



**TOWN OF OCCOQUAN**  
Circa 1734 • Chartered 1804 • Incorporated 1874

314 Mill Street  
PO BOX 195  
Occoquan, VA 22125  
(703) 491-1918  
[www.OccoquanVA.gov](http://www.OccoquanVA.gov)  
[info@occoquanva.gov](mailto:info@occoquanva.gov)

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**Occoquan Town Council**  
**Special Meeting**  
**April 17, 2018 | 7:00 p.m.**

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Citizens' Time** - Members of the public may, for three minutes, present for the purpose of directing attention to or requesting action on matters not included on the prepared agenda. These matters shall be referred to the appropriate town official(s) for investigation and report. Citizens may address issues as they come up on the agenda if advance notice is given during 'Citizens' Time'.
4. **Public Hearing**
  - a. Public Hearing on Proposed Fiscal Year 2019 Budget
5. **Adjournment**

**Work Session Meeting**  
**April 17, 2018 | Following Special Meeting**

1. **Call to Order**
2. **Work Session**
  - a. Updates to Occoquan Town Code Chapter 2, Article IV Division 2, Planning Commission and Division 4, Architectural Review Board
3. **Adjournment**



**TOWN OF OCCOQUAN**  
**TOWN COUNCIL MEETING**  
 Agenda Communication

<b>4. Public Hearing</b>	<b>Meeting Date:</b> April 17, 2018
<b>4 A: Public Hearing on Proposed Fiscal Year 2019 Budget</b>	

**Explanation and Summary:**

This is a public hearing on the Proposed Fiscal Year (FY) 2019 Budget. The Town Council held budget work sessions on January 16, February 20, and March 6, 2018. The Proposed Budget is posted on the Town’s website at [www.occoquanva.gov](http://www.occoquanva.gov) and available in Town Hall, 314 Mill Street, Monday through Friday, 9 am to 4 pm.

**BUDGET SUMMARY**

		<b>FY 2018 Adopted</b>	<b>FY 2019 Proposed</b>	<b>Difference</b>	<b>Increase/ (Decrease)</b>
General Fund	Revenues	\$719,010	\$755,920	\$36,910	5.1%
	Expenditures	\$719,010	\$755,920	\$36,910	5.1%
Craft Show Fund	Revenues	\$216,390	\$203,950	(\$12,440)	(5.7%)
	Expenditures	\$108,120	\$101,954	(\$6,166)	(5.7%)
Mamie Davis Fund	Revenues	\$4,100	\$2,600	(\$1,500)	(36.6%)
	Expenditures	\$2,000	\$2,000	\$0	0.0%
Capital Improvement Fund	Revenues	\$100,000	\$446,300	\$346,300	346.3%
	Expenditures	\$291,500	\$606,100	\$314,600	107.9%

This public hearing is intended to provide the public with the opportunity to comment on the proposed budget. This public hearing was advertised in Prince William Today/InsideNOVA on March 30, and April 6, 2018.

In addition to the public hearing on the proposed budget, there will be a public hearing on the proposed tax rates in support of the FY 2019 budget on April 24, 2018 at 7:00 p.m. The Town Council will adopt the budget and tax rates on Wednesday, May 2, 2018. Fiscal Year 2019 will begin on July 1, 2018 and end on June 30, 2019.

**Proposed/Suggested Motion:**

“I move to close the public hearing.”

OR

Other action Council deems appropriate.

**Attachments: (1)** Public Hearing Ad, Prince William Today-March 30 & April 6, 2018

Proposed FY 2019 Budget Available Online:  
<http://www.occoquanva.gov/budget.html>



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info@occoquanva.gov  
www.occoquanva.gov

**PROPOSED FY 2019 BUDGET –  
APRIL 17, 2018  
TAX RATES IN SUPPORT OF THE  
BUDGET – APRIL 24, 2018**

**PUBLIC HEARINGS TO SOLICIT COMMENT ON THE FOLLOWING:**

1. Proposed FY 2019 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](http://www.occoquanva.gov); and
2. Proposed increase of the current real estate tax rate of \$0.12 per \$100 to \$0.13 per \$100 of the assessed value (FY 2019 Proposed Budget based on \$0.12 real estate tax rate); and
3. Maintain the current meals tax rate of 3%; and
4. Maintain the current transient occupancy tax rate of 2%.

		<b>FY 2018 Budget</b>	<b>FY 2019 Proposed</b>
OPERATING FUND	Revenues	\$719,010	\$755,920
	Expenses	\$719,010	\$755,920
CIP FUND	Revenues	\$100,000	\$446,300
	Expenses	\$291,500	\$606,100
MAMIE DAVIS FUND	Revenues	\$4,100	\$2,600
	Expenses	\$2,000	\$2,000
CRAFT SHOW FUND	Revenues	\$216,390	\$203,950
	Expenses	\$108,120	\$101,954

KIRSTYN BARR JOVANOVIICH  
Town Manager

A public hearing on the proposed budget will be held on April 17, 2018 at 7:00 p.m. at Occoquan Town Hall, 314 Mill Street, Occoquan, VA 22125.

The Town Council may set the real estate tax rate at 13 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 6.54 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 \$0.1126 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 no more than \$0.13 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.0174 per \$100, or 13.38 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 by 5.1 percent. A public hearing on the proposed tax rate will be held on April 24, 2018 at 7:00 p.m. at Occoquan Town Hall, 314 Mill Street, Occoquan, VA 22125.

3/30 & 4/6/18

# Legal Notices

The contents of the below listed units located at Safe Place Mini Storage 10 Leeland Rd Suite 101 Fredericksburg, VA 22405 will be sold at public auction online at [www.lockerfox.com](http://www.lockerfox.com) On Tuesday, April 17, 2018 at 11:00am. #C170, D313 & CC314. Safe Place Mini Storage Fredericksburg reserves the right to refuse any bid. Terms: Cash at Sale.

3/30/18

**ABC LICENSE**

Ronald Henry Hinson, trading as Old Towne Man Cave, 9070 Center Street, Manassas, Prince William County, Virginia 20110-5408. The above establishment is applying to the VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) for a Day Spa license to sell or manufacture alcoholic beverages.

Ronald Henry Hinson, Owner

**Note: Objections to the issuance of this license must be submitted to ABC no later than 30 days from the publishing date of the first of two required newspaper legal notices. Objections should be registered at [www.abc.virginia.gov](http://www.abc.virginia.gov) or 800-552-3200**

3/30 & 4/5/18

*Need to place a public  
or legal notice?*

**Let us help you reach NOVA  
residents. Ask about our  
extensive internet reach.**

**VIRGINIA:  
IN THE CIRCUIT COURT OF  
PRINCE WILLIAM COUNTY  
IN RE: THE ADOPTION  
OF A MINOR CHILD,  
ELYANA VALENTINA PUTRI BALAGTAS  
CASE NO: CA17-110**

**By JEREMY P. BROADWAY &  
SRI YULIANA BROADWAY, Petitioners**

**ORDER OR PUBLICATION**

The purpose of the case is: Petition for Step Parent Adoption and Change of Name of Elyana Valentina Putri Balagtas to Elyana Valentina Putri Broadway.

An affidavit have been made and filed showing that the biological father is a non-resident of the Commonwealth of Virginia and that his last know post office address is unknown.

Upon consideration whereof this Order of Publication is granted, and it is ORDERED that the said Elyante Reyes Balagtas appear before the Circuit Court of Prince William County on or before April 20th, 2018 regarding the pending adoption case, after due publication of the Order, and to what is necessary to protect his interests. This order shall be published once each week for four successive weeks in Inside NoVa/ Prince William, a newspaper having general circulation in the Prince William County, Virginia area and shall be posted at the front door of the Fauquier County Circuit Court. The Clerk shall comply with the requirements of Va. Code §8.01-317.

ENTERED THIS 1st DAY OF MARCH, 2018.

Tammy E. Ramsy,  
Deputy Clerk Circuit Court

I ASK FOR THIS:  
MICHAEL A. MAYS  
VSB#14760  
7178 Homestead Court  
Warrenton, VA 20187  
P:540-351-0211  
F: 540351-0311  
Counsel for Petitioners

3/9, 3/16, 3/23 & 4/5/18



**NOTICE OF PUBLIC HEARING  
CITY OF MANASSAS PARK, VIRGINIA**

Notice is hereby given that the Planning Commission of the City of Manassas Park will hold a public hearing on Monday, April 16, 2018 at 7:00 pm, or as soon thereafter as possible, for the purpose of receiving public comment on, reviewing and considering the following:

- FY2019 – FY2023 Capital Improvement Program: A component of the comprehensive plan that serves as a financial planning document for funding items such as public facilities, infrastructure, major equipment and transportation projects.
- Zoning Ordinance Text Amendment, ZOTA #18-01, Sign Ordinance: To modify the sign regulations so the provisions are content neutral and uphold the protection of free speech under the First Amendment of the U.S. Constitution.

Public hearings are held in the Council Chambers at City Hall, One Park Center Court, Manassas Park, Virginia. The public is encouraged to attend this hearing and provide comments on the agenda items.

Information and materials concerning this hearing are available for review on the City web site at [www.cityofmanassas-park.us](http://www.cityofmanassas-park.us) and in the City Clerk's office at City Hall between the hours of 8:30 a.m. and 5:00 p.m., Monday - Friday.

3/30 & 4/6/18

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something BIG!



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# TOWN OF OCCOQUAN

## TOWN COUNCIL MEETING

### Agenda Communication

<b>2. Work Session Regular Agenda</b>	<b>Meeting Date:</b> April 17, 2018
<b>2 A:</b> Updates to Occoquan Town Code Chapter 2, Article IV Division 2, Planning Commission and, Division 4, Architectural Review Board	

#### **Explanation and Summary:**

Mike Chandler of the Virginia Tech Land Use Education Program assisted the Town with the 2016 update to the Comprehensive Plan. As a follow up to that process, Mr. Chandler recommended that the Town update and bring current the bylaws for the Planning Commission, which are found in the Occoquan Town Code, Chapter 2, Article IV, Division 2.

On April 10, 2018 the Planning Commission completed a review and update of the Commission's bylaws. The draft bylaws are attached to this agenda item.

This is an opportunity for the Town Council to review the proposed changes and provide feedback to the Planning Commission. Changes to the Town Code require Town Council approval. This item is scheduled to come before the Town Council for consideration and approval at their May 2, 2018 regular meeting.

One change included in the updated bylaws is to move the meeting date of the Planning Commission from the second to the fourth Tuesday of the month in an effort to streamline the workflow between Planning Commission and Town Council. Due to this change, the Architectural Review Board (ARB) has requested to move their meeting date to the fourth Tuesday of the month in order to remain on the same evening as the Planning Commission meetings. Attached is the draft language to change the ARB meeting date in the Town Code.

**Attachments: (3)** Chapter 2, Article IV, Division 2, Planning Commission  
Planning Commission Bylaws Draft  
Architectural Review Board Meeting Date Change

# Town of Occoquan

## Planning Commission Bylaws

### Chapter 2. Administration

#### Article IV. Boards and Commissions; Division 2. Planning Commission

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##### **ARTICLE 1: ESTABLISHMENT**

The Planning Commission for the Town of Occoquan (the “Commission”) is created pursuant to authority contained in the Code of Virginia, and is governed by the Code of Virginia and Occoquan Town Code.

##### **ARTICLE 2: PURPOSE**

The general purpose of the Commission shall be to guide and promote the efficient, coordinated development of the town in a manner which will best promote the health, safety, and general welfare of its people; preserve and protect the town and its natural resources; to address the goals and recommendations of the Comprehensive Plan; and to serve in an advisory capacity to the Town Council.

##### **ARTICLE 3: DUTIES OF THE COMMISSION**

The Commission shall perform the following duties:

- (1) Draft, conduct hearings, and recommend a Zoning Ordinance, and subsequent amendments thereto, to the Town Council.
- (2) Assist the Town Council in the adoption of a Comprehensive Plan as provided title 15.2, Article 3 of the Code of Virginia, which, with accompanying maps, plats, charts and descriptive matter, shall show the Commission’s recommendations for the development of the territory covered by the plan. In the preparation of such plan, the Commission shall make careful and comprehensive surveys and studies of existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town and its environs that will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, comfort, prosperity and general welfare of the inhabitants, as well as efficiency and economy in the process of development. The plan shall be reviewed regularly, and necessary updates made as required.
- (3) Promote public interest in and an understanding of the Comprehensive Plan, and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity as it may determine, within its budget.
- (4) Make recommendations and prepare an Annual Report to the Town Council in November concerning the operation of the Commission and the status of

planning within its jurisdiction. A draft version of the document will be prepared for the October meeting, with a possible work session following that same month to finalize the document in time for a joint meeting with the Town Council in November to discuss and inform the Council's November work session meeting later that month.

- (5) Review and take action or recommend appropriate actions to the Town Council on site plans, and special land use permits.
- (6) Review and take action on subdivisions proposals.
- (7) Review and comment to the Town Council on all proposed zoning changes.
- (8) Prepare, publish, and distribute special studies and plans, as deemed necessary by the Commission or Town Council and for which appropriations of funds have been approved by the town council, as needed.
- (9) Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of a member of the Commission (hereinafter "Commissioner"), and for which appropriations of funds have been approved by the Town Council, as needed.
- (10) Perform other duties and responsibilities as may be requested by the town council.
- (11) Conduct such site visits as deemed necessary to evaluate the application and supporting material. Site visits shall be conducted individually unless otherwise scheduled by the Commission, obeying all requirements of the Code of Virginia.
- (12) Keep a complete record of the Commission's proceedings;
- (13) Supervise the Commission's fiscal affairs and responsibilities, under rules and regulations as prescribed by the Town Council;
- (14) Prepare and submit an annual budget in the manner prescribed by the Town Council; and
- (15) Perform the duties provided in Code of Virginia Section 15.2-2221

#### **ARTICLE 4: EXPENDITURES; GIFTS AND DONATIONS**

The Commission may expend, under regular town procedure as provided by law, sums appropriated to it for its purposes and activities. The town may accept gifts and donations for Commission purposes. Any moneys so accepted shall be deposited with the Town Treasurer in a special non-reverting local commission fund to be available for expenditure by the Commission for the purpose designated by the donor. The town treasurer may issue warrants against such special fund only upon vouchers signed by the mayor, town clerk, and the chairman of the Commission. The expenditures of the Commission, exclusive of gifts or grants, shall be within the amounts appropriated for such purpose by the Town Council.

#### **ARTICLE 5: MEMBERSHIP**

**Section 5.1 Membership Requirements.** Qualifications for membership shall be set by state law, membership of the commission shall consist of not less than five nor more than 15 members appointed by Town Council. Members of the Commission shall be residents

of the town, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least half the members so appointed shall be owners of real property. One member of the Commission may be a member of the Town Council and one member may be a member of the administrative branch of government of the town, the term of each of these two members shall be coextensive with the term of office to which they have been elected or appointed unless the council, at the first regular meeting each year, appoints others to server as their representatives.

**Section 5.2 Terms.** Terms for members are set by state law, each member shall be appointed to hold office for four (4) year term. Vacancies shall be filled by the town council for the unexpired term within 60 days.

**Section 5.3 Certified Planning Commissioners' Training.** The Planning Commission recognizes that all members should understand their roles and responsibilities as defined by the Code of Virginia. All newly appointed members to the Planning Commission are expected to complete a Certified Planning Commissioners Program and become certified within 24 months of appointment. The Town Council may waive this training requirement.

## **ARTICLE 6: ROLES AND RESPONSIBILITIES**

**Section 6.1 Members.** All members of the Commission shall:

- (1) Regularly attend all scheduled meetings as well as special or called meetings.
- (2) Prepare for each meeting by familiarizing themselves with the meeting agenda beforehand.
- (3) Follow the rules of procedures and contribute to meetings in a constructive manner.
- (4) Uphold the prestige of the office by conducting themselves in a respectful and ethical manner.
- (5) Always seek to ascertain the public interest and how to further the interests of the community as a whole.

**Section 6.2 Officers.** The officers of the Commission are appointed members of the Commission and shall consist of a chairperson, vice-chairperson, and secretary.

**Section 6.3 Duties of the Chairperson.** The chairperson shall preside at all meetings, appoint committees, and perform such duties as may be delegated by the commission or town council. The commission chairperson shall have the right to appoint new committee members at any time to fill a vacancy.

**Section 6.4 Duties of the Vice-Chairperson.** The vice-chairperson shall act in the capacity of the chairperson in his/her absence. In the absence of both the chairperson and the vice-chairperson, the Commission shall elect one of its members as president pro tem to preside at the meeting.

**Section 6.5 Duties of the Secretary.** The secretary shall serve as the liaison between the commission and the Town Clerk who is responsible for the execution of documents in the name of the commission, performing the duties hereinafter listed below, and performing such other duties as the commission may determine.

- (1) Minutes. Commission minutes shall be prepared by the secretary of the commission. The minutes shall contain a brief synopsis of the meeting, complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the Town Clerk. The Town Clerk shall be responsible for a permanent record of the minutes of each meeting and shall have them preserved in suitable permanent records.
- (2) Correspondence. The Town Clerk shall be responsible for the issuance of formal written correspondence with other groups or persons, as directed by the Commission. All communications, petitions, reports, or other written materials received by the Town Clerk shall be brought to the attention of the Commission.
- (3) Attendance. The Secretary shall be responsible for maintaining an attendance record for each Commission member and report those records annually to the Commission for inclusion in the Annual Report to the town council.
- (4) Notices/Agendas. The Town Clerk shall issue such notices and prepare the agendas for all meetings, as may be required by the Commission.

**Section 6.6 Duties of the Town Council Representative.** The Town Council representative to the Commission shall report the actions of the town council to the commission and update the commission on actions by the town council that relate to the functions and duties of the commission

**Section 6.7 Duties of the Architectural Review Board Representative.** The Architectural Review Board (ARB) representative to the Commission shall report the actions of the ARB to the Commission and update the Commission on actions by the ARB that relate to the functions and duties of the Commission.

**Section 6.8 Elections.**

- (1) At the January meeting, the Commission shall select from its membership a chairperson, vice-chairperson, and secretary who shall serve for a twelve-month period and who shall be eligible for re-election.
- (2) A candidate receiving a majority vote shall be declared elected.
- (3) Newly elected officers will assume their office immediately after the election.

**Section 6.9 Terms.** All officers shall serve a term of one (1) year, or until their successors are selected and assume office. Officers may be re-elected.

**Section 6.10 Vacancies.** Vacancies in offices shall be filled immediately by regular election procedure with the term expiring in accordance with (1) above.

## **ARTICLE 7: MEETINGS**

**Section 7.1 Regular Meetings.** Regular meetings of the commission shall be held monthly in the town hall on the second Tuesday of each month. The dates and times shall be posted at the town hall and a notice should be published in accordance with the Code of Virginia. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Code of Virginia.

**Section 7.2 Meeting Notices.** All meetings shall be posted at the town hall according to the Code of Virginia. The notice shall include the date, time and place of the meeting.

**Section 7.3 Special Meetings.** Special meetings of the Commission may be called by the chairperson or by two members upon written request to the chairperson. The business which the Commission may perform shall be conducted at a public meeting of the Commission held in compliance with the Code of Virginia. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Code of Virginia. In accordance with the Virginia Code §15.2-2214, the staff liaison shall notify all Commissioners, in writing, at least five days in advance of a special meeting, of the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.

**Section 7.4. Open Meetings.** In accordance with the Virginia Freedom of Information Act, all meetings of the Commission shall be open to the public and held in a place accessible to the general public. All deliberations and decisions of the Commission shall be made at a meeting open to the public. A person shall be permitted to address a hearing of the Commission in accordance with the meeting's written agenda. A person shall not be excluded from a meeting of the Commission except in accordance with the law.

**Section 7.5 Public Record.** All meetings, minutes, records, documents, correspondence, and other materials of the Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

**Section 7.6 Quorum.** In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Commission shall be present. When a quorum is not present, members of the Commission may discuss matters of interest, but can take no action until a quorum of the Commission is established. All public hearings without a quorum shall be rescheduled for the next regular or special meeting, and notice thereof shall be provided in accordance with the Code of Virginia. The commission, by resolution adopted at a regular meeting, may also fix the day or days to

which any meeting shall be continued if the Chairperson, or Vice Chairperson if the Chairperson is unable to act, finds and declares that weather or other conditions are such that it is hazardous for member to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. The Commission shall cause a copy of such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.

**Section 7.7 Voting.** By law, no action of the local planning commission shall be valid unless authorized by a majority vote of those present and voting in the presence of a quorum. Voting shall ordinarily be voice vote; provided, however, that a roll call vote shall be required if requested by any Commission member or directed by the chairperson. Any member abstaining from a vote shall not participate in the discussion of that item.

**Section 7.8 Agenda.** A written agenda for all regular meetings shall be prepared as follows:

- (1) Call to Order
- (2) Roll Call
- (3) Approval of Agenda
- (4) Approval of Minutes
- (5) Public Comments and Communications Concerning Items Not on the Agenda
- (6) Scheduled Public Hearings
- (7) Unfinished Business
- (8) New Business
- (9) Administrative Items
- (10) Adjournment

Any Commissioner may request that an item be placed on the regular meeting agenda for discussion provided such request is made not less than one (1) week prior to the next regular meeting and provided that such request is approved by the chairperson. The Commission may, by majority vote or unanimous consent, amend or adjust the order of any agenda at any point during the meeting.

**Section 7.9 Rules of Order.** Except as otherwise provided by law or these bylaws, meetings of the Commission will be governed by the current edition of "Robert's Rules of Order, Newly Revised."

**Section 7.10 Public Hearings.** Hearings shall be scheduled and due notice given in accordance with the Code of Virginia. Public hearings conducted by the Commission shall be run in an orderly and timely fashion. This shall be accomplished by the establishing hearing procedures.

- (1) Open Public Hearing
- (2) Read Chairman's Statement

- (3) Applicant Presentation and Staff Presentation (order shall be determined by the Commission at the meeting)
- (4) Public Testimony/Comments
- (5) Applicant Rebuttal
- (6) Planning Commission Questions
- (7) Close Public Hearing
- (8) Planning Commission discussion
- (9) Planning Commission Action
- (10) Advise Public of Next Step in the Process

**Section 7.11 Notice of Decision.** A written notice containing the decision of the Commission will be sent.

## **ARTICLE 8: ABSENCES, REMOVALS, AND RESIGNATIONS**

**Section 8.1 Absences.** In accordance with the Code of Virginia, more than four (4) consecutive or absences at twenty-five (25%) percent of all meetings in any one (1) fiscal year shall be considered nonperformance of duty and cause of removal from the commission.

**Section 8.2 Removal.** Members of the Commission may be removed by the Town Council for nonperformance of duty, misconduct in office, or upon failure to declare a conflict of interest upon vote by the majority, after written charges have been prepared and a hearing conducted.

**Section 8.3 Resignation.** A member may resign from the Commission by sending a written notice of resignation to the Town Council or Commission Chairperson.

## **ARTICLE 9: AMENDMENTS**

The Planning Commission may consider bylaw amendments at any regular meeting, after at least 15 days' notice. The Planning Commission may then recommend such amendments. Once approved by the Commission, all amendments shall be forwarded to the Town Council for its approval. The amendments to the bylaws shall be effective upon approval by the Town council.

## **ARTICLE 10: NEW MEMBER ONBOARDING**

New members of the commission will be provided a copy of the Commission By-Laws, Town Comprehensive Plan, and the book *Zoning 101: A Practical Introduction: Third Edition* by Carl Stephani and Marilyn Stephani to become familiarized with the role of the Commission, zoning terminology, and Town priorities.

Chapter 2

ADMINISTRATION\*

Article IV. Boards and Commissions

Division 2. Planning Commission

- Sec. 2-241. ~~Establishment~~Definitions.  
Sec. 2-242. ~~Purpose~~Establishment.  
Sec. 2-243. Qualifications, appointment, removal, terms, compensation of members.  
Sec. 2-244. Meetings.  
~~Sec. 2-245. Quorum; majority vote.~~  
Sec. 2-2456. Facilities for holding of meetings and preservation of documents.  
Sec. 2-2467. Roles and Responsibilities~~Officers.~~  
Sec. 2-2478. Duties.  
Sec. 2-2489. Expenditures; gifts and donations.  
Sec. 2-249. Amendments  
Sec. 2-250. New Member Onboarding  
Secs. 2-2510—2-270. Reserved.

ARTICLE IV. BOARDS AND COMMISSIONS

DIVISION 2. PLANNING COMMISSION

Sec. 2-241. Establishment~~Definitions.~~

~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Commission means the town planning commission.~~

~~Cross reference(s) Definitions generally, § 1-2.~~

The Planning Commission for the Town of Occoquan (the “Commission”) is created pursuant to authority contained in the Code of Virginia, and is governed by the Code of Virginia and Occoquan Town Code.

Sec. 2-242. Purpose~~Establishment.~~

~~The planning commission created pursuant to authority contained in the Code of Virginia shall continue in force under the provisions of this division.~~

~~(Code 1981, § 2-38.1)~~

The general purpose of the Commission shall be to guide and promote the efficient, coordinated development of the town in a manner which will best promote the health, safety, and general welfare of its people; preserve and protect the town and its natural resources; to address the goals and recommendations of the Comprehensive Plan; and to serve in an advisory capacity to the Town Council.

**Sec. 2-243. Qualifications, appointment, removal, terms, training, compensation of members.**

~~The commission shall consist of not less than five nor more than 15 members, appointed by the council, all of whom shall be residents of the town, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least half the members so appointed shall be owners of real property. They must have certification within one year. The town council may waive the certification requirement. The town may require each member of the commission to take an oath of office. One member of the commission may be a member of the town council and one member may be a member of the administrative branch of government of the town, the term of each of these two members shall be coextensive with the term of office to which he has been elected or appointed unless the council, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the commission shall serve for staggered terms of four years each. Vacancies shall be filled by appointment within 60 days for the unexpired term only. Members may be removed for malfeasance in office. The council may provide for:~~

- ~~(1) Reimbursement of actual expenses incurred by members of the commission;~~
  - ~~(2) Compensation to such members, or any of them, for their services; or~~
  - ~~(3) Both.~~
- ~~(Code 1981, § 2-38.2; Ord. of 5-13-1997, ch. 2, § 38.2; Ord. O-2002-2, § 2-243)~~

- (a) Membership Requirements. Qualifications for membership shall be set by state law, membership of the commission shall consist of not less than five nor more than 15 members appointed by Town Council. Members of the Commission shall be residents of the town, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least half the members so appointed shall be owners of real property. One member of the Commission may be a member of the Town Council and one member may be a member of the administrative branch of government of the town, the term of each of these two members shall be coextensive with the term of office to which they have been elected or appointed unless the council, at the first regular meeting each year, appoints others to server as their representatives.
- (b) Terms. Terms for members are set by state law, each member shall be appointed to hold office for four (4) year term. Vacancies shall be filled by the town council for the unexpired term within 60 days.
- (c) Certified Planning Commissioners' Training. The Planning Commission recognizes that all members should understand their roles and responsibilities as defined by the Code of Virginia. All newly appointed members to the Planning Commission are expected to complete a Certified Planning Commissioners Program and become certified within 24 months of appointment. The Town Council may waive this training requirement.
- (d) Absences. In accordance with the Code of Virginia, more than four (4) consecutive or absences at twenty-five (25%) percent of all meetings in any one (1) fiscal year shall be considered nonperformance of duty and cause of removal from the commission.

(e) Removal. Members of the Commission may be removed by the Town Council for nonperformance of duty, misconduct in office, or upon failure to declare a conflict of interest upon vote by the majority, after written charges have been prepared and a hearing conducted.

(f) Resignation. A member may resign from the Commission by sending a written notice of resignation to the Town Council or Commission Chairperson.

#### **Sec. 2-244. Meetings.**

~~The commission shall fix the time for holding regular meetings, but it shall meet at least every two months. Special meetings of the commission may be called by the chairman or by two members upon written request to the secretary. The secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose of the meeting. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice. When a regular or special meeting cannot be held at the scheduled time due to inclement weather, the chairman shall fix a date and time for the meeting to occur. Matters advertised for a meeting rescheduled due to inclement weather need not be readvertised if the advertisement stated that the meeting may be rescheduled in the event of inclement weather.~~

~~(Code 1981, § 2-38.3; Ord. O 2204-12, § 2-244)~~

- (a) Regular Meetings. Regular meetings of the commission shall be held monthly in the town hall on the fourth Tuesday of each month. The dates and times shall be posted at the town hall and a notice should be published in accordance with the Code of Virginia. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Code of Virginia.
- (b) Meeting Notices. All meetings shall be posted at the town hall according to the Code of Virginia. The notice shall include the date, time and place of the meeting.
- (c) Special Meetings. Special meetings of the Commission may be called by the chairperson or by two members upon written request to the chairperson. The business which the Commission may perform shall be conducted at a public meeting of the Commission held in compliance with the Code of Virginia. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Code of Virginia. In accordance with the Virginia Code §15.2-2214, the staff liaison shall notify all Commissioners, in writing, at least five days in advance of a special meeting, of the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.
- (d) Open Meetings. In accordance with the Virginia Freedom of Information Act, all meetings of the Commission shall be open to the public and held in a place accessible to the general public. All deliberations and decisions of the Commission shall be made at a meeting open to the public. A person shall be permitted to address a hearing of the Commission in accordance with the meeting's written agenda. A person shall not be excluded from a meeting of the Commission except in accordance with the law.
- (e) Public Record. All meetings, minutes, records, documents, correspondence, and other

materials of the Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

- (f) Quorum. In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Commission shall be present. When a quorum is not present, members of the Commission may discuss matters of interest, but can take no action until a quorum of the Commission is established. All public hearings without a quorum shall be rescheduled for the next regular or special meeting, and notice thereof shall be provided in accordance with the Code of Virginia. The commission, by resolution adopted at a regular meeting, may also fix the day or days to which any meeting shall be continued if the Chairperson, or Vice Chairperson if the Chairperson is unable to act, finds and declares that weather or other conditions are such that it is hazardous for member to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. The Commission shall cause a copy of such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.
- (g) Voting. By law, no action of the local planning commission shall be valid unless authorized by a majority vote of those present and voting in the presence of a quorum. Voting shall ordinarily be voice vote; provided, however, that a roll call vote shall be required if requested by any Commission member or directed by the chairperson. Any member abstaining from a vote shall not participate in the discussion of that item.
- (h) Agenda. A written agenda for all regular meetings shall be prepared as follows:
- (1) Call to Order
  - (2) Roll Call
  - (3) Approval of Agenda
  - (4) Approval of Minutes
  - (5) Public Comments and Communications Concerning Items Not on the Agenda
  - (6) Scheduled Public Hearings
  - (7) Unfinished Business
  - (8) New Business
  - (9) Administrative Items
  - (10) Adjournment

Any Commissioner may request that an item be placed on the regular meeting agenda for discussion provided such request is made not less than one (1) week prior to the next regular meeting and provided that such request is approved by the chairperson. The Commission

may, by majority vote or unanimous consent, amend or adjust the order of any agenda at any point during the meeting.

- (i) Rules of Order. Except as otherwise provided by law or these bylaws, meetings of the Commission will be governed by the current edition of “Robert’s Rules of Order, Newly Revised.”
- (j) Public Hearings. Hearings shall be scheduled and due notice given in accordance with the Code of Virginia. Public hearings conducted by the Commission shall be run in an orderly and timely fashion. This shall be accomplished by the establishing hearing procedures.

(1) Open Public Hearing

(2) Read Chairman’s Statement

(3) Applicant Presentation and Staff Presentation (order shall be determined by the Commission at the meeting)

(4) Public Testimony/Comments

(5) Applicant Rebuttal

(6) Planning Commission Questions

(7) Close Public Hearing

(8) Planning Commission discussion

(9) Planning Commission Action

(10) Advise Public of Next Step in the Process

(k) Notice of Decision. A written notice containing the decision of the Commission will be sent.

**~~Sec. 2-245. Quorum; majority vote.~~**

~~A majority of the members of the commission shall constitute a quorum, and no action of the commission shall be valid unless authorized by a majority vote of those present and voting.~~

~~(Code 1981, § 2-38.4)~~

**Sec. 2-2456. Facilities for holding of meetings and preservation of documents.**

The town council shall provide the commission with facilities for the holding of meetings and the preservation of plans, maps, documents and accounts.

(Code 1981, § 2-38.5)

**Sec. 2-2467. Roles and Responsibilities. ~~Officers~~**

~~The commission shall elect from the appointed members a chairman, vice chairman and secretary,~~

~~whose terms shall be for one year. The commission may create and fill such other offices as it deems necessary with approval of the town council. The planning commission may contract with consultants for such services as it requires with the approval of the town council.~~

~~-(Code 1981, § 2-38.6)~~

- (a) Members. All members of the Commission shall:
  - (1) Regularly attend all scheduled meetings as well as special or called meetings.
  - (2) Prepare for each meeting by familiarizing themselves with the meeting agenda beforehand.
  - (3) Follow the rules of procedures and contribute to meetings in a constructive manner.
  - (4) Uphold the prestige of the office by conducting themselves in a respectful and ethical manner.
  - (5) Always seek to ascertain the public interest and how to further the interests of the community as a whole.
  
- (b) Officers. The officers of the Commission are appointed members of the Commission and shall consist of a chairperson, vice-chairperson, and secretary.
  
- (c) Duties of the Chairperson. The chairperson shall preside at all meetings, appoint committees, and perform such duties as may be delegated by the commission or town council. The commission chairperson shall have the right to appoint new committee members at any time to fill a vacancy.
  
- (d) Duties of the Vice-Chairperson. The vice-chairperson shall act in the capacity of the chairperson in his/her absence. In the absence of both the chairperson and the vice-chairperson, the Commission shall elect one of its members as president pro tem to preside at the meeting.
  
- (e) Duties of the Secretary. The secretary shall serve as the liaison between the commission and the Town Clerk who is responsible for the execution of documents in the name of the commission, performing the duties hereinafter listed below, and performing such other duties as the commission may determine.
  - (1) Minutes. Commission minutes shall be prepared by the secretary of the commission. The minutes shall contain a brief synopsis of the meeting, complete statement of the conditions or recommendations made on may action; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the Town Clerk. The Town Clerk shall be responsible for a permanent record of the minutes of each meeting and shall have them preserved in suitable permanent records.
  
  - (2) Correspondence. The Town Clerk shall be responsible for the issuance of formal written correspondence with other groups or persons, as directed by the Commission. All communications, petitions, reports, or other written materials received by the Town Clerk shall be brought to the attention of the Commission.
  - (2)(3) Attendance. The Secretary shall be responsible for maintaining an attendance record for each Commission member and report those records annually to the Commission for inclusion in the Annual Report to the town council.

(4) Notices/Agendas. The Town Clerk shall issue such notices and prepare the agendas for all meetings, as may be required by the Commission.

(f) Duties of the Town Council Representative. The Town Council representative to the Commission shall report the actions of the town council to the commission and update the commission on actions by the town council that relate to the functions and duties of the commission

(g) Duties of the Architectural Review Board Representative. The Architectural Review Board (ARB) representative to the Commission shall report the actions of the ARB to the Commission and update the Commission on actions by the ARB that relate to the functions and duties of the Commission.

(h) Elections.

(1) At the January meeting, the Commission shall select from its membership a chairperson, vice-chairperson, and secretary who shall serve for a twelve-month period and who shall be eligible for re-election.

(2) A candidate receiving a majority vote shall be declared elected.

(3) Newly elected officers will assume their office immediately after the election.

(i) Terms. All officers shall serve a term of one (1) year, or until their successors are selected and assume office. Officers may be re-elected

(j) Vacancies. Vacancies in offices shall be filled immediately by regular election procedure with the term expiring in accordance with (1) above.

#### **Sec. 2-2478. Duties.**

The Commission shall perform the following duties:

(1) Draft, conduct hearings, and recommend a Zoning Ordinance, and subsequent amendments thereto, to the Town Council.

(2) Assist the Town Council in the adoption of a Comprehensive Plan as provided title 15.2, Article 3 of the Code of Virginia, which, with accompanying maps, plats, charts and descriptive matter, shall show the Commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan, the Commission shall make careful and comprehensive surveys and studies of existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town and its environs that will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, comfort, prosperity and general welfare of the inhabitants, as well as efficiency and economy in the process of development. The plan shall be reviewed regularly, and necessary updates made as required.

- (3) Promote public interest in and an understanding of the Comprehensive Plan, and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity as it may determine, within its budget.
- (4) Make recommendations and prepare an Annual Report to the Town Council in November concerning the operation of the Commission and the status of planning within its jurisdiction. A draft version of the document will be prepared for the October meeting, with a possible work session following that same month to finalize the document in time for a joint meeting with the Town Council in November to discuss and inform the Council's November work session meeting later that month.
- (5) Review and take action or recommend appropriate actions to the Town Council on site plans, and special land use permits.
- (6) Review and take action on subdivisions proposals.
- (7) Review and comment to the Town Council on all proposed zoning changes.
- (8) Prepare, publish, and distribute special studies and plans, as deemed necessary by the Commission or Town Council and for which appropriations of funds have been approved by the town council, as needed.
- (9) Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of a member of the Commission (hereinafter "Commissioner"), and for which appropriations of funds have been approved by the Town Council, as needed.
- (10) Perform other duties and responsibilities as may be requested by the town council.
- (11) Conduct such site visits as deemed necessary to evaluate the application and supporting material. Site visits shall be conducted individually unless otherwise scheduled by the Commission, obeying all requirements of the Code of Virginia.
- (12) Keep a complete record of the Commission's proceedings;
- (13) Supervise the Commission's fiscal affairs and responsibilities, under rules and regulations as prescribed by the Town Council;
- (14) Prepare and submit an annual budget in the manner prescribed by the Town Council; and Perform the duties provided in Code of Virginia Section 15.2-2221

~~—The commission shall:~~

~~-~~

~~—(1) Exercise general supervision of and make regulations for the administration of its affairs;~~

~~-~~

~~—(2) Prescribe rules pertaining to its investigations and hearings;~~

~~-~~

~~—(3) Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the town council;~~

~~-~~

~~—(4) Keep a complete record of its proceedings and be responsible for the custody~~

~~and preservation of its papers and documents;~~

~~-~~  
~~—(5) Make recommendations and an annual report to the town council concerning the operation~~

~~—of the commission and the status of planning within its jurisdiction;~~

~~-~~  
~~—(6) Prepare, publish and distribute reports, ordinances and other material relating to its activities;~~

~~-~~  
~~—(7) Prepare and submit an annual budget in the manner prescribed by the town council;~~

~~-~~  
~~—(8) If deemed advisable, establish an advisory committee;~~

~~-~~  
~~—(9) Make, and recommend to the council for adoption, a comprehensive plan, which, with accompanying maps, plats, charts and descriptive matter, shall show the commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan, the commission shall make careful and comprehensive surveys and studies of existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town and its environs that will, in accordance with present and probable future needs and resources, best promote health, safety, morals, order,~~

~~—————CD2:19—————~~

~~§ 2-248 OCCOQUAN CODE~~

~~—————convenience, comfort, prosperity and general welfare of the inhabitants, as well as efficiency and economy in the process of development;~~

~~-~~  
~~—(10) Promote public interest in and an understanding of the comprehensive plan, and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine;~~

~~-~~  
~~—(11) Authorize members of the commission to attend planning conferences or meetings of planning institutes or to attend hearings upon pending planning legislation or to visit other communities, and the commission may request that the town treasurer pay the reasonable traveling expenses incident to such attendance or visit from funds appropriated for such use;~~

~~-~~  
~~—(12) Review and comment to the town council on proposed development documents as required by town ordinances;~~

~~-~~  
~~—(13) Review and comment to the town council on all proposed zoning changes;~~

~~-~~  
~~—(14) Review all proposed amendments to the town ordinances relating to the building and development process and make recommendations to the town council;~~

- ~~–(15) Conduct such studies as requested by the town council;–~~
- ~~–~~
- ~~–(16) Perform special duties as prescribed by the town council; and–~~
- ~~–~~
- ~~–(17) Make an annual report in July to the town council concerning commission activities.–~~
- ~~–~~
- ~~–(Code 1981, § 2-38.7)–~~

**Sec. 2-2489. Expenditures; gifts and donations.**

~~–The commission may expend, under regular town procedure as provided by law, sums appropriated to it for its purposes and activities. The town may accept gifts and donations for commission purposes. Any moneys so accepted shall be deposited with the appropriate governing body in a special nonreverting local commission fund to be available for expenditure by the commission for the purpose designated by the donor. The town treasurer may issue warrants against such special fund only upon vouchers signed by the mayor, town clerk and the chairman and the secretary of the commission.–~~

~~–(Code 1981, § 2-38.8)–~~

The Commission may expend, under regular town procedure as provided by law, sums appropriated to it for its purposes and activities. The town may accept gifts and donations for Commission purposes. Any moneys so accepted shall be deposited with the Town Treasurer in a special non-reverting local commission fund to be available for expenditure by the Commission for the purpose designated by the donor. The town treasurer may issue warrants against such special fund only upon vouchers signed by the mayor, town clerk, and the chairman of the Commission. The expenditures of the Commission, exclusive of gifts or grants, shall be within the amounts appropriated for such purpose by the Town Council.

**Sec. 2-249. Amendments**

The Planning Commission may consider bylaw amendments at any regular meeting, after at least 15 days' notice. The Planning Commission may then recommend such amendments. Once approved by the Commission, all amendments shall be forwarded to the Town Council for its approval. The amendments to the bylaws shall be effective upon approval by the Town council.

**Sec. 2-250. New Member Onboarding**

New members of the commission will be provided a copy of the Commission By-Laws, Town Comprehensive Plan, and the book *Zoning 101: A Practical Introduction: Third Edition* by Carl Stephani and Marilyn Stephani to become familiarized with the role of the Commission, zoning terminology, and Town priorities.

**Secs. 2-2510—2-270. Reserved.**

## Chapter 2

### ADMINISTRATION\*

#### Division 4. Architectural Review Board

- Sec. 2-401. Establishment.
- Sec. 2-402. Membership.
- Sec. 2-403. Term of office; removal; vacancies.
- Sec. 2-404. Officers.
- Sec. 2-405. Procedure for meetings.
- Sec. 2-406. Duties.

#### **Sec. 2-405. Procedure for meetings.**

(f) The board shall meet in regular session on the ~~fourth~~ ~~second~~ Tuesday of each month at 7:30 p.m. if an application has been filed for its consideration and may meet in special session as called by the chairman and deemed necessary for the conduct of business. When a regular or special meeting cannot be held at the scheduled time due to inclement weather, the chairman shall fix a date and time for the meeting to occur. Matters advertised for a meeting rescheduled due to inclement weather need not be readvertised if the advertisement stated that the meeting may be rescheduled in the event of inclement weather.