.

4. CONSENT AGENDA

- a. Request to Accept February 18, 2025, Town Council Meeting Minutes
- b. Request to Set Joint Public Hearing on ZTA on Certain Short-term Recurring Zoning Offenses

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

Mayor Porta mentioned that the motion adopted regarding the hiring of the Maintenance Associate at the last council meeting was not particularly clear in his opinion he therefore suggested adding to the end of the agenda a revised motion to clarify it.

5. MAYOR'S REPORT

Mayor Porta briefly read an excerpt from the Town Clerk from the August 11, 1938, minutes, for those who were not present at the last meeting.

Mayor Porta reported the following:

- On February 23rd, he had discussions with the Town's current Delegate in the Virginia House of Delegates regarding a variety of Town priorities.
- On February 26th, he along with the Town Manager, attended a meeting hosted by LRPA regarding the status of the Occoquan Greenway Trail.

Mayor Porta noted that he will be sending out an e-newsletter about funding that the Town is expecting to receive for the Riverwalk Extension Project.

6. COUNCILMEMBER REPORTS

Vice Mayor Loges noted that she had meetings with staff regarding the budget and helped a resident on what he could do and not do regarding the removal of trees per the Town Code.

7. BOARDS AND COMMISSIONS

Councilmember Perkins reported that the Planning Commission met on February 25th. They approved and submitted to the Town Council its revised recommendations.

Councilmember Daubresse reported that the Architectural Review Board (ARB) did not meet in February.

8. ADMINISTRATIVE REPORTS

Mayor Porta asked for unanimous consent to move up on the agenda the Town Treasurers' Report. There being no objection the item was moved up on the agenda.

a. Town Treasurers' Report

Ms. Rupani provided a written report as part of the agenda packet and responded to brief questions from Council.

Mayor Porta noted that the balance of \$532,000 is the transferred SLFRF funds.

Mr. Linn noted that some additional surplus also makes up that amount as well.

Mayor Porta noted that when straight lining the budget that the total expenses for the period are under what would be expecting besides those items that are frontloaded.

b. Administrative Report

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

Mayor Porta noted that the police auxiliaries have already worked more than one full time officer combined.

c. Town Attorney's Report

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

Vice Mayor Loges asked if Mr. Crim could elaborate on item one in his report.

Mr. Crim replied that after reviewing he didn't mean to include the bill to regulate vaping that failed as a good result, only the other bills listed.

Councilmember Perkins asked why bills to regulate vaping keep failing.

Mr. Crim replied that he isn't sure of the exact reason and that it would be a question to ask the Virginia Municipal League (VML).

9. REGULAR BUSINESS

a. Request to Adopt Ordinance O-2025-03 authorizing Town Manager to Issue Bonuses Within the FY2025 Budget Appropriations

Vice Mayor Loges moved to adopt O-2025-03 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. Revised Report on Planning Commission Planning Recommendations to Town Council

Mayor Porta noted that the reason there will be a joint meeting with the Planning Commission is that the code currently requires a joint meeting on the Planning Commission's Annual Report to Council. He asked Mr. Perkins his preferences regarding how the joint meeting be conducted.

Councilmember Perkins replied that he doesn't see a benefit to having a joint meeting, but he thinks it's important to bring the report before Council to discuss and review.

Mayor Porta asked if he should have Council ask questions of the Commissioners and/or give feedback on the report.

Councilmember Perkins noted it would be helpful for Council to provide feedback and ask questions, and he discussed how he envisions the joint meeting discussion taking place.

b. FY2026 Budget Work Session #2

Ms. Little provided a presentation and briefed the Town Council on the proposed budget for the Events Fund. Ms. Little responded to various questions from the Council.

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

Council's feedback to staff was to look into if other jurisdictions allow a discount for timely filing of meals tax and to look at removing that discount. Council recommended keeping all tax rates the same and to do a fund transfer to offset the potential deficit in the proposed budget.

Mayor Porta added that he did not believe the Mill at Occoquan developer was really interested in adding an additional floor, but was concerned about rising costs.

Mayor Porta added that an email letter was sent to staff from Vizia Art Gallery asking to have the letter passed on to the Council. The owner came to council about a year ago and since that time, staff has been trying to work with her on the issues with where her business is located and the prohibition on off-premises signage. Mayor Porta noted that he will write a letter back in response pointing out that the Council cannot make exceptions to the Historic District Regulations to accommodate the disadvantages attributable to where someone has chosen to open a business within that district. He noted as well that according to the Town Code the alleys are designed to be secondary access points for structures along the alley and that thus historically, the only businesses that have seemed to be successful there are those that do not rely on foot or vehicle traffic, but rather on referrals, marketing, etc. He further noted that the Town has invested resources in the past to try to make the alleys more attractive, including with lighting, signage, and paving, but none ever made a substantive difference in the foot traffic in the alleys. Last, he also noted that he will add in the letter that if she wants the Signage Code revisited that she would need to convince the Architectural Review Board to recommend changes to allow off premises signage and that the board has historically been very opposed to allowing off premises signage.

With unanimous consent, Mayor Porta added to the agenda a new motion regarding the hiring of James Auville to the Maintenance Associate position from the last Council Meeting.

Councilmember Daubresse moved to modify the motion passed at the February 18th, 2025, Town Council Meeting related to the hiring of James Auville as follows: that the Town Manager is authorized to offer and hire James Auville who is the Town Manager's stepson upon the condition that Town Manager is not directly responsible for the supervision of James Auville and further that any concern or complaint regarding Mr. Auville would go first to the Deputy Town

Manager and then directly to the Mayor if necessary for review to avoid any potential conflict of interest. Seconded by Councilmember Perkins. Motion passed unanimously by voice vote.

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)(3), a matter involving: discussion or consideration of the acquisition of real property for a public purpose; specifically involving namely easements along the river within the town boundary because discussion in an open meeting would adversely affect the Town's bargaining position or negotiating strategy. Councilmember Fithian seconded. Motion passed unanimously by voice vote.

The Council went into closed session at 9:43 p.m.

The Council came out of closed session at 9:52 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

12. ADJOURNMENT

The meeting was adjourned at 9:53 p.m.



Philip Auville, Town Clerk