



TOWN OF OCCOQUAN

Circa 1734 | Chartered 1804 | Incorporated 1874

314 Mill Street
PO BOX 195
Occoquan, VA 22125
(703) 491-1918
occoquanva.gov
info@occoquanva.gov

Occoquan Town Council Town Council Meeting May 20, 2025 | 7:00 p.m.

1. **Call to Order**
2. **Public Hearing**
 - a. Joint Planning Commission and Town Council Public Hearing on Certain Short-term Recurring Zoning Offenses - pg. 2
 - b. Public Hearing on FY2026 Tax Rates - pg. 10
3. **Consent Agenda**
 - a. Request to Accept May 5, 2025, Town Council Meeting Minutes - pg. 13
4. **Regular Business**
 - a. Request to Adopt FY2026 Tax Rates - pg. 18
 - b. Request to Adopt FY2026 Annual Budget - pg. 21
 - c. Request to Adopt Ordinance O-2025-06 on Certain Short-term Recurring Zoning Offenses - pg. 24
 - d. Request to Adopt Ordinance O-2025-07 on Taxing Cigarettes - pg. 32
5. **Discussion Items**
 - a. Planning Commission Annual Report - pg. 45
 - b. Town-Owned Waterfront Amenities Discussion - pg. 73
6. **Closed Session**
7. **Adjournment**

Portions of this meeting may be held in closed session pursuant to the Virginia Freedom of Information Act.
A copy of this agenda with supporting documents is available online at www.occoquanva.gov.



TOWN OF OCCOQUAN TOWN COUNCIL MEETING Agenda Communication

| | |
|--|-----------------------------------|
| 2. Public Hearing | Meeting Date: May 20, 2025 |
| 2A: Joint Planning Commission and Town Council Public Hearing on Certain Short-term Recurring Zoning Offenses | |

Attachments: a. Draft Ordinance O-2025-06
b. Public Hearing Advertisement

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is a public hearing on a zoning text amendment on shortening the appeal period for certain short-term recurring zoning offenses. The draft ordinance is attached. This is a joint public hearing held between the Planning Commission and the Town Council.

The objective of the amendments is to provide for more efficient and timely enforcement of certain zoning offenses that occur for non-permanent, short durations of time. These include offenses related to temporary sign permits, temporary trailers for sales, temporary seasonal displays, and home occupation certificate regulations restricting commercial vehicle parking.

This public hearing is intended to provide the public with the opportunity to comment on the proposed zoning text amendment. This public hearing was advertised in the Washington Times on May 6 and May 13, 2025 as well as on the Town website and at locations around the town.

Town Staff's Recommendation: Recommend closing the public hearing.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to close the public hearing."

OR

Other action Council deems appropriate.

ORDINANCE # O-2025-06

AN ORDINANCE TO AMEND SECTION 33.20, BOARD OF ZONING APPEALS, AND SECTION 157.014, TEMPORARY TRAILER FOR SALES AND CONSTRUCTION OFFICE DURING CONSTRUCTION, OF THE TOWN CODE TO PROVIDE FOR A SHORTENED APPEAL PERIOD

WHEREAS, the Town Council initiated a zoning text amendment to shorten the appeal period for certain short-term zoning offenses by Resolution R-2025-04; and

WHEREAS, by authority granted in §15.2-2286(A)(7) of the Code of Virginia, the Town Council may in such cases amend, supplement, or change the zoning regulations, and

WHEREAS, the Town Planning Commission and Town Council have advertised and held a joint public hearing on the proposed amendment to the Town zoning ordinance; and

WHEREAS, after receiving public input and the recommendation of the Planning Commission, the Town Council desires to amend the zoning ordinance to shorten the appeal period for certain short-term zoning offenses, in order to accomplish the objectives of Virginia Code § 15.2-2200 and serve the public health, safety and welfare.

NOW, THEREFORE BE IT ORDAINED by the Council for the Town of Occoquan, Virginia meeting in regular session this ____ day of _____, 2025:

1. That the Town Council hereby amends the Town Code as presented in the attached; and
2. That this ordinance is effective upon passage.

BY ORDER OF THE TOWN COUNCIL

Meeting Date: _____, 2025

Town Council Meeting

Ord No. O-2025-06

RE: AN ORDINANCE TO AMEND SECTION 33.20, BOARD OF ZONING APPEALS, AND SECTION 157.014, TEMPORARY TRAILER FOR SALES AND CONSTRUCTION OFFICE DURING CONSTRUCTION, OF THE TOWN CODE TO PROVIDE FOR A SHORTENED APPEAL PERIOD

MOTION:
SECOND:
ACTION:

Votes:
Ayes:
Nays:

Absent from Vote:
Absent from Meeting:

CERTIFIED COPY _____
Town Clerk

DRAFT

§ 33.30 APPEALS TO BOARD.

~~(A)~~ ~~(A)~~ Generally. An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the town affected by any decision of the Zoning Administrator or from any order, requirement, decision, or determination made by any other administrative officer (a "Decision") in the administration or enforcement of VA Code §§ 15.2-2280 et seq., or Chapter 157 of this code. ~~Notwithstanding any Charter provision to the contrary~~ Except as provided for in subsection (A) (i) of this section, any Decision ~~written notice of a zoning violation or a written order of the Zoning Administrator dated on or after July 1, 1993,~~ shall include a statement informing the recipient that he or she may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the ~~d~~Decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given.

- i. A notice of violation concerning a temporary trailer for sales and construction office during construction, temporary seasonal displays, or parking of a marked company vehicle in connection with a home occupancy certificate shall state that the appeal must be brought to the Board of Zoning Appeals (BZA) within ten (10) days from the date of the decision.

(B) Application and fees. Any person aggrieved by a Decision of the Zoning Administrator may appeal to the Board of Zoning Appeals (BZA) by filing on the form provided, a notice of appeal with the Zoning Administrator and the Board of Zoning Appeals, which appeal shall specify the grounds of the appeal, together with the fees as established in the current fee schedule. For a notice of violation concerning temporary trailer for sales and construction office during construction under Town Code § 157.014; temporary seasonal displays under Town Code §§ 157.041 (A)(8), 157.061 (A) (7), 157.081 (A)(9), 157.101 (A)(4), or 157.121 (A)(21); or parking of a marked company vehicle in connection with a home occupancy certificate under Town Code § 157.010, the appeal must be filed within 10 days from the date of the notice of violation. An appeal must be taken within 30 days after the decision appealed from by filing, on the form provided, a notice of appeal with the Zoning Administrator and the Board of Zoning Appeals, which appeal shall specify the grounds of the appeal, together with the fees as established in the current fee schedule. For all other Decisions, the appeal must be filed within 30 days from the date of the Decision. The application and accompanying maps, plans, and other documentation constituting the record upon which the action appealed from was taken shall be transmitted promptly to the Secretary of the Board, who shall place the matter on the docket. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his or her opinion cause

imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

(C) Notice and hearing required; Planning Commission recommendation. After entering the appeal on the docket, the Secretary of the Board shall advertise a public hearing, give written notice to the parties in interest, and request the Zoning Administrator to transmit a copy of the application and his or her staff report to the Planning Commission; the Planning Commission may send a written recommendation to the Board to appear as a party at the public hearing.

(D) Burden of proof. The applicant for a variance has the burden of proving that denial of a variance will result in unnecessary hardship, of proving that his or her hardship is due to Chapter 157 of this code itself, and of proving, to the satisfaction of the Board, requirements for a variance stipulated in the VA Code.

(E) Findings required. The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice as well as due notice to the parties in interest, and make its decision within 90 days of the filing of the application or appeal. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision, or determination appealed from. The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under Chapter 157 of this code or to effect any variance from Chapter 157 of this code. The decision of the Board must be based on the evidence adduced at a public hearing and must include findings of fact disclosing the evidence relied upon by the Board and otherwise state the business and grounds for its decision to assure that the provisions of the VA Code and this subchapter have been met.

(F) Board to issue order. Whenever the Board shall grant a variance, the Secretary of the Board shall cause an order to be issued evidencing the grant and furnish copies of the order to the applicant, to the Zoning Administrator, to the Town Clerk, and to such other parties as deemed necessary.

(G) Limitation on change. In no event shall a written order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer be subject to change, modification, or reversal by any Zoning Administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision, or determination where the person aggrieved has materially changed his or her position in good faith reliance on the action of the Zoning Administrator or other administrative officer unless it is proven that such written order, requirement, decision, or determination was obtained through malfeasance of the Zoning Administrator or other administrative officer or through fraud. The 60-day

limitation period shall not apply in any case where, with the concurrence of the Town Attorney, modification is required to correct clerical or other nondiscretionary errors.

(1998 Code, § 2-281) (Ord. O-2023-15, passed 9-19-2023)

§ 157.014 TEMPORARY TRAILER FOR SALES AND CONSTRUCTION OFFICE DURING CONSTRUCTION.

(A) The Zoning Administrator shall issue a zoning permit for a temporary trailer to be used for sales and/or construction purposes:

(1) During construction of a residential or mixed-use development; or

(2) During construction, renovation, or reconstruction of a primary permanent structure for commercial or residential uses, if the following criteria are met:

(a) For a trailer permitted under division (A)(1) above, there is an approved, valid final site plan or subdivision plat that remains under bond, for the site on which the temporary trailer will be located;

(b) For a trailer permitted under division (A)(2) above, there is a valid building permit in place;

(c) The applicant has submitted a sketch of the site identifying the location of the temporary trailer and construction plans. This sketch need not be sealed by an engineer but must show scale, north arrow, distance from the trailer to the nearest property lines, the location of at least two parking spaces, the hours of operation, and the location, type, and wattage of any temporary site lighting for the temporary trailer;

(d) The temporary trailer shall be subject to the minimum setbacks of the zoning district in which it is located;

(e) The temporary trailer shall be located within the boundary of the project in which lots or units are to be sold or rented;

(f) No sleeping accommodations shall be provided within the temporary trailer;

(g) The temporary trailer shall be securely attached and underpinned. Foundations for the office shall be screened from public view;

(h) Outdoor lighting meeting the standards set forth in §§ 157.285 through 157.288 of this chapter shall be provided for hours of operation after sunset or before sunrise;

(i) Each temporary trailer shall not exceed one story in height and 625 square feet of floor area;

(j) Sanitary facilities are connected to public water and sewer or have been approved by the health department. A copy of the health department approval must be submitted with the application;

(k) All temporary trailers located in the Old and Historic Occoquan District shall be exempted from the certificate of appropriateness requirement as set forth in §§ 157.175 through 157.182 of this chapter;

(l) Prior to issuance of any permit, the applicant shall execute a guarantee of removal after termination of the permit and the Zoning Administrator shall require a reasonable bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the Town Attorney, to ensure that measures could be taken by the town at the applicant's expense should they fail, after proper notice, to remove the temporary trailer from the location or fail to take such other action to meet the aforementioned conditions. If the town takes such action upon such failure by the applicant, the locality may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated.

(B) The permit for a temporary trailer shall be for no more than 180 days, subject to a single renewal for up to 180 days, but in no circumstances may a single project have a temporary trailer for more than 360 days in any 24-month period. Upon the sale or rental of all marketed units on the property, the permit for the temporary trailer expires immediately. The Zoning Administrator may terminate the permit after giving 10 days notice of a violation of this section if the violation remains uncorrected upon expiration of the notice period. The holder of the permit may appeal the termination of the permit within 10 days to the Board of Zoning Appeals.

(C) Applicants shall apply for the permit with forms provided by the Zoning Administrator and pay the applicable fee as set by Town Council in the fee schedule. The Zoning Administrator shall grant or deny the permit within 30 days of application. If the Zoning Administrator grants the permit, the applicant shall keep and display the permit on the exterior of the temporary trailer until the trailer is removed from the site.

(D) The appeal period for a notice of violation under this Section is 10 days.

(Ord. O-2023-10, passed 6-6-2023)

**TOWN OF OCCOQUAN, VIRGINIA
NOTICE OF JOINT PUBLIC HEARING OF
PLANNING COMMISSION AND TOWN COUNCIL**

May 20, 2025 – 7:00 PM

Notice is hereby given pursuant to § 15.2-2204 of the Code of Virginia, as amended, that the Occoquan Town Planning Commission and Town Council will conduct a joint Public Hearing on proposed amendments to the Zoning Ordinance. The proposed amendments are to accomplish the following:

1. To amend § 33.20, Board of Zoning Appeals, and § 157.014, temporary trailer for sales and construction office during construction, of the Town Code to provide for a shortened appeal period.

The proposed amendments are available for review in Town Hall, 314 Mill Street, Occoquan, Virginia 22125 and online at www.occoquanva.gov.

The hearing is being held on May 20, 2025 at 7:00 p.m. at the Occoquan Town Hall, located at 314 Mill Street, Occoquan, Virginia 22125, by the Occoquan Town Planning Commission and Town Council respectively. The location of the public hearing is believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact the Town Clerk by mail at PO Box 195, Occoquan, VA 22125, by email at info@occoquanva.gov, or by telephone at (703) 491-1918. Persons needing interpreter services for the hearing impaired and/or vision impaired should notify the Town Clerk no later than one week prior to the hearings.

**The Planning Commission and Town Council
of the Town of Occoquan, Virginia**

Run Dates: May 6th, and May 13th, 2025

TC Agenda Packet

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TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
 Agenda Communication

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| 2. Public Hearing | Meeting Date: May 20, 2025 |
| 2B: Public Hearing on FY2026 Tax Rates | |

Attachments: a. Public Hearing Advertisement

Submitted by: Adam C. Linn
 Town Manager

Explanation and Summary:

This is a public hearing on the Proposed Tax Rates for Fiscal Year (FY) 2026. The Town Council held budget work sessions on February 18th, March 4th, March 18th, and April 15th, 2025. In addition, the Town Council held a public hearing to obtain public input on the proposed budget on May 6, 2025.

The Proposed Tax Rates are posted on the Town’s website at www.occoquanva.gov and are available in Town Hall, 314 Mill Street, Monday – Friday, 9 a.m. to 4 p.m.

Tax Rate Summary

1. Proposed FY2026 Real Estate Tax – Maintain the current real estate tax rate of \$0.116 per \$100 of the assessed value; and
2. Proposed FY2026 Meals Tax – Maintain the current meals tax rate of 3.5%; and
3. Proposed FY2026 Transient Occupancy Tax - Maintain the current transient occupancy tax rate of 7%.
4. Proposed FY2026 Cigarette Sales Tax – Levy new tax at a rate of \$0.40 per pack or \$0.02 cents per each cigarette sold.

This public hearing is intended to provide the public with the opportunity to comment on the proposed tax rates. This public hearing was advertised in InsideNOVA on May 1, 2025, as well as on the Town website and locations around the Town.

The Town Council may adopt the budget and tax rates on Tuesday, May 20, 2025. Fiscal Year 2026 will begin on July 1, 2025, and end on June 30, 2026.

Town Staff’s Recommendation: Recommend closing the public hearing.

Proposed/Suggested Motion:

“I move to close the public hearing.”

OR

Other action Council deems appropriate.

TAX RATES IN SUPPORT OF THE FISCAL YEAR(FY) 2026 BUDGET MAY 20, 2025 – 7:00 PM

PUBLIC HEARING TO SOLICIT COMMENT ON THE FOLLOWING:

1. Proposed FY2026 Real Estate Tax - Maintain the current real estate tax rate of \$0.116 per \$100 of the assessed value; and
2. Proposed FY2026 Meals Tax – Maintain the current meals tax rate of 3.5%; and
3. Proposed FY2026 Transient Occupancy Tax - Maintain the current transientoccupancy tax rate of 7%; and
4. Proposed FY2026 Cigarette Sales Tax – Levy new tax at a rate of \$0.40 per pack or \$0.02 cents per each cigarette sold.

The Town Council may set the real estate tax rate at .116 cents per hundred dollars value or at a lower rate, but Virginia law does not allow a higher rate than appears in this advertisement. The Town Council may set other tax rates (such as meals tax or transient occupancy tax) either higher or lower than the advertised rates.

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The Town of Occoquan proposes to increase property tax levies.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 6.0 percent.
2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.11179 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. Effective Rate Increase: The Town of Occoquan proposes to adopt a tax rate of \$0.116 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.00421 per \$100, or 3.8 percent. This difference will be known as the "effective tax rate increase." Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.
4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of the Town of Occoquan will exceed last year's budget by 33.8 percent.

A public hearing on the increase will be held on May 20, 2025, at 7:00 p.m. at Occoquan Town Hall, 314 Mill Street, Occoquan, VA 22125.

The location of this public hearing is believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact the Town Clerk at the above address, by telephone at (703) 491-1918, or by email townclerk@occoquanva.gov. Persons needing interpreter services for the hearing impaired and/or vision impaired must notify the Town Clerk no later than one week prior to the hearing.



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

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| 3. Consent Agenda | Meeting Date: May 20, 2025 |
| Request to Approve Consent Agenda | |

Attachments: See below

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is a request to approve the consent agenda:

- a. Request to Approve May 6, 2025, Town Council Meeting Minutes

Staff Recommendation: Recommend approval as presented.

Proposed/Suggested Motion:

"I move to approve the consent agenda."

OR

Other action Council deems appropriate.



OCCOQUAN TOWN COUNCIL
Meeting Minutes - DRAFT
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, May 6, 2025
7:00 p.m.

Present: Mayor Earnie Porta; Vice Mayor Loges, Councilmembers Robert Love, 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; 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

Mayor Porta welcomed Robert "Bob" Love to the Town Council after being voted in to fill the term of Nancy Freeborne Brinton who resigned due to new work obligations until the special election in November.

3. CITIZENS' TIME

No one spoke during citizens' time.

4. PUBLIC HEARING

a. Public Hearing on FY2026 Budget

Mayor Porta opened the public hearing at 7:02 p.m.

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

Councilmember Perkins moved to close the public hearing at 7:02 p.m. Councilmember Fithian seconded. Motion passed unanimously by voice vote.

5. CONSENT AGENDA

a. Request to Accept April 16, 2025, Town Council Meeting Minutes

b. Request to Adopt Police Week 2025 Proclamation

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

Mayor Porta read the Police Week 2025 Proclamation, and the Council took a photo with members of the Occoquan Police Department.

6. MAYOR'S REPORT

Mayor Porta reported the following:

- On April 16th, he attended the ribbon cutting opening of the Neabsco Creek Kayak Launch.
- On April 18th, Councilmember Perkins and him met with Supervisor Storck of Fairfax County and other interested parties to review the potential trail connections to Occoquan Regional Park.
- On April 19th, he emceed the awards ceremony for the Peeps Contest.
- On April 23rd, he served as a celebrity waiter for the Lake Ridge Rotary Annual Lunch and Fundraiser.
- On May 3rd, he attended the Volunteer Fair.
- On May 4th, he welcomed a bus tour from Pennsylvania to the Town.

7. COUNCILMEMBER REPORTS

Councilmember Fithian mentioned that she participated with Mayor Porta and Councilmember Love at the Volunteer Fair at Town Hall on Saturday, May 3rd.

8. BOARDS AND COMMISSIONS

Architectural Review Board (ARB) Chair Seefeldt reported that the ARB met on April 22nd and approved two applications.

Councilmember Perkins reported that the Planning Commission did not meet in April and noted that the Planning Commission Annual Report was provided to the council at the last council meeting.

9. ADMINISTRATIVE REPORTS

a. Administrative Report

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

Mayor Porta asked to confirm that the Occoquan Greenway Trail Project construction is now 2027.

Mr. Linn replied that it was supposed to start in the fall of 2026, but staff had been advised that construction has been slightly delayed.

Mayor Porta commented on the preventative maintenance of Town Buildings and Assets in the report and indicated that it's identified as a new item. He then asked how this is different from current maintenance being done.

Mr. Linn replied that the item is substantially the same, but the Town now has staff able to routinely monitor and provide that maintenance.

Mayor Porta asked if VDOT has still not identified what is causing the Edgehill Drive water issue.

Mr. Linn replied that is correct. VDOT is not sure of the cause but is planning on installing additional drains along the road to move the water believed to be coming from the Townhomes as well as from under the road.

b. Town Treasurers' Report

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

from Council.

Mayor Porta asked if the new business replacing Bann Thai was assuming the liabilities of the old business or was this an unrelated business.

Mr. Linn stated that the new business would not be assuming the liabilities from Bann Thai. He also noted that the owner of Bann Thai had come into Town Hall and paid cash for the bounced check provided to the Town for that original payment of the meals tax and business license. As a result, Bann Thai was only one month behind for meals tax.

Vice Mayor Loges directed everyone to the treasurer report line item regarding “sponsorships” and asked if it’s realistic that we will meet the budgeted goal of \$34,000 with only \$13,000 funded so far.

Mr. Linn replied that the budgeted goal won’t be reached and indicated that is why staff lowered the income from sponsorships in the next budget for FY2026.

Councilmember Perkins asked for an update on the plantings from the landscaper as well as if in the contract, based off their prior performance and lack of timeliness this year, if we could hold them liable for breach of contract.

Mr. Linn replied that the landscapers still have not done any plantings and have been advising staff that the plants have not arrived at the nursery for pickup yet. Mr. Linn advised that with respect to the contract, that it was still the same contract from the prior year. Mr. Linn indicated that the Town only pays for the plantings if we receive them.

Mayor Porta asked if a landscaping contract could contain a liquidated damages clause if they didn’t meet the time schedule or any other method.

Mr. Crim discussed the downsides of having a liquidated damages clause and noted that the only viable option would be termination of the contract.

c. Town Attorney’s Report

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

Mr. Crim noted as a follow-up to his report that on the injunction matter they will be going back to court on June 13th for a potential follow-up hearing.

Vice Mayor Loges asked about the status of the signage violations at 308B Poplar Alley and what other methods are being done besides removing the signs that keep being placed off the actual property premises.

Mr. Linn replied that it has been sent to legal for a cease-and-desist letter to be sent. The owner had already received a Notice of Violation and if they don’t comply with the cease-and-desist letter then a legal suit would be filed against them.

10. REGULAR BUSINESS

a. Request to Adopt Resolution of Appreciation for Julie Little

Mayor Porta noted that Councilmember Fithian has a minor amendment to the Resolution.

Councilmember Fithian noted that under paragraph 5 to add after “residents”: “visitors, artisans (or

vendors), and business owners”, because many of the events include people from outside of town who then patronize town businesses.

Councilmember Fithian moved to adopt Resolution R-2025-05 as amended. Councilmember Daubresse seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Daubresse, Councilmember Love,
Councilmember Fithian, Councilmember Perkins

Nays: None

Mayor Porta asked for unanimous consent to add to the agenda a Request to Amend FY2026 Capital Improvement Program Proposed Budget. There being no objection to the item, it was added to the agenda.

Mayor Porta noted that this is to move back the funds for the Riverwalk Project a year.

Mr. Linn noted that the Town Attorney thought this was best practice to update the budget so that it would give staff an opportunity to publish the change on the website prior to the hearing and would not affect the advertising for the public hearings.

Vice Mayor Loges moved to amend the proposed FY2026 Capital Improvement Program budget to move the revenue and expenses related to the Riverwalk Project to FY2027 and FY2028. And specifically change the proposed FY2026 Capital Improvement Program expenses beginning July 1, 2025, to \$1,294,556 and the revenues to \$1,294,556. Councilmember Perkins Seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Daubresse, Councilmember Love,
Councilmember Fithian, Councilmember Perkins

Nays: None

11. ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

Philip Auville, Town Clerk



TOWN OF OCCOQUAN

TOWN COUNCIL MEETING

Agenda Communication

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| 4. Regular Business | Meeting Date: May 20, 2025 |
| 4A: Request to Adopt FY2026 Tax Rates | |

Attachments: a. Public Hearing Advertisement

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is a request to adopt the Proposed Tax Rates for Fiscal Year (FY) 2026. The Town Council held budget work sessions on February 18th, March 4th, March 18th, and April 15th, 2025. In addition, the Town Council held public hearings to obtain public input on the proposed budget on May 6, 2025 and on the proposed tax rates on May 20, 2025.

The published proposed tax rates include recommendations garnered from discussions held by the Town Council, staff, and the community throughout the budget process. The proposed tax rates are set forth below:

The Proposed Tax Rates are posted on the Town’s website at www.occoquanva.gov and are available in Town Hall, 314 Mill Street, Monday – Friday, 9 a.m. to 4 p.m.

Tax Rate Summary

1. Proposed FY2026 Real Estate Tax – Maintain the current real estate tax rate of \$0.116 per \$100 of the assessed value; and
2. Proposed FY2026 Meals Tax – Maintain the current meals tax rate of 3.5%; and
3. Proposed FY2026 Transient Occupancy Tax - Maintain the current transient occupancy tax rate of 7%.
4. Proposed FY2026 Cigarette Sales Tax – Levy new tax at a rate of \$0.40 per pack or \$0.02 cents per each cigarette sold. (Will be enacted via ordinance in separate item later in the agenda)

Town Manager’s Recommendation: Recommend adoption of the FY2026 tax rates in support of the FY2026 budget.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

“I move to set a real estate tax rate for the Fiscal Year 2026 beginning July 1, 2025, of \$0.116 [OR _____] per \$100 of assessed valuation.”

AND

“I move to set a meals tax rate for the Fiscal Year 2026 beginning July 1, 2025, of three and one-half percent (3.5%) [OR _____ percent].”

AND

“I move to set a transient occupancy tax rate for the Fiscal Year 2026 beginning July 1, 2025, of seven percent (7%) [OR _____ percent].”

OR

Other action Council deems appropriate.

TAX RATES IN SUPPORT OF THE FISCAL YEAR(FY) 2026 BUDGET MAY 20, 2025 – 7:00 PM

PUBLIC HEARING TO SOLICIT COMMENT ON THE FOLLOWING:

1. Proposed FY2026 Real Estate Tax - Maintain the current real estate tax rate of \$0.116 per \$100 of the assessed value; and
2. Proposed FY2026 Meals Tax – Maintain the current meals tax rate of 3.5%; and
3. Proposed FY2026 Transient Occupancy Tax - Maintain the current transient occupancy tax rate of 7%; and
4. Proposed FY2026 Cigarette Sales Tax – Levy new tax at a rate of \$0.40 per pack or \$0.02 cents per each cigarette sold.

The Town Council may set the real estate tax rate at .116 cents per hundred dollars value or at a lower rate, but Virginia law does not allow a higher rate than appears in this advertisement. The Town Council may set other tax rates (such as meals tax or transient occupancy tax) either higher or lower than the advertised rates.

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The Town of Occoquan proposes to increase property tax levies.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 6.0 percent.
2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.11179 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. Effective Rate Increase: The Town of Occoquan proposes to adopt a tax rate of \$0.116 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.00421 per \$100, or 3.8 percent. This difference will be known as the "effective tax rate increase." Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.
4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of the Town of Occoquan will exceed last year's budget by 33.8 percent.

A public hearing on the increase will be held on May 20, 2025, at 7:00 p.m. at Occoquan Town Hall, 314 Mill Street, Occoquan, VA 22125.

The location of this public hearing is believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact the Town Clerk at the above address, by telephone at (703) 491-1918, or by email townclerk@occoquanva.gov. Persons needing interpreter services for the hearing impaired and/or vision impaired must notify the Town Clerk no later than one week prior to the hearing.



TOWN OF OCCOQUAN

TOWN COUNCIL MEETING

Agenda Communication

| | |
|--|-----------------------------------|
| 4. Regular Business | Meeting Date: May 20, 2025 |
| 4B: Request to Adopt FY2026 Annual Budget | |

- Attachments:**
- a. [FY 2026 Proposed Budget - via Website](#)
 - b. Public Hearing Advertisement

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is a request to adopt the FY 2026 Annual Budget.

The Town began its FY2026 budget process in February 2025 and held four budget work sessions to discuss the proposed tax rates and budget on February 18th, March 4th, March 18th, and April 15th, 2025. In addition, the Town Council held public hearings to obtain public input on the proposed budget on May 6, 2025 and on the proposed tax rates on May 20, 2025.

The proposed budget document, attached and available via a link to the Town website at www.occoquanva.gov, includes recommendations garnered from discussions held by the Town Council, staff, and the community throughout the budget process.

Budget Summary:

| | | FY 2024 Adopted | FY 2025 Proposed | Difference | % Increase/ (Decrease) |
|--------------------------|--------------|----------------------------|-----------------------------|-------------------|-----------------------------------|
| General Fund | Revenues | \$1,408,258 | \$1,498,176 | \$89,918 | 6.4% |
| | Expenses | \$1,408,258 | \$1,498,176 | \$89,918 | 6.4% |
| Events Fund | Revenues | \$313,285 | \$322,402 | \$9,117 | 2.9% |
| | Expenses | \$238,726 | \$245,880 | \$7,154 | 3.0% |
| Capital Improvement Fund | Revenues | \$1,374,031 | \$1,294,556 | (\$79,475) | -5.8% |
| | Expenditures | \$1,374,031 | \$1,294,556 | (\$79,475) | -5.8% |
| Mamie Davis Fund | Revenues | \$256 | \$840 | \$584 | 228.1% |
| | Expenses | - | \$3,200 | \$3,200 | - |
| E-Summons Fund | Revenues | \$15,200 | \$14,500 | (\$700) | -4.6% |
| | Expenses | \$7,200 | \$11,900 | \$4,700 | 65.3% |

Town Manager’s Recommendation: Recommend adoption and appropriation of the FY 2026 Annual Budgets and Capital Improvement Plan as submitted.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

“I move to adopt the Fiscal Year 2026 General Fund Budget beginning July 1, 2025, as presented in the amount of \$1,498,176 [OR _____] in expenses and \$1,498,176 [OR _____] in revenue and appropriate the funds for the expenses shown in the budget.”

AND

“I move to adopt the Fiscal Year 2026 Events Fund Budget beginning July 1, 2025, as presented in the amount of \$245,880 [OR _____] in expenses and \$322,402 [OR _____] in revenues and appropriate the funds for the expenses shown in the budget.”

AND

“I move to adopt the Fiscal Year 2026 Capital Improvement Plan beginning July 1, 2025, as presented in the amount of \$1,294,556 [OR _____] in expenses and \$1,294,556 [OR _____] in revenues and appropriate the funds for the expenses shown in the budget.”

AND

“I move to adopt the Fiscal Year 2026 Mamie Davis Fund Budget beginning July 1, 2025, as presented in the amount of \$3,200 in expenses and \$840 in revenues and appropriate the funds for the expenses shown in the budget.”

AND

“I move to adopt the Fiscal Year 2026 E-Summons Fund Budget beginning July 1, 2025, as presented in the amount of \$11,900 in expenses and \$14,500 in revenues and appropriate the funds for the expenses shown in the budget.”

OR

Other action Council deems appropriate.

**TOWN OF OCCOQUAN, VIRGINIA
NOTICE OF TOWN COUNCIL PUBLIC HEARING**

PROPOSED FISCAL YEAR (FY) 2026 BUDGET

- MAY 6, 2025 -

PUBLIC HEARING TO SOLICIT COMMENT ON THE FOLLOWING:

- Proposed FY 2026 Budget (see synopsis below.) A copy of the proposed budget is available at Town Hall from 9 a.m. to 4 p.m., Monday through Friday, and on the Town's website at www.occoquanva.gov.

| | | FY 2025 Budget | FY 2026 Proposed |
|------------------------|----------|--|--|
| GENERAL OPERATING FUND | Revenues | 1,408,258 | 1,498,176 |
| | Expenses | 1,408,258 | 1,498,176 |
| EVENTS FUND | Revenues | 312,285 | 322,402 |
| | Expenses | 238,726 | 245,880 |
| CIP FUND | Revenues | 1,374,031 | 2,292,556 |
| | Expenses | 1,374,031 | 2,292,556 |
| MAMIE DAVIS PARK FUND | Revenues | 256 | 840 |
| | Expenses | - | 3,200 |
| E-SUMMONS FUND | Revenues | 15,250 | 14,500 |
| | Expenses | 7,200 | 11,900 |
| REAL ESTATE TAX LEVY | Revenues | 304,351 | 311,289 |
| | Rate | \$0.116 per \$100 of the assessed value | \$0.116 per \$100 of the assessed value |

A public hearing on the proposed budget will be held on May 6, 2025, at 7:00 p.m. at Occoquan Town Hall, 314 Mill Street, Occoquan, VA 22125.

The Town Council of the Town of Occoquan, Virginia

The required legal publication of this notice will occur on April 23 and April 30, 2025.



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
 Agenda Communication

| | |
|---|-----------------------------------|
| 4. Regular Business | Meeting Date: May 20, 2025 |
| 4C: Request to Adopt Ordinance O-2025-06 on Certain Short-term Recurring Zoning Offenses | |

Attachments: a. Draft Ordinance O-2025-06

Submitted by: Adam C. Linn
 Town Manager

Explanation and Summary:

This is a request to adopt O-2025-06 on shortening the appeal period for certain short-term recurring zoning offenses. The draft ordinance is attached. A joint public hearing was held on the proposed zoning text amendment earlier on the agenda.

The objective of the amendments is to provide for more efficient and timely enforcement of certain zoning offenses that occur for non-permanent, short durations of time. These include offenses related to temporary sign permits, temporary trailers for sales, temporary seasonal displays, and home occupation certificate regulations restricting commercial vehicle parking.

Background

Per § 15.2-2286(A)(4) of the Code of Virginia, the Town Council may shorten the appeal period for certain recurring violations. Currently, the § 33.20 of the Town Code sets a 30-day appeal period for all zoning violations.

At the February 4, 2025 meeting, the Town Council referred the draft ordinance to the Planning Commission for its review and recommendation.

At the February 25, 2025 meeting, the Planning Commission considered the draft ordinance and motioned to request that the Town Council set a joint public hearing on April 15, 2025 so that it may make its recommendation on the zoning text amendment. A joint meeting with the Planning Commission to review its annual report is already scheduled for April 15, 2025.

At the March 4, 2025 meeting, the Town Council set a joint public hearing date.

At the April 15, 2025 meeting, the hearing was postponed to this meeting.

Town Staff’s Recommendation: Recommend approval of the draft ordinance.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

“I move to adopt O-2025-06 as presented.”

OR

Other action Council deems appropriate.

ORDINANCE # O-2025-06

AN ORDINANCE TO AMEND SECTION 33.20, BOARD OF ZONING APPEALS, AND SECTION 157.014, TEMPORARY TRAILER FOR SALES AND CONSTRUCTION OFFICE DURING CONSTRUCTION, OF THE TOWN CODE TO PROVIDE FOR A SHORTENED APPEAL PERIOD

WHEREAS, the Town Council initiated a zoning text amendment to shorten the appeal period for certain short-term zoning offenses by Resolution R-2025-04; and

WHEREAS, by authority granted in §15.2-2286(A)(7) of the Code of Virginia, the Town Council may in such cases amend, supplement, or change the zoning regulations, and

WHEREAS, the Town Planning Commission and Town Council have advertised and held a joint public hearing on the proposed amendment to the Town zoning ordinance; and

WHEREAS, after receiving public input and the recommendation of the Planning Commission, the Town Council desires to amend the zoning ordinance to shorten the appeal period for certain short-term zoning offenses, in order to accomplish the objectives of Virginia Code § 15.2-2200 and serve the public health, safety and welfare.

NOW, THEREFORE BE IT ORDAINED by the Council for the Town of Occoquan, Virginia meeting in regular session this ____ day of _____, 2025:

1. That the Town Council hereby amends the Town Code as presented in the attached; and
2. That this ordinance is effective upon passage.

BY ORDER OF THE TOWN COUNCIL

Meeting Date: _____, 2025

Town Council Meeting

Ord No. O-2025-06

RE: AN ORDINANCE TO AMEND SECTION 33.20, BOARD OF ZONING APPEALS, AND SECTION 157.014, TEMPORARY TRAILER FOR SALES AND CONSTRUCTION OFFICE DURING CONSTRUCTION, OF THE TOWN CODE TO PROVIDE FOR A SHORTENED APPEAL PERIOD

MOTION:
SECOND:
ACTION:

Votes:
Ayes:
Nays:

Absent from Vote:
Absent from Meeting:

CERTIFIED COPY _____
Town Clerk

DRAFT

§ 33.30 APPEALS TO BOARD.

~~(A)~~ ~~(A)~~ Generally. An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the town affected by any decision of the Zoning Administrator or from any order, requirement, decision, or determination made by any other administrative officer (a "Decision") in the administration or enforcement of VA Code §§ 15.2-2280 et seq., or Chapter 157 of this code. ~~Notwithstanding any Charter provision to the contrary~~ Except as provided for in subsection (A) (i) of this section, any ~~Decision~~ written notice of a zoning violation or a written order of the Zoning Administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he or she may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the ~~d~~Decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given.

- i. A notice of violation concerning a temporary trailer for sales and construction office during construction, temporary seasonal displays, or parking of a marked company vehicle in connection with a home occupancy certificate shall state that the appeal must be brought to the Board of Zoning Appeals (BZA) within ten (10) days from the date of the decision.

(B) Application and fees. Any person aggrieved by a Decision of the Zoning Administrator may appeal to the Board of Zoning Appeals (BZA) by filing on the form provided, a notice of appeal with the Zoning Administrator and the Board of Zoning Appeals, which appeal shall specify the grounds of the appeal, together with the fees as established in the current fee schedule. For a notice of violation concerning temporary trailer for sales and construction office during construction under Town Code § 157.014; temporary seasonal displays under Town Code §§ 157.041 (A)(8), 157.061 (A) (7), 157.081 (A)(9), 157.101 (A)(4), or 157.121 (A)(21); or parking of a marked company vehicle in connection with a home occupancy certificate under Town Code § 157.010, the appeal must be filed within 10 days from the date of the notice of violation. An appeal must be taken within 30 days after the decision appealed from by filing, on the form provided, a notice of appeal with the Zoning Administrator and the Board of Zoning Appeals, which appeal shall specify the grounds of the appeal, together with the fees as established in the current fee schedule. For all other Decisions, the appeal must be filed within 30 days from the date of the Decision. The application and accompanying maps, plans, and other documentation constituting the record upon which the action appealed from was taken shall be transmitted promptly to the Secretary of the Board, who shall place the matter on the docket. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his or her opinion cause

imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

(C) Notice and hearing required; Planning Commission recommendation. After entering the appeal on the docket, the Secretary of the Board shall advertise a public hearing, give written notice to the parties in interest, and request the Zoning Administrator to transmit a copy of the application and his or her staff report to the Planning Commission; the Planning Commission may send a written recommendation to the Board to appear as a party at the public hearing.

(D) Burden of proof. The applicant for a variance has the burden of proving that denial of a variance will result in unnecessary hardship, of proving that his or her hardship is due to Chapter 157 of this code itself, and of proving, to the satisfaction of the Board, requirements for a variance stipulated in the VA Code.

(E) Findings required. The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice as well as due notice to the parties in interest, and make its decision within 90 days of the filing of the application or appeal. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision, or determination appealed from. The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under Chapter 157 of this code or to effect any variance from Chapter 157 of this code. The decision of the Board must be based on the evidence adduced at a public hearing and must include findings of fact disclosing the evidence relied upon by the Board and otherwise state the business and grounds for its decision to assure that the provisions of the VA Code and this subchapter have been met.

(F) Board to issue order. Whenever the Board shall grant a variance, the Secretary of the Board shall cause an order to be issued evidencing the grant and furnish copies of the order to the applicant, to the Zoning Administrator, to the Town Clerk, and to such other parties as deemed necessary.

(G) Limitation on change. In no event shall a written order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer be subject to change, modification, or reversal by any Zoning Administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision, or determination where the person aggrieved has materially changed his or her position in good faith reliance on the action of the Zoning Administrator or other administrative officer unless it is proven that such written order, requirement, decision, or determination was obtained through malfeasance of the Zoning Administrator or other administrative officer or through fraud. The 60-day

limitation period shall not apply in any case where, with the concurrence of the Town Attorney, modification is required to correct clerical or other nondiscretionary errors.

(1998 Code, § 2-281) (Ord. O-2023-15, passed 9-19-2023)

§ 157.014 TEMPORARY TRAILER FOR SALES AND CONSTRUCTION OFFICE DURING CONSTRUCTION.

(A) The Zoning Administrator shall issue a zoning permit for a temporary trailer to be used for sales and/or construction purposes:

(1) During construction of a residential or mixed-use development; or

(2) During construction, renovation, or reconstruction of a primary permanent structure for commercial or residential uses, if the following criteria are met:

(a) For a trailer permitted under division (A)(1) above, there is an approved, valid final site plan or subdivision plat that remains under bond, for the site on which the temporary trailer will be located;

(b) For a trailer permitted under division (A)(2) above, there is a valid building permit in place;

(c) The applicant has submitted a sketch of the site identifying the location of the temporary trailer and construction plans. This sketch need not be sealed by an engineer but must show scale, north arrow, distance from the trailer to the nearest property lines, the location of at least two parking spaces, the hours of operation, and the location, type, and wattage of any temporary site lighting for the temporary trailer;

(d) The temporary trailer shall be subject to the minimum setbacks of the zoning district in which it is located;

(e) The temporary trailer shall be located within the boundary of the project in which lots or units are to be sold or rented;

(f) No sleeping accommodations shall be provided within the temporary trailer;

(g) The temporary trailer shall be securely attached and underpinned. Foundations for the office shall be screened from public view;

(h) Outdoor lighting meeting the standards set forth in §§ 157.285 through 157.288 of this chapter shall be provided for hours of operation after sunset or before sunrise;

(i) Each temporary trailer shall not exceed one story in height and 625 square feet of floor area;

(j) Sanitary facilities are connected to public water and sewer or have been approved by the health department. A copy of the health department approval must be submitted with the application;

(k) All temporary trailers located in the Old and Historic Occoquan District shall be exempted from the certificate of appropriateness requirement as set forth in §§ 157.175 through 157.182 of this chapter;

(l) Prior to issuance of any permit, the applicant shall execute a guarantee of removal after termination of the permit and the Zoning Administrator shall require a reasonable bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the Town Attorney, to ensure that measures could be taken by the town at the applicant's expense should they fail, after proper notice, to remove the temporary trailer from the location or fail to take such other action to meet the aforementioned conditions. If the town takes such action upon such failure by the applicant, the locality may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated.

(B) The permit for a temporary trailer shall be for no more than 180 days, subject to a single renewal for up to 180 days, but in no circumstances may a single project have a temporary trailer for more than 360 days in any 24-month period. Upon the sale or rental of all marketed units on the property, the permit for the temporary trailer expires immediately. The Zoning Administrator may terminate the permit after giving 10 days notice of a violation of this section if the violation remains uncorrected upon expiration of the notice period. The holder of the permit may appeal the termination of the permit within 10 days to the Board of Zoning Appeals.

(C) Applicants shall apply for the permit with forms provided by the Zoning Administrator and pay the applicable fee as set by Town Council in the fee schedule. The Zoning Administrator shall grant or deny the permit within 30 days of application. If the Zoning Administrator grants the permit, the applicant shall keep and display the permit on the exterior of the temporary trailer until the trailer is removed from the site.

(D) The appeal period for a notice of violation under this Section is 10 days.

(Ord. O-2023-10, passed 6-6-2023)



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
 Agenda Communication

| | |
|--|-----------------------------------|
| 4. Regular Business | Meeting Date: May 20, 2025 |
| 4D. Request to Adopt Ordinance O-2025-07 on Taxing Cigarettes | |

Attachments: a. Draft Ordinance O-2025-07

Submitted by: Adam C. Linn
 Town Manager

Explanation and Summary:

This is a request to adopt Ordinance O-2025-07 levying a cigarette sales tax in the Town of Occoquan.

The attached ordinance has been revised to reflect feedback from the NVCTB and Town Council. If adopted, the ordinance would enact a cigarette tax, effective July 1, 2025, and designate the NVCTB as its administrator, collector and enforcer. The Town has requested membership into the NVCTB and is expected to be voted on at its June 5, 2025, meeting.

Background:

Per § 58.1-3830 of the Code of Virginia, the Town is authorized to levy taxes on the sale or use of cigarettes. The recommended way to most effectively administer the cigarette sales tax is by joining the Northern Virginia Cigarette Tax Board (NVCTB).

The NVCTB was organized in 1970 and administers and enforces local cigarette taxes on behalf of member jurisdictions throughout Northern Virginia. Because cigarettes are a controlled substance, administration and enforcement of the tax is complex, requiring local and state tax stamping, inventory control, and payment prior to the sale. Collected tax revenue is distributed to localities to supplement general fund revenue.

The NVCTB represents the counties of Fairfax, Fauquier, Loudoun, Prince William, Spotsylvania, Stafford, cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, Manassas Park, and the towns of Clifton, Dumfries, Haymarket, Herndon, Hillsboro, Leesburg, Lovettsville, Middleburg, Purcellville, Remington, Round Hill, Vienna, and Warrenton.

Staff Recommendation: Adopt the ordinance as presented.

Town Attorney Recommendation: Adopt the ordinance as presented.

Proposed/Suggested Motion:

“I move to adopt Ordinance O-2025-07 as presented.”

OR

Other action Council deems appropriate.

ORDINANCE # O-2025-07

AN ORDINANCE AMENDING THE TAXATION ORDINANCES

WHEREAS, pursuant to § 58.1-3832 and § 58.1-3830 of the Code of Virginia, 1950, as amended, the Town of Occoquan (the "Town") is authorized to impose a tax on the sale, use, or distribution of cigarettes within its jurisdictions; and

WHEREAS, the Town Council recognizes that participation in the Northern Virginia Cigarette Tax Board will ensure the efficient administration, collection, and enforcement of such a tax, as well as regional uniformity in the application of cigarette taxation policies; and

BE IT ORDAINED by the Council for the Town of Occoquan, Virginia meeting in regular session this ___ day of _____, 2025:

1. That the Town Council hereby amends the Town Code as presented in the attached; and
2. That this ordinance is effective upon passage.

BY ORDER OF THE TOWN COUNCIL

Meeting Date: _____, 2025
Town Council Meeting
Ord No. O-2025-07

RE: AN ORDINANCE AMENDING THE TAXATION ORDINANCES

MOTION:
SECOND:
ACTION:

Votes:
Ayes:
Nays:
Absent from Vote:
Absent from Meeting:

CERTIFIED COPY _____
Town Clerk

CHAPTER 35 - TAXATION
ARTICLE 35.05. CIGARETTE TAX

Sec. 35-052. Definitions.

For purposes of this Article, the following definitions shall apply unless the context clearly indicates otherwise:

Board or *NVCTB* means the Northern Virginia Cigarette Tax Board.

Carton means any container, regardless of material used in its construction, in which ten packages of cigarettes are placed.

Cigarette means any roll of any size or shape for smoking, whether filtered or unfiltered, with or without a mouthpiece, made wholly or partly of cut, shredded or crimped tobacco or other plant or substitute for tobacco, whether the same is flavored, adulterated or mixed with another ingredient, if the wrapper or cover is made of any material other than leaf tobacco or homogenized leaf tobacco, regardless of whether the roll is labeled or sold as a cigarette or by any other name.

Cigarette machine operator means any individual, entity, partnership or corporation engaged in the sale of packages of cigarettes from vending machines.

Town means Town of Occoquan, Virginia.

Dealer means every manufacturer's representative, self-wholesaler, wholesaler, or other person who shall sell, receive, store, possess, distribute or transport cigarettes within or into the Town.

Package means any container, regardless of the material used in its construction, in which separate cigarettes are placed without such cigarettes being placed into any container within the package. Packages are those containers of cigarettes from which individual cigarettes are ordinarily taken when they are consumed by their ultimate user. Ordinarily a package contains 20 cigarettes; however, the term "package" includes those containers in which fewer or more than 20 cigarettes are placed.

Person means any individual, firm, unincorporated association, company, corporation, joint stock company, group, agency, syndicate, trust or trustee, receiver, fiduciary, partnership and conservator. The word "person," as applied to a partnership, unincorporated association or other joint venture, means the partners or members thereof, and as applied to a corporation shall include all the officers and directors thereof.

Place of business means any place where cigarettes are sold, placed, stored, offered for sale or displayed for sale or where cigarettes are brought or kept for the purpose of sale, consumption or distribution, including vending machines, by dealers within the Town.

Registered agent means every dealer and other person who shall be required to report and collect the tax on cigarettes under the provisions of this article.

Retail dealer means and includes every person who, in the usual course of business, purchases or receives cigarettes from any source whatsoever for the purpose of sale within the Town to the ultimate consumer; or any person who, in the usual course of business, owns, leases or otherwise operates within his own place of business, one or more cigarette vending machines for the purpose of sale of cigarettes within the Town to the ultimate consumer; or any person who, in any manner, buys, sells, stores, transfers or deals in cigarettes for the purpose of sale within the Town to the ultimate consumer, who is not licensed as a wholesaler or vending machine operator.

Sale or *sell* means every act or transaction, regardless of the method or means employed, including barter, exchange or the use of vending machines or other mechanical devices or a criminal or tortuous act

whereby either ownership or possession, or both, of any cigarettes shall be transferred within the Town from a dealer to any other person for a consideration.

Stamp means a small gummed piece of paper or decal used to evidence provision for payment of the tax as authorized by the Northern Virginia Cigarette Tax Board, required to be affixed to every package of cigarettes sold or used within the Town.

Store or storage means any keeping or retention of cigarettes in this Town for any purpose except sale in the regular course of business.

Treasurer means the treasurer of the Town, or any of his duly authorized deputies or agents.

Use means the exercise of any right or power over any cigarettes or packages of cigarettes incident to the ownership or possession of those cigarettes or packages of cigarettes including any transaction where possession is given or received or otherwise transferred, other than a sale.

User means any person who exercises any right or power over any cigarettes or packages of cigarettes subject to the provisions of this article incident to the ownership or possession of those cigarettes or packages of cigarettes or any transaction where possession is given or received or otherwise transferred, other than a sale.

Wholesale dealer means any individual, partnership or corporation engaged in the sale of cigarettes for resale into or within the Town.

State law reference(s) – Definitions pertaining to state cigarette tax, Code of Virginia, § 58.1-1000.

Sec. 35-052. Levy and Rate.

- (a) In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby levied and imposed by the Town upon every person who sells or uses cigarettes within the Town an excise tax at a rate of \$0.40 per pack or \$0.02 cents per each cigarette sold. The effective date of the tax is July 1, 2025. The tax shall be paid and collected in the manner and at the time hereinafter prescribed; provided that the tax payable for each cigarette or cigarette package sold or used within the Town shall be paid but once.
- (b) The tax shall be administered, collected, and enforced by the Northern Virginia Cigarette Tax Board pursuant to a joint exercise of powers agreement authorized by Code of Virginia, § 58.1-3832 (as amended) and executed by the Town in accordance with the provisions of Code of Virginia, § 15.2-1300 (as amended). The powers of the NVCTB shall be as set forth in section 35-058 of this article.
- (c) The tax imposed by this section is cumulative with the cigarette tax imposed by the County of Prince William so that both the Town and the County taxes apply to sale or use of cigarettes within the Town.

State law reference(s) – Power to levy cigarette tax, Code of Virginia, §§ 58.1-3830, 58.1-3840.

Sec. 35-053. Methods of collection; stamps.

- (a) The tax imposed by this article shall be evidenced by the use of a stamp and shall be paid by each dealer or other person liable for the tax under a reporting method deemed by the NVCTB to carry out the provisions of this article. The stamps shall be affixed in such a manner that their removal will require continued application of water or steam. Each dealer or other person liable for the tax is hereby required, and it shall be his duty, to collect and pay the tax and report all packages of cigarettes on forms prescribed for this purpose by the NVCTB:

- (1) The quantity of NVCTB stamped cigarettes sold or delivered to:
 - a. Each registered agent appointed by the NVCTB for which no tax was collected;
 - b. Each manufacturer's representative; and
 - c. Each separate person and place of business within the Town during the preceding calendar or fiscal month.
 - (2) The quantity of NVCTB stamps on hand, both affixed and unaffixed, on the first and last day of the preceding calendar month and the quantity of NVCTB stamps or NVCTB stamped cigarettes received during the preceding calendar month.
 - (3) The quantity of cigarettes on hand to which the NVCTB stamp has not been affixed on the first and last day of the preceding calendar month and the quantity of cigarettes received during the preceding calendar month to which the NVCTB stamps had not been affixed.
 - (4) Such further information as the administrator for the NVCTB may require for the proper administration and enforcement of this article for the determination of the exact number of cigarettes in the possession of each dealer or user.
- (b) Each dealer or other person liable for the tax shall file such reports with the NVCTB and pay the tax due to the NVCTB prior to the due date, and shall furnish copies of all cigarette tax reports submitted to the Virginia Department of Taxation.
 - (c) When, upon examination and audit of any invoices, records, books, cancelled checks or other memoranda touching on the purchase, sale, receipt, storage or possession of tobacco products taxed in this article, any dealer or other person liable for the tax is unable to furnish evidence to the NVCTB of sufficient tax payments and stamp purchases to cover cigarettes which were sold, used, stored, received, purchased or possessed by him, the prima facie presumption shall arise that such cigarettes were received, sold, used, stored, purchased or possessed by him without the proper tax having been paid. The NVCTB shall, from the results of such examination and audit based upon such direct or indirect information available, assess the tax due and unpaid and impose a penalty of ten percent and may impose interest of three-quarters percent per month of the gross tax due.
 - (d) When any dealer or other person liable for the tax files a false or fraudulent report or fails to file a report or fails to perform any act or performs any act to evade payment of the tax, the NVCTB shall administratively assess the tax due and unpaid and impose a penalty not to exceed 50 percent of the tax due and interest of three-quarters percent per month of the gross tax due.
 - (e) The dealer or other person liable for the tax shall be notified by certified mail of such deficiency and such tax, penalty and interest assessed shall be due and payable within ten days after notice of such deficiency has been issued. Every dealer or other person liable for the tax shall examine each package of cigarettes to ensure that the NVCTB stamp has been affixed thereto prior to offering them for sale.
 - (f) Any dealer or other person liable for the tax who shall receive cigarettes not bearing the NVCTB stamp shall, within one hour of receipt of such cigarettes, commence and with all reasonable diligence continue to affix the NVCTB stamp to each and every package of cigarettes until all unstamped packages of cigarettes have been stamped and before offering such cigarettes for sale. Any dealer or other person liable for the tax who has notified the NVCTB that he is engaged in interstate or intrastate business shall be permitted to set aside such part of his stock as may be legally kept for the conduct of such interstate or intrastate business (that is, cigarettes held for the sale outside the jurisdiction of the NVCTB) without affixing the stamps required by this article. Any such interstate or intrastate stock shall be kept entirely separate and apart from the NVCTB stamped stock, in such a manner as to prevent the commingling of the interstate or intrastate stock with the NVCTB stock. Any dealer or other person liable for the tax found to have untaxed cigarettes which

have been lost whether by negligence, theft or any other unaccountable loss, shall be liable for and shall pay the tax due thereon.

(g) It shall also be the duty of each dealer or other person liable for the tax, and he is hereby required, to maintain and keep for a period of three years, not including the current calendar year, records of cigarettes received, sold, stored, possessed, transferred or handled by him in any manner whatsoever, whether the cigarettes were stamped or unstamped, to make all such records available for audit, inspection and examination and to make available, at all reasonable times, the means, facilities and opportunity for making such audit, inspection or examination upon demand of the NVCTB.

State law reference(s) – Administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-054. Registered agents.

- (a) Any dealer or other person liable for the tax imposed by this article who shall sell, use, store, possess, distribute or transport cigarettes within or into the Town shall first make application to the NVCTB to qualify as a registered agent. Such application blank, which shall be supplied upon request, shall require such information relative to the nature of the business engaged in by the applicant as the NVCTB deems necessary for the administration and enforcement of this article. There is a yearly registration fee for all wholesale dealers and for all cigarette machine operators. Applicant shall provide a surety bond to the NVCTB of 150 percent of his average monthly tax liability, with a surety company authorized to do business in the Commonwealth of Virginia. Such bond shall be so written that, on timely payment of the premium thereon, it shall continue in force from year to year. Any applicant whose place of business is outside the Town shall automatically, by filing his application, submit himself to the NVCTB's legal jurisdiction and appoint the administrator for the NVCTB as his agent for any service of lawful process.
- (b) Upon receipt of the properly completed required application forms, and the required surety bond executed, the NVCTB shall determine whether the said applicant qualifies to be a registered agent. The NVCTB will issue said qualified applicant a yearly registered agent permit to qualify him to purchase, sell, use, store, possess, distribute or transport within or into the Town, NVCTB stamped cigarettes.
- (c) Registered agents shall agree to the reporting and payment requirements placed upon them by this article and the rules and regulations as from time to time may be promulgated by the NVCTB. When any registered agent's monthly report and payment of the tax is not received within the dates prescribed, the NVCTB shall impose a late reporting penalty of ten percent of the gross tax due or \$10.00, whichever is greater, but in no event more than \$1,000.00. The NVCTB may also require such registered agent to provide proof that he has complied with all applicable laws of the Commonwealth of Virginia to legally conduct such business and to file financial statements showing all assets and liabilities. The NVCTB may revoke or suspend any registered agent's permit due to failure to file tax reports in a timely manner, nonpayment of taxes due or if the cigarette tax surety bond should become impaired for any reason.

State law reference(s) – Administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-055. Requirements for retail dealers.

- (a) Retail dealers who shall sell, offer for sale, store, possess, distribute, purchase, receive or transport cigarettes for the purpose of sale within the Town shall purchase cigarettes only from registered agents giving or supplying business trade name and business address of the location where the

cigarettes will be placed for sale to the public. Cigarettes purchased for personal use cannot be brought into a business for resale. Only properly registered and licensed retail stores may sell cigarettes to the public. To be properly registered and licensed, a retail store must first have a valid Virginia state sales and use tax certificate and valid retail business license. Cigarettes must be purchased and stored separately for each business location. All copies of cigarette purchase invoices/receipts must be retained by the retailer for a period of three years and shall be made available to agents of the NVCTB upon request for use in conducting audits and investigations. All copies of cigarette purchase invoices/receipts must be stored at the business retail location for a period of one year from date of purchase. Failure to provide cigarette invoices/receipts may result in confiscation of cigarettes until receipts can be reviewed by the NVCTB to verify the proper tax has been paid. It is the responsibility of each retail location to insure that all cigarettes placed for sale or stored at that location be properly taxed and stamped. Cigarettes found without the NVCTB stamp or the proper jurisdictional tax paid will be seized by the agents of the NVCTB.

- (b) Retail dealers must make their place of business available for inspection by tobacco revenue agents to insure that all cigarettes are properly stamped and all cigarettes taxes are properly paid.

Sec. 35-056. Presumption of illegality; seizure of contraband goods, sealing/seizing of machines.

- (a) If any dealer cigarette machine operator or other person liable for the tax imposed by this article is found to possess any cigarettes without the jurisdictional tax paid or the proper tax stamp affixed there shall be a rebuttable presumption that any such operator or other person shall be in possession of untaxed cigarettes in violation of this article.
- (b) If any cigarettes placed in any vending machines within the Town, then there shall be a rebuttable presumption that such cigarettes were placed in that machine for sale within the Town. If any vending machine located within the Town contains cigarettes upon which the NVCTB tax stamp has not been affixed or on which the jurisdictional tax has not been paid or containing cigarettes placed as so not to allow visual inspection of the NVCTB tax stamp through the viewing area as provided for by the vending machine manufacturer, then there shall be a rebuttable presumption that the machine contains untaxed cigarettes in violation of this article.
- (c) Any cigarettes, vending machines, cigarette tax stamps or other property found in violation of this article shall be declared contraband goods and may be seized by the NVCTB. In addition to any tax due, the dealer or other person liable for the tax possessing such untaxed cigarettes or tax stamps shall be subject to civil and criminal penalties herein provided.
- (d) In lieu of seizure, the NVCTB may seal such vending machines to prevent continued illegal sale or removal of such cigarettes. The removal of such seal from a vending machine by any unauthorized person shall be a violation of this article. Nothing in this article shall prevent the seizure of any vending machine at any time after it is sealed.
- (e) All cigarette vending machines shall be plainly marked with the name, address and telephone number of owner of said machine.

State law reference(s) – Administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-057. Prohibited illegal acts.

It shall be unlawful and a violation of this article for any dealer or other person liable for the tax imposed by this article to:

Perform any act or fail to perform any act for the purpose of evading the payment of any tax imposed by this article or of any part thereof, or to fail or refuse to perform any of the duties imposed upon him under the provisions of this article or to fail or refuse to obey any lawful order which may be issued under this article;

- (2) Falsely or fraudulently make, or cause to be made, any invoices or reports, or falsely or fraudulently forge, alter or counterfeit any stamp, or procure or cause to be made, forged, altered or counterfeited any such stamp, or knowingly and willfully alter, publish, pass or tender as true any false, altered, forged or counterfeited stamp or stamps;
 - (3) Sell, offer for sale or distribute any cigarettes upon which the NVCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid;
 - (4) Possess, store, use, authorize or approve the possession, storage or use of any cigarette packages upon which the NVCTB stamp has not been affixed or upon which the jurisdictional tax has not been paid;
 - (5) Transport, authorize or approve the transportation of any cigarette packages in quantities of more than 60 packages into or within the Town upon which the NVCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid, if they are:
 - a. Not accompanied by a bill of lading or other document indicating the true name and address of the consignor or seller and the consignee or purchaser and the brands and quantity of cigarettes transported;
 - b. Accompanied by a bill of lading or other document which is false or fraudulent in whole or part; or
 - c. Accompanied by a bill of lading or other document indicating:
 1. A consignee or purchaser in another state or the District of Columbia who is not authorized by the law of such other jurisdiction to receive or possess such tobacco products on which the taxes imposed by such other jurisdiction have not been paid, unless the tax of the jurisdiction of destination has been paid and the cigarettes bear the tax stamps of that jurisdiction; or
 2. A consignee or purchaser in the Commonwealth of Virginia but outside the taxing jurisdiction who does not possess a Virginia sales and use tax certificate, and, where applicable, any licenses issued by the Commonwealth of Virginia or local jurisdiction of destination.
 - (6) Reuse or refill with cigarettes any package from which cigarettes have been removed, for which the tax imposed has been theretofore paid; or
 - (7) Remove from any package any stamp with intent to use or cause the stamp to be used after the stamp has already been used, or to buy, sell or offer for sale or give away any used, removed, altered or restored stamps to any person, or to reuse any stamp which had therefore been used for evidence of the payment of any tax prescribed by this article, or to sell, or offer to sell, any stamp provided for in this article.
 - (8) To sell, offer for sale or distribute any loose or single cigarettes;
 - (9) To perform any act that violates the resolutions promulgated by the NVCTB.
- (b) It shall be unlawful and a violation of this article for any person or individual to transport, possess, store, use, authorize or approve the possession, storage or use of any cigarettes in quantities of more than 60 packages upon which the NVCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid.

State law reference(s) – Administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-058. Powers of the Northern Virginia Cigarette Tax Board.

- (a) The NVCTB may delegate any of its powers to its administrator or employees and may adopt regulations regarding the administration and enforcement of the provisions of this article.
- (b) The NVCTB shall be granted the following powers:
 - (1) Assess, collect and disburse the cigarette tax for each participating jurisdiction;
 - (2) Audit dealer sales of cigarettes for each participating jurisdiction;
 - (3) Provide information to the Commonwealth's attorneys, county, city or town attorneys for each participating jurisdiction;
 - (4) Designate an administrator;
 - (5) Manage the Northern Virginia Cigarette Tax Fund;
 - (6) Retain a certified public accountant to audit its books;
 - (7) Designate a depository bank or banks;
 - (8) Contract with member jurisdictions for administrative services;
 - (9) Hold and convey real and personal property;
 - (10) Enter into contracts;
 - (11) Hire, supervise and discharge its own employees;
 - (12) Sue and be sued in its own name;
 - (13) Prescribe the design of a stamp(s) and to issue and sell said stamps to authorized dealers;
 - (14) Establish classes of taxpayers and extend varying discount rates;
 - (15) Promulgate resolutions for the assessment and collection of cigarette taxes and the enforcement of this article; and
 - (16) Conduct inspections of any place of business in order to enforce the provisions of this article and all resolutions of the NVCTB.
- (c) The NVCTB may employ legal counsel, bring appropriate court action in its own name to enforce payment of the cigarette tax or penalties owed and file tax liens against property of taxpayers under this article.
- (d) The NVCTB is authorized to enter into an agreement with the Virginia Department of Taxation under which a registered agent with the NVCTB who is also qualified to purchase Virginia revenue stamps, may qualify to purchase dual Virginia-NVCTB stamps from the Virginia Department of Taxation. Authority to purchase dual Virginia-NVCTB stamps is granted solely by the NVCTB and may be revoked or suspended for violations of this ordinance or resolutions adopted by the NVCTB.
- (e) The NVCTB may appoint certain employees as tobacco revenue agents, who shall be required to carry proper identification while performing their duties. Tobacco revenue agents are further authorized to conduct inspections of any place of business and shall have the power to seize or seal any vending machines, seize any cigarettes, counterfeit stamps or other property found in violation of this article and shall have the power of arrest upon reasonable and probable cause that a violation

of this article has been committed. The NVCTB is authorized to provide its tobacco revenue agents with:

- (1) Firearms for their protection;
 - (2) Emergency equipped vehicles while on duty; and
 - (3) Other equipment deemed necessary and proper.
- (f) The NVCTB may exchange information relative to the sale, use, transportation or shipment of cigarettes with an official of any other jurisdiction entrusted with the enforcement of the cigarette tax laws of such other jurisdiction.

State law reference(s) – Arrangement for dual stamps, Code of Virginia, § 58.1-3830; administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-058. Jeopardy assessment.

If the administrator for the NVCTB determines that the collection of any tax or any amount of tax required to be collected and paid under this article will be jeopardized by delay, he shall make an assessment of the tax or amount of tax required to be collected and shall mail or issue a notice of such assessment to the taxpayer together with a demand for immediate payment of the tax or of the deficiency in tax declared to be in jeopardy, including penalties and interest. In the case of a current period for which the tax is in jeopardy, the administrator may declare the taxable period of the taxpayer immediately terminated and shall cause notice of such finding and declaration to be mailed or issued to the taxpayer together with a demand for immediate payment of the tax based on the period declared terminated and such tax shall be immediately due and payable, whether or not the terms otherwise allowed by this article for filing a return and paying the tax have expired.

State law reference(s) – Jeopardy assessment of sales or use tax, Code of Virginia, § 58.1-631.

Sec. 35-059. Erroneous assessment; notices and hearings in event of sealing of vending machines or seizure of contraband property.

- (a) Any person assessed by the NVCTB with a cigarette tax, penalties and interest, or any person whose cigarettes, vending machines and other property have been sealed or seized under process of this article, who has been aggrieved by such assessment, seizure or sealing may file a request for a hearing before the administrator for the NVCTB for a correction of such assessment and the return of such property seized or sealed.
- (b) Where holders of property interest in cigarettes, vending machines or other property are known at time of seizure or sealing, notice of seizure or sealing shall be sent to them by certified mail within 24 hours. Where such holders of property interests are unknown at time of seizure or sealing, it shall be sufficient notice to such unknown interest holders to post such notice to a door or wall of the room or building which contained such seized or sealed property. Any such notice of seizure or sealing shall include procedures for an administrative hearing for return of such property seized or sealed as well as affirmative defenses set forth in this section which may be asserted.
- (c) Such hearing shall be requested within ten days of the notice of such assessment, seizure or sealing and shall set forth the reasons why the tax, penalties and interest and cigarettes, vending machines or other property should be returned or released. Within five days after receipt of such hearing request, the administrator shall notify the petitioner by certified mail of a date and time for the informal presentation of evidence at a hearing to be held within 15 days of the date notification is

mailed. Any such request for hearing shall be denied if the assessed tax, penalties and interest have not been paid as required or if the request is received more than ten days from the first notice to the petitioner of such seizure or sealing. Within five days after the hearing, the administrator shall notify the petitioner by registered mail whether his request for a correction has been granted or refused.

- (d) Appropriate relief shall be given by the administrator if he is convinced by the preponderance of the evidence that such seized cigarettes were in the possession of a person other than the petitioner without the petitioner's consent at the time such cigarettes, vending machines or other property were seized or sealed or that the petitioner was authorized to possess such untaxed cigarettes. If the administrator is satisfied that the tax was erroneously assessed, he shall refund the amount erroneously assessed together with any interest and penalties paid thereon and shall return any cigarettes, vending machines or other property seized or sealed to the petitioner. Any petitioner who is dissatisfied with the written decision of the NVCTB may within 30 days of the date of such decision appeal such decision to the appropriate court in the jurisdiction where the seizure or sealing occurred.

State law reference(s) – Administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-060. Disposal of seized property.

Any seized and confiscated cigarettes, vending machines or other property used in the furtherance of any illegal evasion of the tax imposed by this article may be disposed of by sale or other method deemed appropriate by the NVCTB after any petitioner has exhausted all administrative appeal procedures. No credit from any sale of cigarettes, vending machines or other property seized shall be allowed toward any tax and penalties assessed.

State law reference(s) – Administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-061. Extension of time for filing tax report.

The administrator, upon a finding of good cause, may grant an extension of time to file a tax report upon written application for a period not exceeding 30 days. Except as provided in this article, no interest or penalty shall be charged, assessed or collected by reason of the granting of such an extension.

State law reference(s) – Administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-062. Penalty for violation of article.

Any person violating any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$2,500.00 or imprisonment for not more than 12 months or by both such fine and imprisonment. Such fine and/or imprisonment shall not relieve any such person from the payment of any tax, penalty or interest imposed by this article.

State law reference(s) – Penalties for violation of ordinances, Code of Virginia, § 15.2-1429; violations of state cigarette tax law, Code of Virginia, § 58.1-1013; tobacco products found in quantities of more than six cartons, 58.1-3832.

Sec. 35-063. Each violation a separate offense.

The sale of any quantity, the use, possession, storage or transportation of more than sixty packages of cigarettes upon which the NVCTB tax stamp has not been affixed or the proper jurisdictional tax has not been paid shall be and constitute a separate violation. Each continuing day of violation shall be deemed to constitute a separate offense.

Sec. 35-064. Severability.

If any section, phrase or part of this article should for any reason be held invalid by a court of competent jurisdiction, such decision shall not affect the remainder of the article; and every remaining section, clause, phrase or part thereof shall continue in full force and effect.

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TOWN OF OCCOQUAN

TOWN COUNCIL MEETING

Agenda Communication

| | |
|--|-----------------------------------|
| 5. Discussion Items | Meeting Date: May 20, 2025 |
| 5A: Planning Commission Annual Report | |

- Attachments:**
- a. 2024 Annual Report
 - b. Revised Recommendations to Town Council
 - c. Prioritization List
 - d. Memo from Town Council on Recommendations

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is an item to discuss the Planning Commission’s Annual Report and provide feedback on its addendum report on strategic planning recommendations.

For the Council’s convenience, the Planning Commission has also supplied a prioritization list that condenses its priorities for the recommendations into a one-page summary.

See attached items a, b, and c.

Background:

Per § 33.07 (D) of the Town Code, it is the duty of the Planning Commission to make an annual report and recommendations to the Town Council, “concerning the operation of the Commission and the status of planning within its jurisdiction.”

At the April 16, 2024, meeting, the Planning Commission Chair presented the strategic planning recommendations report to Town Council. The Town Council decided to consider the recommendations and provide feedback at a later date. At the July 2, 2024, meeting, the Town Council reviewed the report and decided to prepare a feedback memo. At the September 17, 2024, meeting, the Town Council provided a feedback memo on the recommendations and directed the Planning Commission to submit revised recommendations along with its annual report in early 2025.

At the February 18, 2025, meeting, the Town Council received the Planning Commission’s 2024 Annual Report and set a joint meeting of April 15, 2025, to review it.

At the February 25, 2025, meeting, the Planning Commission approved and submitted to the Town Council its revised strategic planning recommendations, as an addendum to the 2024 Annual Report, which were submitted to the Town Council at its March 4, 2025, meeting.

At the March 25, 2025, meeting, the Planning Commission approved and submitted to the Town Council a light revision of those recommendations and a summary list of priorities.

At the April 15, 2025, meeting, the Town Council acknowledged receipt of the revised recommendations and prioritization list and tabled discussion to a later Council meeting.

Staff Request: Provide feedback and next steps to the Planning Commission and Town staff on the strategic planning recommendations.



TOWN OF OCCOQUAN

Planning Commission

2024 Annual Report

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Meet the Planning Commission

The Planning Commission is a board of town residents appointed by the Town Council to advise the Council in all planning and land use matters; to review and make recommendations regarding the Comprehensive Plan, subdivision and zoning ordinances, and other land use regulations; and to conduct public hearings related to planning matters in the town. Article 33.00 of the Town Code addresses the duties and bylaws of the Planning Commission.

| | | |
|----------------|-----------------------|------------------------------------|
| Eliot Perkins | Chairman | Appointment: 5/2/2017 - 12/31/2026 |
| Ralph Newell | Vice Chair | Appointment: 9/7/2021 - 8/31/2025 |
| Don Wood | Secretary | Appointment: 5/17/2022 - 4/30/2026 |
| Ann Kisling | Commissioner | Appointment: 8/4/2020 - 12/31/2026 |
| Darryl Hawkins | ARB Representative | Appointment: 3/5/2019 - 12/31/2026 |
| Robert Love | Commissioner | Appointment: 3/7/2023 - 12/31/2026 |

The Commission would like to specifically recognize former Commissioner Ryan Somma for his years of service to the Commission. After almost seven years as Secretary, Mr. Somma resigned from the Commission in April 2024.

Meeting Dates and Time

The Occoquan Planning Commission meets at 6:30 p.m. on the fourth Tuesday of each month at the Occoquan Town Hall when it has business to conduct. Notices of meetings are posed in advance at the Occoquan Town Hall and the Occoquan Post Office. To reach the Planning commission, contact the Deputy Town Manager by telephone at (703) 491-1918, or at planning@occoquanva.gov.

Zoning Density Review

At the request of Town Council, the Planning Commission worked on a review of three key density-related zoning items with Town staff from February through July 2024. The Commission researched and discussed the following:

- Evaluating the extent to which it believes it appropriate to alter the Town's comprehensive plan and zoning to allow increased density in specific areas,
- Considering whether the parcel immediately east of the Route 123 bridge currently zoned R-1, should be considered for business zoning, and
- Reviewing the restrictions on accessory dwellings and determining whether or not adjustments were warranted.

After an extensive review process the Planning Commission made its recommendations to Town Council, proposing to address potential changes in density via the 2026 Comprehensive Plan update and to amend the Town Code to address accessory dwellings and accessory buildings. This culminated with a joint public hearing on and recommendation of O-2024-03, an ordinance relating to accessory dwellings and accessory buildings that accomplished the following:

- Added a definition to section 157.008 for an accessory dwelling;
- Added a section numbered 157.015 relating to accessory buildings; and
- Amended sections 157.010, 157.015, 157.041, 157.047, 157.061, 157.067, 157.081, 157.087, 157.101, 157.107, 157.121, and 157.124, covering the zoning districts, generally relating to regulations on accessory buildings and accessory dwellings.

The accessory dwelling ordinance was adopted by Town Council on September 17, 2024.

Strategic Planning Recommendations

Throughout 2023 and 2024, the Planning Commission has been working on a strategic planning report to determine the thematic areas and action items of importance that it believes should be priorities for the Town. In April 2024, the Planning Commission submitted its report to the Town Council for feedback on its recommendations. After receiving feedback from the Town Council, the Planning Commission has worked for the remainder of the year on revising the report to address Town Council's questions. The revised recommendations will be submitted to the Town Council along with this report.



Occoquan Planning Commission Planning Recommendations to Town Council

March 26, 2024

Revised: February 25, 2025; March 25, 2025

Occoquan Planning Commission

Eliot Perkins, Chair

Ralph Newell, Vice Chair

Don Wood, Secretary

Darryl Hawkins, Commissioner

Ann Kisling, Commissioner

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Introduction

Starting in Winter 2023, the Planning Commission, using the *Vision 2026 Comprehensive Plan* as a guide, engaged in a planning effort to formulate themes and corresponding recommendations for the Planning Commission's work over the next several years. The objective of this effort was to provide prioritized recommendations that either complement the council's strategic framework and/or that preview future recommendations for the 2026 Comprehensive Plan update.

As part of the creation and prioritization of the recommendations, the Planning Commission took several items into consideration: the alignment with Council's strategic framework, cost, town staffing requirements, volunteer requirements, and the 2026 Comprehensive Plan update. Due to the recognition that resources are finite both in terms of dollars and staff time, the Planning Commission has the willingness and enthusiasm to take on an active role as is deemed appropriate by Council.

After review of this report, the Planning Commission asks that the Town Council assign ownership on action items deemed viable to the Commission and/or Town staff as deemed appropriate. The Commission further asks the Town Council to consider inclusion of cost-incurring items into the Fiscal Year 2026 budget process.

Report Structure:

The following report is divided into sections based off each thematic area and corresponding goals created by the Planning Commission with a tiered list of recommended action items for Town Council. Action items are divided into First and Second Priority. The First Priority consists of short, near, and long-term items that align with at least one theme of the Comprehensive Plan. Those First Priority items for Town Council review are contained in the green tables at the end of each section. Each table outlines the potential costs, staff time, implementation timeline, and Comprehensive Plan alignment associated with each item. The Second Priority consists of longer-term items that are meant to preview future recommendations for the 2026 Comprehensive Plan update.

The thematic areas consist of the following:

- Leveraging the Natural Resources of the Town (Trail Town)
- Increasing Walkability, Connectivity, and Accessibility (Parking and Transportation)
- Protecting the Ecological and Public Health of the Town (Green Improvements)
- Fostering A Distinct Identity for Town (Placemaking and Beautification/Public Arts)
- Fostering Economic Development and Diversification (Business Support and Recruitment)

In the course of the planning process, the Planning Commission noted a number of concepts repeated across the different work groups. The resulting action items are therefore presented in the "Cross-Cutting Recommendations" section as items to be implemented as compliments to all the other thematic areas.

Trail Town Program – Leveraging the Natural Resources of the Town

Summary:

With multiple regional and national cycling trails connecting the Town to other regional attractions; a prime location on the Occoquan River as a water trail; and a soon-to-be destination at the end of the Occoquan Greenway trail, Occoquan is a focal point for outdoor recreational traffic. This echoes Occoquan’s history as a waypoint for travelers passing through over the old bridge and stopping to frequent town businesses. Occoquan is and has been a Trail Town. This recommendation includes actions to incorporate that character into the Town’s programs and initiatives, promote that identity to visitors, and encourage travelers to stop in Town on their way to other destinations.

Goals:

1. Earn designation as a Virginia Trail Town by working with the Commonwealth to define the standards for a Trail Town and create a designation program.
2. Cultivate and promote Occoquan’s identity as a Trail Town with historical markers, wayfinding signage, and local attractions to bring outdoors enthusiasts into Town.
3. Establish reciprocal promotion between attractions and municipalities sharing trails with Occoquan via participation in regional summits, celebrations, and trail advocacy outside of the Town’s jurisdiction.
4. Increase the value and accessibility of Tanyard Hill park as a local trail destination with trail connections to the Occoquan Greenway.

First Priority Action Items:

1. **Assess Community Input a Trail Town Program:** Solicit feedback from Town residents via a survey to assess community wants and needs for a trail town and use results to determine the vision of a larger Trail Town program.
2. **Define an Occoquan Trail Town Vision:** Town Officials, Staff, and Citizens should collaborate on a shared vision of what a Trail Town program ultimately means and the “who, what, and how” of getting there.
3. **Town Council Passes a Resolution Recognizing the Community Values its Trails:** This resolution will follow the same format as previous resolutions establishing Occoquan as a Tree City USA or Bird Sanctuary.
4. **Improve Trail Signage:**
 - **Post a “Trail Town” Information Sign Near the Footbridge and/or 123 Bridge:**
The model for this sign would be the signs at the trails gateway into Harper’s Ferry, which provides a map of the region, illustrates the many trails connecting to the town, and the attractions to which they lead.
 - **Post Signs for the Potomac Heritage National Scenic Trail:** As a signatory, Occoquan needs to honor its commitment to the PHNST memorandum of understanding by placing signage for the trail at appropriate locations within Town. Representatives at NVRC recommend having NPS install the signs.

- 5. Present a Yearly Progress Update at the NVRC Trails Summit:** The NVRC has expressed a high level of interest in following Occoquan’s efforts to establish a Trail Town Program. This yearly summit provides the Town an opportunity to present an update on our progress, participate in workshops for Trails advocacy, and network with other municipalities to enhance nearby trails outside of our jurisdiction.

Second Priority Action Items:

- 1. Work with Local Businesses to Promote Trail Town Status and Support Trail Users:** Encourage local businesses to take advantage of the potential business opportunities that come with the trail users who pass through Occoquan.
- 2. Coordinate with the County on Trail Connections Between Tanyard Hill Park and Occoquan Greenway:** A limitation for Tanyard Hill Park is that it is somewhat inaccessible to Occoquan residents, with no dedicated parking lot or straightforward pedestrian connection from town. Connecting the park to the Occoquan Greenway will provide an accessible, safe route to residents. Town should continue to coordinate with the County to ensure the trail connections are built and maintained.
- 3. Lobby State for a Trail Town Designation:** The Town of Damascus in Shenandoah also considers itself a Trail Town servicing hikers on the Appalachian Trail. Occoquan can coordinate with this municipality to have Virginia create a Trail Town Designation.
- 4. Develop and Leverage Stakeholder Connections with Trail-related Organizations:** Connect with all applicable trail related organizations which could be advantageous in the furtherance of Occoquan as a successful Trail Town.

Items for Town Council Approval/Budget Consideration:

| Recommendations | Cost Estimate | Staff Effort (Low, Medium, High) | Timeline (Short, Near, and Long-term) | Comp Plan Alignment |
|---|---------------|----------------------------------|---------------------------------------|---|
| Assess Community Input on a Trail Town Program | - | Low | Short | Circulation and Mobility |
| Define an Occoquan Trail Town Vision | - | Medium | Short | Circulation and Mobility |
| Town Council Passes a Resolution Recognizing the Community Values its Trails | - | Low | Short | Circulation and Mobility |
| Improve Trail Signage | \$3,000 | Medium | Near | Circulation and Mobility |
| Present a Yearly Progress Update at the NVRC Trails Summit | - | Low | Near | Circulation and Mobility, Regional Coordination |

Parking and Transportation – Increasing Walkability, Accessibility, and Connectivity

Summary:

With a downtown attractive to pedestrian traffic, friendly neighboring attractions and private businesses, and the commercial incentives to enhance parking and transportation within and without Town, Occoquan has many creative opportunities to improve accessibility to its attractions.

Goals:

1. Increase pedestrian safety and navigability in Town with a Town map brochure, an online interactive map, continued targeted traffic calming measures, and standardized signage.
2. Pursue multi-modal transportation alternatives with , prominent bike racks, electric bike services, shuttle, and a water taxi.
3. Increase connections to existing and future regional developments and attractions by pursuing synergistic events and relationships with Occoquan Regional Park, Riverside Station, The Townes at Occoquan, Alpine X/Fairfax Peak, and the Workhouse Arts Center.

First Priority Action Items:

1. **Standardize Parking Signage:** To better advertise existing Town parking lots, the universal “P” for parking sign should replace public parking signs to conform with visitor expectations.
2. **Enhance Biking Infrastructure and Awareness:** To increase driver awareness of cyclists and encourage more cycling in town, the Town should pursue the following:
 - **Apply Annually for the League of American Bicyclists "Bicycle Friendly Community" Status:** Process will inform the Town of what specific actions it can take to promote cycling in Occoquan and track progress on those actions.
 - **Town Bike Rack Improvements/Signage:** The Town should better advertise the bike racks with signage or move them to more prominent locations. Also, the Town should invest in bike repair stations.

Second Priority Action Items:

1. **Enhance Pedestrian Connections to Occoquan Regional Park, Workhouse Arts Center and Other Regional Attractions and Developments:** To better connect with neighboring attractions like the Workhouse Arts Center, Occoquan Regional Park, and future Fairfax Peaks facility, the Town should engage in the following activities:
 - **Memorialize the Town’s Plans on and Continue to Advocate for a Trail Under the 123 Bridge in Fairfax County:** As the Town has started to advocate for this improvement, the Planning Commission wants to ensure the effort its properly memorialized in the Comprehensive Plan, or another document that the Town Council deems appropriate, and offer its services in ensuring the trail comes to

fruition. A trail from Old Ox Road that goes down along the hill beside the 123 Bridge, under the bridge, and into Occoquan Regional Park will connect Occoquan to that attraction, driving more recreational and economic opportunities for town businesses and residents.

- **Pursue Diverse Mobility Connections to Local Attractions:** this includes promoting local electric bike rentals, shuttle services, and local water taxi services that would connect communities on the Occoquan River.
- 2. **Evaluate and Advocate for Parking Outside of Town:** The Town should talk with Vulcan, Occoquan Regional Park, and other property owners about using sites, such as the service road parallel to Rt. 123, for parking.
- 3. **Continue Targeted Traffic-Calming Measures:** The Town should pursue targeted traffic-calming measures at the intersection of Mill and Washington streets, and Center Street in the mornings to address cut-through traffic running stop signs and endangering pedestrians. Additionally, the Town should continue to seek traffic-calming measures, such as additional crosswalks and pedestrian safety signage on Washington Street.

Items for Town Council Approval/Budget Consideration:

| Recommendations | Cost Estimate | Staff Effort (Low, Medium, High) | Timeline (Short, Near, and Long-term) | Comp Plan Alignment |
|--|------------------------------------|----------------------------------|---------------------------------------|--------------------------|
| Standardize Parking Signage | \$300 | Low | Short | Circulation and Mobility |
| Enhance Biking Infrastructure and Awareness | \$50/year; TBD for repair stations | Medium | Near | Circulation and Mobility |

Green Improvements - Protecting the Ecological and Public Health of the Town

Summary:

Occoquan has the opportunity to create, and be widely recognized as, a sustainable and vibrant green town, where eco-friendly practices harmonize with the tranquil setting of our town. We aspire to cultivate a community that values environmental stewardship, embraces renewable energy, promotes green spaces, and encourages a sense of responsibility for the well-being of our planet. Through education, innovation, and collaboration with local residents, business and visitors, we aim to achieve those goals through thoughtful action.

Goals:

1. Create and expand green spaces as a means of improving stormwater runoff as well as to improve the environmental and social health of the Town and the Occoquan River.
2. Reduce water waste and solid waste as a means of lowering costs and reducing the environmental impact of the Town.
3. Encourage carbon-reducing activities as a means of promoting energy efficiency and reducing town carbon emissions.

First Priority Action Items:

1. **Continue to implement a sustainable water quality monitoring program for the Occoquan River:** Implementing a sustainable all-volunteer, summertime water sampling program that publicizes sampling results weekly will burnish the Town's green credentials by demonstrating to river users such as boaters and anglers that the Town is monitoring the health of the river. Although the State Department of Environmental Quality (VA DEQ), Fairfax Water, and the Prince William County Soil and Conservation District tests the river for various safety parameters, the resulting data is not easily found. Volunteers can partner with the Potomac River Keepers Network to test the water weekly during the summer with results published each Friday on the internet and through a "Swim App."
2. **Install Mussel Cage on Town Dock:** The Town should renew efforts to install a mussel cage on the town dock as a way to both improve the water quality of and education on the Occoquan River. Since 2023, the Town has been in continued discussions with the Potomac River Keepers Network to become a part of its *50 Million Mussel Project*, an initiative to restore 50 million native freshwater mussels to the Potomac River by 2030 as a critical next step towards improving (and maintaining) water quality in the Potomac. Funding for the mussel cage was adopted in the FY2024 Capital Improvements Program with plans to partially fund it via the 2024 RiverFest's boat parade fees. However, the project was not completed due to a lack of donated funds.
3. **Use public education, engagement and demonstration to encourage reduction or elimination of one-time use utensils and boxes at Town eateries:** Providing encouragement and education to abandon one-time use plastic will add luster to Occoquan's well-deserved reputation as home to a lively retail and restaurant scene. The Town can provide resources like [Beyond Plastics'](#) "[Hold The Plastic, Please: A](#)

[Restaurant’s Guide to Reducing Plastic](#)” and [one-pager](#) on the Town’s “*Doing Business in Occoquan*” webpage, sponsor informational events on reducing one-time use plastics, pass resolutions in support of reduction, and task the Planning Commission to explore ideas and network with local towns and vendors that are moving forward with non-ordinance related encouragement.

- Evaluate existing conditions and create a plan for tree management and increasing native species:** Focus on key areas with a high presence of invasive tree and plant species (e.g. Furnace Branch Park, Commerce Street shoulder) and create a plan, utilizing outside grant funding for proper tree management and the restoration of native species.

Second Priority Action Items:

- Create an Award system to recognize good environmental actors in Town:** The historic district is a special area in town that is highly visible and subject to various architectural restrictions. Rewarding those who take the extra time to implement various environmentally beneficial improvements on their properties is a good look for the town. To keep a sustainable level of effort, Town Council should consider annually or semi regularly recognizing, via resolution and social media, a business or resident that makes such environmental improvements to their property.
- Consult with Prince William County staff to see how Occoquan can contribute to the success of the Prince William County Community Energy and Sustainability Master Plan:** Many of the action items above are related to actions items in the County Plan. The Town should designate a lead to assess the plan and provide feedback to Town Council on how the Town can coordinate with the County on its High Priority Actions that significantly impact Occoquan (e.g. encouraging energy efficient building, improving pedestrian and bicycle infrastructure, improving public transit, and multiple climate resiliency and stormwater actions).

Items for Town Council Approval/Budget Consideration:

| Recommendations | Cost Estimate | Staff Effort (Low, Medium, High) | Timeline (Short, Near, and Long-term) | Comp Plan Alignment |
|--|------------------|----------------------------------|---------------------------------------|---------------------------|
| Continue to implement a sustainable water quality monitoring program for the Occoquan River | \$2,500 per year | Low | Short | Environmental Stewardship |
| Install Mussel Cage on Town Dock | \$6,500 | Medium | Short | Environmental Stewardship |
| Use public education, engagement and demonstration to encourage reduction or elimination of onetime use utensils and boxes at Town eateries | - | Medium | Near | Environmental Stewardship |

| | | | | |
|---|---|--------|------|---------------------------|
| Evaluate existing conditions and create a plan for tree management and increasing native species | - | Medium | Long | Environmental Stewardship |
|---|---|--------|------|---------------------------|

Placemaking, Beautification, and Public Art – Fostering A Distinct Identity for Town

Summary:

Placemaking and Beautification in Occoquan would focus on creating attractive, engaging public spaces that foster social interaction and community engagement. Projects can improve the quality of life for residents by creating spaces that are welcoming and enjoyable to use. Beautifully designed public spaces can increase civic pride, promote social connections, and provide a sense of place and belonging. Such programs can additionally boost economic development by creating attractive and engaging public spaces, Occoquan can attract more visitors and businesses, which can help stimulate economic growth.

A Public Arts Program is a key ingredient in Placemaking for Occoquan. Public art adds enormous value to the cultural, aesthetic, and economic vitality of the community. It is now a well-accepted principle of urban design that public art contributes to a community's identity, fosters community pride and a sense of belonging, and enhances the quality of life for its residents and visitors. Public art also highlights what is unique about the places where people live, work, and play.

Artists can bring innovation and creative insight that can strengthen Occoquan's competitiveness within a regional marketplace and that can build and sustain a vibrant economy and community. The Public Arts Program will strive to support local artists and other creatives within the area and encourage their role as a member of the community.

Goals:

1. Increase Placemaking/Beautification efforts through budgeted projects and volunteer programming.
2. Increase public art installations in the Town to one to two installations every two years.
3. Diversify the types of public art to include both temporary and permanent installations on public and private properties
4. Commission public art that responds to community goals and priorities by incorporating participatory measures into the planning and implementation processes.

First Priority Action Items:

1. **Conduct public art surveys as needed to ensure community input, including on themes and locations:** Solicit feedback from Town residents using a survey to determine public arts preferences, placement locations, and other relevant factors.
2. **Create and Fund public art program:** Leveraging budgeted funds as seed money for outside grants, create a public arts program with a work plan based off staff, community, and political bodies input that outlines the goals of the program, community preferences on art installations, future placements (private and public locations) over a number of years and other relevant information.
3. **Create a prioritized list of projects including plantings, lighting, and pocket parks:** Create an inventory of all locations in town where there are beautification challenges

and opportunities, including improvements to lighting at River Mill Park, flower baskets on gaslights and the footbridge, the creation of pocket parks, and beautification of public buildings as appropriate. Develop a theme e.g. “Making Occoquan Beautiful” to encompass many Placemaking/Beautification activities. Possibly create competition with awards and recognition for businesses, property owners of businesses, private homes/townhouses, and individuals.

4. Expand volunteer corps and include beautification for private and public properties:

Build off existing and future volunteer opportunity communication tools to develop most effective interaction methods. Create opportunities for beautification on both public and private properties by hosting volunteers for regular assignments, special volunteer events (like FOTO cleanups), and/or adopt a business programs. Beyond beautification efforts, the Commission feels that utilizing volunteer management software to improve the efficiency and effectiveness of the Town’s volunteer program will benefit events programming and be vital to the success of multiple action items in this report.

Secondary Action Items:

- 1. Increase Placemaking and Beautification Funding for Pilot Projects:** For this to occur first there needs to be a priority placed on expanding the volunteer corps. Due to the volunteer efforts needed in this area it cannot happen without increased volunteer numbers. Once that has occurred a pilot project(s) should be undertaken. Town should then assess the results of the pilot and consider dedicated funding for beautification efforts, utilizing all applicable grant opportunities, Public/Private partnerships, and individual donor funding options. Town may also want to contact local jurisdictions who are experienced and successful in funding such projects.

Items for Town Council Approval/Budget Consideration:

| Recommendations | Cost Estimate | Staff Effort (Low, Medium, High) | Timeline (Short, Near, and Long-term) | Comp Plan Alignment |
|--|------------------|----------------------------------|---------------------------------------|--------------------------|
| Conduct public art surveys as needed to ensure community input, including on themes and locations | - | Low | Short | Community Character/Life |
| Fund and create public art program | \$2,500 per year | Medium | Short | Community Character/Life |
| Create a prioritized list of projects including plantings, lighting, pocket park(s) etc. | - | Medium | Near | Community Character/Life |

| | | | | |
|---|------------------|--------|-------|--------------------------|
| Expand volunteer corps to include beautification for private and public properties | \$1,000 per year | Medium | Short | Community Character/Life |
|---|------------------|--------|-------|--------------------------|

Business Support and Recruitment - Fostering Economic Development and Diversification

Summary:

Economic development makes our community a better place to live and work by creating a more dynamic, robust, unique local business community that meets the wants and needs of residents and visitors alike. This can be accomplished by breaking down silos between the Town and local businesses in order to better understand and be able to meet the needs of local businesses; by leveraging historic assets as a means of boosting the Town's economic resources; and by recruiting businesses that further the goals of the Town and meet the wants and needs of residents and visitors.

Goals:

1. Encourage and recruit businesses that meet the needs and wants of residents and visitors
2. Increase business and tax revenues by attracting more visitors
3. Increase the resilience of the local economy by encouraging the diversification of business types
4. Improve the sustainability of existing businesses by improving business support

First Priority Action Items:

1. **Encourage the preservation and commercial use of the Town's historic buildings and structures:** The town's numerous historic structures both offer opportunities for unique commercial uses and create the historic small-town charm of Occoquan that underlies its tourism-based economy. The Town should engage with property owners to identify opportunities to maintain, improve, and increase commercial uses for these historic properties.
2. **Evaluate the creation of a business recruitment program:** As Town Council has revised its framework to include the evaluation of creating a business recruitment program, the Planning Commission would like to request that Town staff examine the following items in their evaluation: ad hoc reports to Town Council on key commercial vacancies, best practices for localities to recruit value adding businesses, insights from Visit Occoquan and the existing business community on attracting businesses to the town, how much staff time and funding should be dedicated, and what the goals and outcomes are for a potential program.
3. **Collaborate with Visit Occoquan to assess town business needs:** Work with Visit Occoquan to integrate priorities and questions from Town Council, Town Boards, and/or staff into Visit's existing programming that will help assess how Town can improve the business environment, including meetings and surveys.

Second Priority Action Items:

1. **Create business recruitment and support programming:** Based off the results of collaboration with Visit Occoquan, the Town should work with relevant stakeholders to create business support programming to help address the stated needs of the business

community and attract outside businesses and organizations to the Town. Programming would consist of two types of events: trainings on specific areas of need for local businesses and informational talks that market the Town (for example, topics could include: The Merits of Doing Business in Occoquan, The Founding of Occoquan in the 18th Century, The Role of Local Native Tribes, The Civil War & Occoquan, Hurricane Agnes, etc). Both would be available to the wider community and raise awareness of Occoquan. Town should partner with the Prince William Chamber of Commerce, hospitals, universities, and experts on specific areas of need to host events like guest speakers, panel discussions, luncheons, etc. at little to no cost to the Town.

Items for Town Council Approval/Budget Consideration:

| Recommendations | Cost Estimate | Staff Effort (Low, Medium, High) | Timeline (Short, Near, and Long-term) | Comp Plan Alignment |
|--|----------------------|---|--|---------------------------------|
| Encourage the preservation and commercial use of the Town's historic buildings and structures | - | Low | Short | Economic Vitality/ Diversity |
| Evaluate the creation of a business recruitment program | - | High | Long | Economic Vitality/ Diversity |
| Collaborate with Visit Occoquan to assess town business needs | - | Medium | Near | Economic Vitality/ Diversity |

Cross-Cutting Recommendations

Summary:

In the course of the planning process a number of concepts repeated across the different work groups.

First Priority Action Items:

1. **Complete the Occoquan Riverwalk Expansion:** Already a top priority for the Town Council and a part of their strategic framework, the Planning Commission recognizes the current progress on this item and wishes to emphasize its vociferous support of the endeavor. The Commission sees the expanded Riverwalk as offering a boon to the Town’s businesses, an expansion of recreational opportunities, an additional venue for events and education, and an asset for placemaking and beautification efforts – furthering several of its strategic goals and those of the Comprehensive Plan. The Commission supports the recommendations of the Riverwalk Expansion Special Committee and looks forward to working with Council and staff to implement them.
2. **Expand marketing efforts to include promoting the Town in the planning areas:** Assign a lead to create and publish media via multiple mediums promoting the Towns revitalization efforts (highlighting ease of doing business, tourism, and events), green practices (building improvements, EV charging, tree city, etc.), trails and trail town status, public art and beautification. Possibly include the creation of an interactive map and /or "adventure map" of town trails and attractions. Assess the creation and inclusion of volunteer brand ambassadors into existing volunteer and marketing efforts.
3. **Re-engage with existing NOVA Arts and Cultural District stakeholders and other regional partners:** Meet with NOVA Arts and Cultural District counterparts in order to create a clear understanding of individual and group goals. Make sure that existing founding documents provide a clear and accurate reflection of those shared goals. Create a Plan of Action and hold regularly scheduled meetings that allow for short term progress and medium/long term successful collaboration. Focus particular attention on coordinating public arts programming, events, parking, and regional trail connections.

Items for Town Council Approval/Budget Consideration:

| Recommendations | Cost Estimate | Staff Effort (Low, Medium, High) | Timeline (Short, Near, and Long-term) | Comp Plan Alignment |
|--|---------------|----------------------------------|---------------------------------------|---|
| Complete the Occoquan Riverwalk Expansion | \$1,200,000 | High | Long-term | Economic Vitality/ Diversity; Community Character/Life; Circulation and Mobility |

| | | | | |
|---|---------|--------|------|-----------------------|
| Expand marketing efforts to include promoting the Town in the planning areas | \$1,500 | Medium | Near | - |
| Re-engage with existing NOVA Arts and Cultural District stakeholders and other regional partners | - | High | Long | Regional Coordination |

Removed Priorities

The removed priorities include action items that have either been completed, are in progress, have been supplanted, or have been deemed infeasible due to multiple factors. Specific rationales for removal are included both for posterity and potential future reconsideration by Town Council and/or Planning Commission.

Trail Town Program

- 1. Enhance Entrance to Tanyard Hill Park:** Occoquan has a wonderful resource in this park and needs to protect and promote it. The Town should put up signage as part of entrance enhancement efforts (only item in cost estimate), a crosswalk from the parking lot due to the heavy commuter traffic, and clearly mark parking across the street from the park. Educational signage along the trail can also enhance the hiking experience.
 - **Rationale:** Town advocating for inclusion of park in Prince William County system.
- 2. Coordinate Tanyard Hill Park Maintenance with Volunteers:** Set up a volunteer program for maintaining the trail in the park and connecting trails.
 - **Rationale:** Town advocating for inclusion of park in Prince William County system.

Parking and Transportation – Increasing Walkability, Accessibility, and Connectivity

- 1. Evaluate an Occoquan-based OmniRide Bus Stop:** The Town should research establishing an Occoquan connection for the OmniRide bus service. Occoquan is an ideal stop for OmniRide, given the number of local visitors who encounter very limited parking, particularly during weekends. In addition, the Prince William Community Energy and Sustainability Master Plan calls for upgrading public transportation infrastructure. Currently, OmniRide’s Lakeridge-Woodbridge and Woodbridge-Washington DC routes completely bypass Occoquan, a fairly high-density residential area, and a concentrated shopping locale. The closest bus stop is at the 123/Old Bridge commuter lot and pedestrian options to and from the stop are very unpleasant. Additionally, the Town should research either an OmniRide bus route or shuttle service connecting Occoquan to the Woodbridge Train Station to encourage visitors from outside the area.
 - **Rationale:** Town Council has deemed infeasible based on prior discussions with OmniRide.
- 2. Apply for the League of American Bicyclists "Bicycle Friendly Community" Status (deadline June 5, 2024):** This will be a draft application and will likely be rejected this year, but the exercise of filling out the application and receiving feedback will inform the Town of what specific actions it can take to attract and promote cycling in Occoquan. The application from this year can then be revised and re-submitted each year to track progress.
 - **Rationale:** Deadline has passed. Item worked into biking infrastructure item.

Green Improvements – Protecting the Ecological and Public Health of the Town

1. **Protect Occoquan River from non-point source pollution and sediment through implementation of the Flood Protection Study:** Review the results of the current study and budget and implement recommended green stormwater BMPs that will reduce pollution and flood risks in the town.
 - **Rationale:** Report reviewed by staff and recommendations not deemed feasible at this time or covered by EPA grant currently in planning phase.
2. **Plan and promote existing and future town facility improvements as demonstrations for various green practices (solar, rain collection system, lighting, low flush toilets, etc.):** Town Hall is a highly visible building in Town and would provide a good branding opportunity if cost effective green practices could be implemented and advertised.
 - **Rationale:** Most changes already made, and effort deemed higher than benefit.
3. **Establish food composting site (with PWC or a private contractor) to encourage residents and nonresidents to come into Town to recycle their food scraps:** Occoquan's high density of restaurants and residents is an ideal location for a food scrap recycling program, which would benefit the environment, increase visits into Town, and burnish the Town's green credentials. The Town should explore centralized drop-off locations and curbside pickup programs for collecting composting.
 - **Rationale:** Any composting program will only be feasible if part of potential County initiative.
4. **Continually revisit options for solar/LED bulbs for street lighting:** Experience with "green" options for lighting has been mixed; however, as technologies change and improve, there may be future possibilities for renewable energy source street lighting in Town. This is in-line with the Prince William County goals for renewable energy usage.
 - **Rationale:** Any large scale solar applications for lighting have proven infeasible. Deemed appropriately monitored by staff.

Business Support and Recruitment

1. **Evaluate the creation of a property owner to tenant matching system:** The Town should work to connect commercial property owners with prospective business owners interested in expanding their reach into Occoquan in order to maximize mutual benefit to the Town and both parties. The Town should explore options to create a notification system with current property owners and engage with the local business community to curate a list of prospective businesses.
 - **Rationale:** Effort deemed greater than benefit. Revised into new item that will provide same aim with easier level of effort.
2. **Initiate a listening campaign with the community to assess the Town's business needs:** Lead discussions with Visit Occoquan, business owners, and property owners focused on the challenges to starting a business in Occoquan and the pros and cons of running one. Craft a business support plan based off those discussions.
 - **Rationale:** Replaced with revised item that will avoid redundancy and achieve same aim by working with Visit Occoquan

Town of Occoquan Planning Commission

Strategic Planning Prioritization List

To help further prioritize the Planning Commission's recommendations and effectively and succinctly communicate to the Town Council its vision for the rollout of the plan, ahead of the Town Council's discussion and feedback. Each priority references its location in the report.

Top Priorities - Planning Commission-led

These action items are placed here as they are seen as important and as items which the Planning Commission would be open to leading, if Town Council deems it appropriate, starting this calendar year.

- Define an Occoquan Trail Town Vision - Pg. 4, Item 2
- Create and Fund public art program - Pg. 12, Item 2
- Create a prioritized list of beautification and placemaking projects including plantings, lighting, and pocket parks - Pg. 13, Item 3

Top Priorities - Town Council/Staff-led

These are priority action items on which the Planning Commission is happy to support the efforts of the Town Council and staff as well, but sees these items as more aligned with the responsibilities and resources of Town Council.

- Evaluate the creation of a business recruitment program - Pg. 15, Item 2
- Expand volunteer corps and include beautification for private and public properties - Pg. 13, Item 4
- Evaluate existing conditions and create a plan for tree management and increasing native species - Pg. 10, Item 4
- Re-engage with existing NOVA Arts and Cultural District stakeholders and other regional partners - Pg. 17, Item 2

Quick Wins

These action items are placed here as they are seen as relatively easy tasks to achieve that would supply "quick wins" for meeting not only the Planning Commission's strategic planning goals, but also some of the Comprehensive Plan and Strategic Framework goals (noted in abbreviation below). The Commission believes these are items that can be achieved in FY26.

- Town Council Passes a Resolution Recognizing the Community Values its Trails - SF - Pg. 4, Item 3
- Standardize Parking Signage - CP - Pg. 7, Item 1
- Use public education, engagement and demonstration to encourage reduction or elimination of one-time use utensils and boxes at Town eateries - CP - Pg. 9, Item 3
- Collaborate with Visit Occoquan to assess town business needs - SF - Pg. 15, Item 3
- Expand marketing efforts to include promoting the Town in the strategic planning areas - Pg. 17, Item 1



TOWN OF OCCOQUAN

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TOWN COUNCIL
Earnie W. Porta, Jr., Mayor
Jenn Loges, Vice Mayor
Cindy Fithian
Eliot Perkins
Nancy Freeborne Brinton
Theo Daubresse

MEMORANDUM

September 20, 2024

TO: Eliot Perkins
Chair, Planning Commission

FROM: Earnest W. Porta, Jr., JD, PhD
Mayor

RE: Requested Feedback on "Planning Commission Strategic Planning
Recommendations to the Town Council, March 26, 2024"

In April of 2024, the Planning Commission for the town of Occoquan submitted to the Town Council a document entitled, *Planning Commission Strategic Planning Recommendations to the Town Council*, dated March 26, 2024. The introduction of the document noted that to "realize its goals, the Planning Commission will need the support of the Town Council and asks for its feedback, approval, and action on a number of items outlined in the report."

Traditionally, the Town Council would discuss the document with staff, and a council member on the Planning Commission would relay the council's response. However, given the substantial effort put into this document by the commission members, I proposed that a written response would be more appropriate to ensure the commission members know their work has been given the careful consideration it deserves. The council agreed and accepted my offer to draft and send the memo upon their review.

Introduction

The Planning Commission's document spans fourteen pages, covering five key thematic areas. Each area includes a list of goals, priority action items, and items for the town council's approval or budget consideration. Some sections also provide cost estimates, staff effort assessments, timelines, and comments on alignment with the comprehensive plan. It's clear that a significant amount of work went into this report, and it offers useful insights for the Town Council's future consideration.

At the heart of the document are the five thematic areas:

- Leveraging the Natural Resources of the Town (Trail Town)
- Increasing Walkability, Connectivity, and Accessibility (Parking and Transportation)
- Protecting the Ecological and Public Health of the Town (Green Improvements)
- Fostering a Distinct Identity for the Town (Placemaking and Beautification/Public Arts)
- Fostering Economic Development and Diversification (Business Support and Recruitment)

Some recommendations align with the town's FY 2025 budget, others align with longer-term strategic objectives, and a few, while desirable, may not be feasible due to competing priorities and budgetary constraints. Although detailed feedback for each area could be provided, there are a few overarching issues that, if addressed, could significantly enhance the document's value to both the town staff and the council. We suggest that the Planning Commission consider these points, revise the report accordingly, and submit it as part of their annual report due in December. This approach will not only strengthen the report's impact but also align the recommendations with the town's budget and operational planning calendar.

Clarity of Purpose

The title of the document, "Planning Commission Strategic Planning Recommendations to the Town Council," suggests that it serves as a set of recommendations for the strategic framework the council adopts and revises annually. However, the introduction of the document implies that it could also function as a strategic plan for the Planning Commission's own activities.

The role of local planning commissions, as outlined in the Code of Virginia and the town code, is primarily advisory, focused on promoting orderly development of the locality and its environs. As strategic planning is somewhat beyond the traditional scope of a planning commission, clarity on the intended purpose of this document would enhance its utility. Is it meant to complement or respond to the council's strategic guidelines, preview future recommendations for the town's Comprehensive Plan update, or serve as an adjunct to the Planning Commission annual report due in December? A clear articulation of the document's purpose would help align expectations and ensure it serves its intended role effectively.

Enhanced Due Diligence

While the report reflects a significant amount of effort, its overall utility could be further enhanced through additional due diligence in some areas. For example, in the area of transportation, public transit alternatives like OmniRide have been considered for Occoquan in the past. Transportation professionals, however, have consistently noted that there are already a number of existing stops close to Occoquan and that their existence, combined with other factors, make the town less suitable for a public transit stop of its own. These other factors include potential delays to existing routes that would result from using town streets, and the absence of a critical mass of town and county residents who would regularly use such a service to leave or access the town.

Similarly, the town's previous experiences with beautification efforts, such as hanging baskets on gaslights, have highlighted the challenges of sustaining such programs with limited staff and volunteer resources. In past attempts, for example, the demands of watering during the summer proved overwhelming for both staff and volunteers, leading to the unfortunate cancellation of these programs when flowers began to deteriorate. There were also concerns regarding the height of gaslights. Therefore, any recommendations to reinstitute these initiatives would benefit from thorough due diligence, including detailed calculations of time and cost. For example, an estimate for watering 40 gaslights at five minutes each results in approximately 200 minutes of staff time, not accounting for additional factors like traffic or water truck preparation. Such back-of-the-envelope calculations suggest a program cost ranging from \$10,000 to \$20,000 over a few months.

It's also possible that the plan assumes volunteer participation to mitigate costs or reduce staff workload. However, it's important to consider the town's existing reliance on volunteers and the mixed results of recent initiatives. In some cases, volunteer support has not materialized as expected, leading to the abandonment of projects, while others have become overly dependent on a small group of volunteers, raising sustainability concerns. Given these experiences, additional due diligence in this area would be particularly valuable, helping to ensure that recommendations are both realistic and achievable.

Consistency Among Recommendations

The document would also benefit from ensuring internal consistency among the recommendations. Given the town's limited geographic footprint, proposals for additional green space, parking, and a composting facility may conflict with one another. Prioritizing these recommendations or clarifying their implications for zoning or property acquisition would enhance the document's coherence. Moreover, aligning environmental goals with practical considerations, such as the sustainability of watering practices for beautification efforts, would prevent conflicting messages within the report.

Timing

Last, aligning the document with the town's planning cycle would significantly improve its impact. Submitting such a report in April is too late for meaningful integration into the fiscal year's budget and operational plans. Instead, incorporating it into the Planning Commission's annual December report would provide ample time for staff and the Town Council to evaluate the recommendations thoroughly. This timing would also allow for necessary consultations and adjustments based on the town's priorities.

Conclusion: Town Council Recommendation

As mentioned at the outset, the Planning Commission's document is a product of considerable

effort and provides useful insights for future town planning. To maximize its effectiveness, we recommend addressing the four areas discussed: (1) Clarity of Purpose, (2) Enhanced Due Diligence, (3) Consistency Among Recommendations, and (4) Timing. Revising the report to reflect these considerations and submitting it as part of the Planning Commission's annual report in December would allow the Town Council to incorporate the recommendations into the budget and operational plans in a timely and informed manner. Additionally, the council member on the Planning Commission can facilitate communication, ensuring that the commission stays informed about the status of various initiatives and can adjust its recommendations accordingly.

If there are specific initiatives that require immediate or near-term attention before December or the next fiscal year, the council member on the Planning Commission can bring those to the Town Council for funding consideration, for council authorization for use of staff resources, etc., on an ad hoc basis. Following the submission of the Planning Commission's annual report, the council member on the Commission will be charged with providing regular updates to the Planning Commission on the progress and incorporation of its recommendations.

Once again, the council appreciates the great deal of work put into the draft report, which as written already provides useful information to the Town Council. We look forward to helping implement many, if not all, of the recommendations contained in the revised report submitted in December.



TOWN OF OCCOQUAN

TOWN COUNCIL MEETING

Agenda Communication

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| 5. Discussion Items | Meeting Date: May 20, 2025 |
| 5B: Town-owned Waterfront Amenities Discussion | |

Attachments: None

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is an item to discuss the Town’s waterfront amenities to include the Town dock and the kayak launch ramp.

Background:

The Town Dock has long served as a valuable asset to the Town – welcoming residents, visitors, and boaters to enjoy Occoquan’s scenic waterfront. In 2021, the Town opened and dedicated the kayak launch ramp, providing free public access for those interested in exploring the Occoquan River by kayak or stand-up paddleboard (SUP). This addition has significantly enhanced recreational opportunities and encouraged greater engagement with the riverfront.

However, in recent weeks, the Town has encountered a growing number of challenges that impact the safe and enjoyable use of these amenities. Some of these issues were previously uncommon and now require attention. These include the towing and mooring of inoperable boats at the Town Dock, vessels docking for extended or indefinite periods, boat repairs on the dock, and behaviors such as leaving trash and debris, abandonment of watercraft, and permitting the release of hazardous fluids into the river, all of which pose safety risks and environmental hazards.

It is essential for the Town to address these concerns proactively through improved policies, codes, enforcement, and community cooperation to ensure that the waterfront amenities remain clean, safe, and welcoming.

Staff Request: Provide policy directions for Town staff to enact to address the issues that affect use and enjoyment of the Town’s waterfront amenities.