



TOWN OF OCCOQUAN

Circa 1734 | Chartered 1804 | Incorporated 1874

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Occoquan Town Council Town Council Meeting February 1, 2022 | 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. **Consent Agenda**
 - a. December 7, 2021 Meeting Minutes
 - b. Request to Adopt Resolution to Refer Amendments to the Town Code Generally Relating to the Chesapeake Bay Preservation Overlay District to the Planning Commission
5. **Mayor's Report**
6. **Councilmember Reports**
7. **Boards and Commissions**
8. **Administrative Reports**
 - a. Administrative Report
 - b. Town Treasurer's Report
 - c. Town Attorney
9. **Regular Business**
 - a. Request to Adopt Resolution of Appreciation to Ms. Robyn Becker on the Occasion of her Retirement
 - b. Request to Adopt Resolution of Appreciation to Ms. Mitzie Tibbets on the Occasion of her Retirement
 - c. Request to Approve Amendments to the Administrative Manual
10. **Closed Session**
11. **Adjournment**



OCCOQUAN TOWN COUNCIL
Meeting Minutes DRAFT
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, December 7, 2021
7:00 p.m.

Present: Mayor Earnie Porta; Councilmembers Krys Bienia, Cindy Fithian, Laurie Holloway and Eliot Perkins

Absent: Vice Mayor Jenn Loges

Staff: Kirstyn Jovanovich, Town Manager; Martin Crim, Town Attorney (remotely); Bruce Reese, Town Engineer (remotely); Adam Linn, Chief of Police; Julie Little, Events Director; Michele White, Town Clerk

1. CALL TO ORDER

Mayor Porta called the meeting to order at 7:01 p.m. Vice Mayor Loges was unable to attend for health reasons.

2. PLEDGE OF ALLEGIANCE

3. CITIZENS' TIME

No one spoke at Citizens' time.

4. PUBLIC HEARINGS

a. Public Hearing on Comprehensive Plan Update

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

Ms. Jovanovich presented the Vision 2026 Comprehensive Plan 2021 Update.

Mayor Porta invited the public for comment. No public comments were made.

Mayor Porta closed the public hearing at 7:14 p.m.

b. Public Hearing on Amendments Relating to Land Development Process

Mayor Porta opened the public hearing at 7:14 p.m.

Mr. Reese provided an overview of the proposed ordinance related to updates to the town's land development process.

Mayor Porta invited the public for comment. No public comments were made.

Mayor Porta closed the public hearing at 7:18 p.m.

c. Public Hearing on Amendments to Town Code § 157.121 to Permit Residential Use By-Right in One Story Buildings Fronting Commerce and Ellicott Streets in the B-1 Zoning District

Mayor Porta opened the public hearing at 7:18 p.m.

Mr. Reese provided a presentation on proposed amendments to the Town Code relating to permitting residential use by-right in one-story buildings fronting Commerce and Ellicott Streets in the B-1 zoning district.

Mayor Porta invited the public for comment. No public comments were made.

Mayor Porta closed the public hearing at 7:23 p.m.

d. Public Hearing on Amendments to Town Code § 157.304 (B)(12) Regarding Illuminated Signs

Mayor Porta opened the public hearing at 7:23 p.m.

Mr. Reese provided a presentation on proposed amendments to the Town Code regarding illuminated signs.

Mayor Porta invited the public for comment. No public comments were made.

Mayor Porta closed the public hearing at 7:26 p.m.

Councilmember Holloway moved to close all four Public Hearings. Councilmember Perkins seconded. Motion passed unanimously by roll call.

Ayes: Councilmember Bienia, Councilmember Fithian, Councilmember Holloway, Councilmember Perkins.

Nays: None.

5. CONSENT AGENDA

Mayor Porta asked for unanimous consent to add to the Consent Agenda Ordinance O-2021-08, moving the Town's elections from May to November as required by state law adopted in 2021 and as addressed in a prior public hearing. There being no objection the item was added to the agenda.

a. November 3, 2021 Meeting Minutes

b. O-2021-08 Move Elections from May to November

Councilmember Perkins moved approval of the Consent Agenda. Councilmember Holloway seconded. Motion passed unanimously by roll call vote.

Ayes: Councilmember Bienia, Councilmember Fithian, Councilmember Holloway, Councilmember Perkins.

Nays: None.

6. MAYOR'S REPORT

Mayor Porta reported the following:

- On November 4, he met with the Town Manager and the new owners of Ebenezer Baptist Church.
- On November 12, he emceed with Dr. Bienia at the monthly Trivia Night in River Mill Park.
- On November 16, he gave an historical tour for a bus group from Pennsylvania brought by Norwin Express Tours.
- On November 17, he gave a slide presentation on Occoquan history to a First Baptist Church group.
- On November 20, with the rest of the councilmembers, he participated in the Shop Late & Tree Lighting Event.
- On December 4, with assistance of Councilmember Holloway, he brought Santa in by boat and participated in the Artisan Market and other HolidayFest activities over the weekend.

7. COUNCILMEMBER REPORTS

Councilmember Perkins noted that he enjoyed the process of putting up holiday lights and volunteering at the fire pits during HolidayFest.

Councilmember Fithian said that the December Artisan Market was a huge success and that the vendors really like having volunteers assist with providing breaks to the vendors. She thanked Julie Little for her efforts.

Councilmember Holloway echoed the previous Councilmembers' sentiments regarding the success of the holiday events and decorating and that it has been a fun six weeks in town.

Councilmember Bienia thanked Events Director Julie Little and noted that the town benefits broadly from Ms. Little's efforts.

8. BOARDS AND COMMISSIONS REPORTS

Councilmember Fithian reported that the Architectural Review Board (ARB) did not meet in November.

Councilmember Perkins thanked the Town Manager and staff for their work on the 2021 Comprehensive Plan Update. He stated that Planning Commissioner Ryan Somma did a tremendous job on the Plan Update. He also stated that the Planning Commission meeting in December has been canceled.

9. ADMINISTRATIVE REPORTS

a. Administrative Report

Ms. Jovanovich provided a written report as part of the agenda packet. Ms. Jovanovich thanked Mayor Porta and Town Council for their assistance with holiday events and decorations.

Mayor Porta noted that the previous two meals tax delinquencies and the Transient delinquencies were now in compliance.

Mayor Porta asked in regards to the Engineer Report what support was provided by the Engineer regarding tree permits. Ms. Jovanovich stated that the Engineer recently provided support with review of a tree removal and replacement request for Occoquan Reach HOA. Councilmember Holloway asked if tree permits were required when property owners wanted to remove trees. Ms. Jovanovich stated that the Town Code required that tree permits be obtained from the town for removal of trees meeting a certain diameter requirement.

b. Town Treasurer Report

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

Mayor Porta noted that most of the expenses and revenues are tracking to budget as expected; however, he inquired about the increase in expenses for Materials and Supplies. Ms. Jovanovich noted that several large budgeted public safety costs were expended in the first quarter and anticipates staying close to budget for the remainder of the fiscal year, excepting any unforeseen costs.

c. Town Attorney

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

10. REGULAR BUSINESS

a. Request to Adopt Comprehensive Plan Update

Councilmember Holloway moved to approve the 2021 Update to the Vision 2026 Comprehensive Plan as presented. Councilmember Fithian seconded. Motion passed unanimously by roll call vote.

Ayes: Councilmember Bienia, Councilmember Fithian, Councilmember Holloway, Councilmember Perkins.

Nays: None.

Mayor Porta expressed his appreciation to the members of the Planning Commission for their work on the plan update, noting that he thought they did an excellent job of analyzing and incorporating various new issues (e.g. anticipated changes in the surrounding area) into the plan.

b. Request to Adopt Ordinance O-2021-05 Relating to Land Development Process

Councilmember Perkins moved to adopt Ordinance O-2021-05 as presented.

Councilmember Bienia seconded. Motion passed unanimously by roll call vote.

Ayes: Councilmember Bienia, Councilmember Fithian, Councilmember Holloway, Councilmember Perkins.

Nays: None.

c. Request to Adopt Ordinance O-2021-06 Amending Town Code § 157.121 to Permit Residential Use By-Right in One Story Buildings Fronting Commerce and Ellicott Streets in the B-1 Zoning District

Councilmember Bienia moved to adopt Ordinance O-2021-06 as presented.

Councilmember Fithian seconded. Motion passed unanimously by roll call vote.

Ayes: Councilmember Bienia, Councilmember Fithian, Councilmember Holloway, Councilmember Perkins.

Nays: None.

d. Request to Adopt Ordinance O-2021-07 Amending Town Code § 157.304 (B)(12) Regarding Illuminated Signs

Councilmember Holloway moved to adopt Ordinance O-2021-07 as presented.

Councilmember Perkins seconded. Motion passed unanimously by roll call vote.

Ayes: Councilmember Bienia, Councilmember Fithian, Councilmember Holloway, Councilmember Perkins.

Nays: None.

Mayor Porta expressed his appreciation to the staff and Town Council regarding these three ordinance changes, noting that they all were designed to make things easier for residents and businesses by creating additional flexibility in the Town Code in a manner consistent with the overall vision of the Town. He noted that these are the kinds of things government can do to make life easier for constituents.

e. Request to Adopt Approve Revised Fee Schedule

Councilmember Fithian moved to approve the revised fee schedule as presented effective December 7, 2021. Councilmember Perkins seconded. Motion passed unanimously by voice vote.

f. Request to Approve Update to the Town Administrative Manual

Ms. Jovanovich reviewed the proposed updates to the Administrative Manual.

Councilmember Bienia asked if the changes to the annual leave cap regulations stopped vacation accrual once the employee reached the cap at any point in the year, or if the employee could accrue over the cap amount, but would lose any unused leave over the cap at the end of the calendar year. Ms. Jovanovich responded that the proposed change would stop leave accrual once the employee reached the cap at any point in the year and

leave accrual would commence again once the employee used leave to bring them below the leave accrual cap.

After taking a straw poll of the Council, Mayor Porta noted that the Town Council was overall in favor of approving all of the proposed changes included in the Administrative Manual as presented, and encouraged Councilmember Bienia to meet with the Town Manager for further discussion on the topic of the annual vacation leave cap. Mayor Porta further requested that the Town Manager report back to the Town Council regarding this topic for Council to consider and provide additional direction at a future meeting.

Councilmember Perkins moved to approve the update to the Town Administrative Manual, contingent on final review by the Town Attorney. Councilmember Holloway seconded. Motion passed unanimously by voice vote.

11. CLOSED SESSION

Councilmember Holloway made a motion that the Council convene in closed session to discuss the following as permitted by Virginia Code § 2.2-3711 (A)(1), a personnel matter involving: performance, specifically dealing with the Town Manager, and as permitted by Virginia Code § 2.2-3711 (A)(3), a matter involving: acquisition of real property for public purposes; and as permitted by Virginia Code § 2.2-3711 (A)(4), a matter requiring the protection of the privacy of an individual in a matter not involving the public business. Councilmember Fithian seconded the motion. The motion passed unanimously by voice vote.

The Council went into closed session at 8:08 p.m.

The Council came out of closed session at 8:26 p.m.

Councilmember Holloway moved to certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed in a closed session under the provisions of the Virginia Freedom of Information Act as cited in that motion. Seconded by Councilmember Perkins. The motion passed unanimously by roll call vote.

Ayes: Councilmember Bienia, Councilmember Fithian, Councilmember Holloway, Councilmember Perkins.

Nays: None.

12. ADJOURNMENT

The meeting was adjourned at 8:28 p.m.

Michele L. White, Town Clerk



4. Consent Agenda	Meeting Date: February 1, 2022
4 B: Request to Adopt Resolution to Refer Amendments to the Town Code Generally Relating to the Chesapeake Bay Preservation Overlay District to the Planning Commission	

Attachments: a. Resolution R-2022-01
b. Draft Ordinance

Submitted by: Bruce Reese
Town Engineer

Explanation and Summary:

This is a request to adopt a resolution to refer amendments to the Town Code generally relating to the Chesapeake Bay Preservation Overlay District to the Planning Commission for review, public hearing, and recommendation. The draft ordinance is attached.

Background

On July 10, 2020, the Town was notified by the Department of Environmental Quality (DEQ) that the local Chesapeake Bay Preservation Act (CBPA) program, which the Town administers, was to be reviewed for compliance. The Town accommodated the CBPA by adopting the Chesapeake Bay Preservation Overlay District within the Zoning Ordinance in 1998 (then § 66-191).

Such reviews are conducted by DEQ periodically to assure compliance by the localities with the intent and letter of the CBPA. This review includes an evaluation of the Town's ordinances, a review of previously approved plans, a review of the Town's Comprehensive Plan, and an inspection of active construction sites. Since the July 2020 notice, Daniel Moore, Principal Environmental Planner with DEQ's Water Division, has conducted the required reviews and inspections. The Town was found to be in compliance with regard to plan review and site enforcement. There were, however, suggestions for changes to the Town's Comprehensive Plan and Zoning Ordinance (now starting at § 157.150 after the recodification).

In December 2021, the Town Council adopted changes to the Town's Comprehensive Plan which included recommendations by Mr. Moore, who has since acknowledged those changes met his criteria for compliance.

After several iterations of changes to the Town's Zoning Ordinance (Chapter 157, beginning at 157.150, Chesapeake Bay Preservation Overlay District), the revisions proposed with this Zoning Text Amendment will bring the Town Code into conformance with DEQ's recommendations for compliance with the CBPA.

Town Attorney's Recommendation: Recommend referral to the Planning Commission for review, public hearing, and recommendation.

Town Manager's Recommendation: Concur with the Town Attorney's recommendation.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to adopt Resolution R-2022-01 to refer amendments to the Planning Commission for its recommendation after public hearing."

OR

Other action Council deems appropriate.

**TOWN OF OCCOQUAN, VIRGINIA
RESOLUTION**

**RESOLUTION TO REFER ZONING TEXT AMENDMENT TO PLANNING
COMMISSION TO BRING TOWN CODE INTO CONFORMANCE WITH THE
DEPARTMENT OF ENVIRONMENTAL QUALITY'S RECOMMENDATIONS FOR
IMPLEMENTING THE CHESAPEAKE BAY PRESERVATION ACT**

WHEREAS, Virginia Code § 15.2-2285 (B) requires that any amendment to a zoning ordinance be referred to the local planning commission for its recommendations before it is adopted; and

WHEREAS, Virginia Code § 15.2-2286 (A) (7) provides that a zoning ordinance amendment can be initiated by a resolution of the governing body; and

WHEREAS, the Town Council of the Town of Occoquan, as governing body of the Town, wishes to initiate a zoning ordinance amendment regarding the implementation of the Chesapeake Bay Preservation Act in order to conform to the Department of Environmental Quality's recommendations.

NOW, THEREFORE, BE IT RESOLVED that the attached draft zoning text amendment is referred to the Town Planning Commission for its review and recommendations.

Adopted by the Town Council of the Town of Occoquan, Virginia this 1st Day of February 2022.

MOTION:

**DATE: February 1, 2022
Town Council Meeting**

SECOND:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

BY ORDER OF THE TOWN COUNCIL

Attested:

Earnest W. Porta, Jr., Mayor

Michele White, Town Clerk

ORDINANCE # O-2022-XX

AN ORDINANCE TO AMEND SECTIONS 157.152, 157.153, 157.159, 157.160, 157.161, 157.162, AND 157.163 OF THE TOWN CODE GENERALLY RELATING TO CHESAPEAKE BAY PRESERVATION OVERLAY DISTRICT

WHEREAS, The Virginia Department of Environmental Quality (DEQ) has suggested various changes to the Town zoning code to address compliance with the Chesapeake Bay Preservation Act (Article 2.5 of Chapter, 3.1, Title 62.1 of the Code of Virginia); and

WHEREAS, The Town Council and Planning Commission are dedicated to protecting the Chesapeake Bay from pollution.

NOW, THEREFORE, BE IT ORDAINED by the Council for the Town of Occoquan, Virginia meeting in regular session this ___ day of _____, 2022:

1. That the Town Council hereby amends Town Code §§ 157.152, 157.153, 157.159, 157.160, 157.161, 157.162, and 157.163 as follows:

§ 157.152 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and terms not defined in this subchapter but defined in this chapter shall be given the meanings previously set forth.

APPLICANT. A person seeking any determination under this part or permit required by this subchapter.

BEST MANAGEMENT PRACTICE (BMPS). A practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

BUFFER AREA. Natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

CHESAPEAKE BAY PRESERVATION AREA (CBPA). Any land designated by the Town Council pursuant to part III of the Chesapeake Bay Preservation Area

designation and management regulations, 9 VAC §§ 25-830-70 et seq. and 62.1-44.15:72. A CBPA shall consist of a resource protection area and a resource management area.

CONSTRUCTION FOOTPRINT. The area of all impervious surface including, but not limited to, buildings, roads and drives, parking areas, sidewalks, and the area necessary for construction of such improvements.

DEVELOPMENT. The construction or substantial alteration of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

DIAMETER AT BREAST HEIGHT (DBH). The diameter of a tree measured outside the bark at a point four and one-half feet above ~~height (dBA)~~ the highest point of ground at the tree's base.

DRIPLINE. A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

FLOODPLAIN. All lands that would be inundated by floodwater as a result of a storm event of a 100-year return interval.

HIGHLY ERODIBLE SOILS. Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula $RKLS/T$, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

HIGHLY PERMEABLE SOILS. Soils with a given potential to transmit water through the soil profile. **HIGHLY PERMEABLE SOILS** are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches, permeability groups rapid and very rapid, as found in the National Soil Survey Handbook of November 1996, in the Field Office Technical Guide of the U.S. Department of Agricultural Natural Resources Conservation Service.

IMPERVIOUS COVER or IMPERVIOUS SURFACES. A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. ~~IMPERVIOUS SURFACES It includes, but are not limited to,~~ roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

INTENSELY DEVELOPED AREAS (IDAs). A portion of a resource protection area or a resource management area designated by the Town Council where development is concentrated and little of the natural environment remains.

NONPOINT SOURCE POLLUTION. Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

NONTIDAL WETLANDS. Wetlands other than tidal wetlands that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to § 404 of the Federal Clean Water Act, in 33 C.F.R. § 328.3b.

NOXIOUS WEEDS. Weeds that are difficult to control effectively, such as Johnson grass, kudzu, and multiflora rose.

PLAN OF DEVELOPMENT. The process for site plan or subdivision plat review to ensure compliance with 9 VAC § 25-830, and this subchapter prior to any clearing or grading of a site or the issuance of a building permit.

PRIVATE ROAD. A privately owned and maintained road designed and constructed in accordance with the State Department of Transportation standards.

PUBLIC ROAD. A publicly owned road designed in accordance with the State Department of Transportation standards.

REDEVELOPMENT. The process of developing land that is or has been previously developed, including in-fill development in intensely developed areas.

RESOURCE MANAGEMENT AREA (RMA). The component of the CBPA that is not classified as the resource protection area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the resource protection area.

RESOURCE PROTECTION AREA (RPA). The component of the CBPA comprised of lands adjacent to water bodies with perennial flow, that have an intrinsic water quality value due to the ecological and biological processes they perform or are

sensitive to impacts that may result in significant degradation to the quality of state waters. See § 157.153 for areas of applicability.

SUBSTANTIAL ALTERATION. The expansion or modification of a building or development within the resource management area that would result in land disturbance exceeding 2,500 square feet.

THIS SUBCHAPTER. Sections 157.150 through 157.163 of this code.

TIDAL SHORE or SHORE. Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

TIDAL WETLANDS. Vegetated and non-vegetated wetlands as defined in VA Code § 28.2-1300.

WATER-DEPENDENT FACILITY. Development of land that cannot exist outside of the RPA and must be located on the shoreline due to the intrinsic nature of its operation. These facilities include, but are not limited to: ports; the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; marinas and other boat docking structures; beaches and other public water-oriented recreation areas; and fisheries or other marine resources facilities.

WETLANDS. Tidal and nontidal wetlands.

§ 157.153 AREAS OF APPLICABILITY.

(A) The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as CBPAs as designated by the Town Council and as shown on the Occoquan Chesapeake Bay Preservation Area Map. This map, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this subchapter.

(1) The resource protection area (RPA) is hereby established and shall consist of lands adjacent to water bodies with perennial flow that include:

(a) Tidal wetlands;

(b) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;

(c) Tidal shores; and

(d) A 100-foot vegetated buffer area located adjacent to and landward of the components listed in divisions (A)(1)(a) through (A)(1)(c) above and along both sides of any water bodies with perennial flow.

(2) The RMA is composed of concentrations of the following land categories: floodplains; highly erodible soils, including steep slopes; highly permeable soils; nontidal wetlands not included in the RPA; and other lands, including all areas in the town necessary to protect the quality of state waters.

(B) The Occoquan Chesapeake Bay Preservation Area Map shows the general location of CBPAs and should be consulted by persons contemplating activities within the town prior to engaging in a regulated activity. The specific location of RPAs on a lot or parcel shall be delineated on each site or parcel as required under § 157.158.

(C) All areas within the town limits north of and including Mill Street and Poplar Lane are designated as ~~IDEAS~~IDEASIDAs. These areas shall serve as redevelopment areas. Areas so designated shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in § 157.159.

§ 157.159 PERFORMANCE STANDARDS.

(A) Purpose and intent.

(1) The purpose and intent of this section is to prevent a net increase in nonpoint source pollution from new development and achieve a 10% reduction in nonpoint source pollution from redevelopment.

(2) The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, is an especially effective filter of stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

(3) Except as otherwise expressly stated in this Chapter, development in Chesapeake Bay Preservation Areas shall comply with state regulations found at 9VAC25-830-130, 9VAC25-830-140, and 9VAC25-830-150.

(B) General performance standards for development and redevelopment.

(1) Land disturbance shall be limited to the area necessary to provide for the proposed use or development.

(a) In accordance with an approved site plan, the limits of land disturbance, including clearing or grading, shall be strictly defined by the construction footprint. These limits shall be clearly shown on submitted plans and physically marked on the development site.

(b) Ingress and egress during construction shall be limited to one access point unless otherwise approved by the Zoning Administrator.

(2) Indigenous vegetation shall be preserved to the maximum extent practicable, consistent with the use or development proposed, and in accordance with the *Virginia Erosion and Sediment Control Handbook*.

(a) Existing trees over six inches ~~dbh~~ DBH shall be preserved outside the construction footprint. Diseased trees or trees weakened by age, storm, fire or other injury may be removed.

(b) Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the Zoning Administrator.

(c) Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected one foot outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.

(3) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the proposed use or development permitted.

(4) Notwithstanding any other provisions of this division (B) or exceptions or exemptions to this division (B), any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, shall comply with the requirements of Chapter 152 of this code.

(5) All existing sewage disposal systems not requiring a VPDES permit shall be pumped out at least once every five years, in accordance with the provisions of the County Health Code. New septic tanks and private sewage plants are not permitted.

(6) For any development or redevelopment, stormwater runoff shall be controlled by the use of BMPs that achieve the following.

(a) For development, the post-development nonpoint source pollution runoff load shall not exceed the predevelopment load, based on a Chesapeake Bay watershed-wide average impervious surface cover of 16%.

(b) For any redevelopment site and for sites within ~~IDEAS~~ IDAS, the nonpoint source pollution load shall be reduced by at least 10%. The Zoning Administrator may waive or modify this requirement for redevelopment sites that originally incorporated BMPs for stormwater runoff quality control, provided the following provisions are satisfied:

1. In no case may the post-development nonpoint source pollution runoff load exceed the predevelopment load;

2. Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution; and

3. If BMPs are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The Zoning Administrator may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this division (B)(6).

(c) For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.

(7) Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Zoning Administrator, in accordance with § 157.161.

(8) Clearing, land disturbance, or development exceeding 500 square feet, ~~on a recorded lot of record as of the date of this chapter amendment,~~ on slopes 20% or greater is prohibited.

(C) Buffer area requirements.

(1) To minimize the adverse effects of human activities on the other components of RPAs, state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist. The delineation of the 100-foot RPA boundary for the retention of an undisturbed and vegetated 100-foot-wide buffer area with permissibility of only water dependent facilities or redevelopment shall be shown on all plans and plats.

(2) The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any waterbody with perennial flow. The full buffer area shall be designated as the landward component of the RPA, in accordance with sections § 157.153 and 157.161.

(3) The 100-foot buffer area shall be deemed to achieve a 75% reduction of sediments and a 40% reduction of nutrients.

(4) The buffer area shall be maintained to meet the following additional performance standards.

(a) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only, as permitted by the Zoning Administrator, to provide for reasonable sight lines, access paths, general woodlot management practices, including those that prevent upland erosion and concentrated flows of stormwater and BMPs, as follows.

1. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.

2. Any path shall be constructed and surfaced to effectively control erosion.

3. Dead, diseased, or dying trees or shrubbery and noxious weeds may be removed and thinning of trees may be allowed pursuant to sound horticulture practice as recommended by the town.

4. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

(b) When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Zoning Administrator may allow encroachments into the buffer area in accordance with § 157.161 and the following criteria.

1. Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.

2. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel.

3. The encroachment may not extend into the seaward 50 feet of the buffer area.

(c) Redevelopment within ~~IDEAS~~ IDAs may be exempt from the buffer area, in accordance with § 157.161. Where possible a buffer area shall be provided in order to remove pollutants and protect water quality. Any and all buffer exemptions are to be granted by the Zoning Administrator.

§ 157.160 WATER QUALITY IMPACT ASSESSMENT.

(A) The purpose of the water quality impact assessment is to:

(1) Identify the impacts of proposed development on water quality and lands within RPAs and other environmentally sensitive lands;

(2) Ensure that, where development does take place within RPAs and other sensitive lands, it will be in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands;

(3) Protect individuals from investing funds for proposed improvements on lands not suited for such development because of high groundwater, erosion, or vulnerability to flood and storm damage;

(4) Provide for administrative relief from the terms of this section when warranted and in accordance with the requirements contained in this section; and

(5) Specify mitigation that will address water quality protection.

(B) A water quality impact assessment is required for any proposed land disturbance, development, or redevelopment within an RPA, including any buffer area modification or encroachment as provided for in § 157.159; and any development in an RMA, floodplain, area of highly erodible soils, or 20% or greater slopes.

(C) There shall be two levels of water quality impact assessments, minor and major.

(1) Minor water quality impact assessment.

(a) A minor water quality impact assessment pertains only to development within an RPA and its 100-foot buffer strip under the following conditions:

1. No more than 6,000 square feet of land disturbance; and
2. No disturbance of the seaward 50 feet of the 100-foot buffer area.

(b) A minor assessment must demonstrate that the undisturbed buffer area, enhanced vegetative plantings, and any required BMPs will result in removal of no less than 75% of sediments and 40% of nutrients from post-development stormwater runoff. It must also demonstrate that it will retard runoff, prevent erosion, and filter nonpoint source pollution the equivalent of the full undisturbed 100-foot buffer area. A minor assessment shall include a site drawing to scale, which shows the following:

1. Location of the components of the RPA, including the 100-foot buffer area;

2. Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;

3. Type and location of proposed BMPs to mitigate the proposed encroachment;

4. If development is in an IDEAIDA, proposed measures to restore all or part of the buffer strip, if possible;

5. Location of existing vegetation on-site, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification; and

6. Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion, and runoff control.

(2) Major water quality impact assessment.

(a) 1. A major water quality impact assessment shall be required for any development that:

a. Exceeds 6,000 square feet of land disturbance within an RPA or its buffer strip;

b. Disturbs any portion of the seaward 50 feet of the 100-foot buffer area; or

c. Is located in an RMA and includes areas of floodplain, highly erodible soils, or 20% or greater slopes.

2. The information required in this division (C)(2)(a) shall be considered a minimum unless the Zoning Administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land.

(b) The following elements shall be included in the preparation and submission of a major water quality assessment:

1. All of the information required in a minor water quality impact assessment, as specified in this division (C);

2. A hydrogeological element that:

a. Describes the existing topography, soils, hydrology, and geology of the site and adjacent lands; and

b. Describes the impacts of the proposed development on topography, soils, hydrology, and geology on the site and adjacent lands.

3. Indicates the following:

a. Disturbance or destruction of wetlands and justification for such action;

b. Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers, or other water bodies;

c. Disruptions to existing hydrology, including wetland and stream circulation patterns;

d. Source location and description of proposed fill material;

e. Location of dredge material and location of dumping area for such material;

f. Location of and impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas;

g. Estimation of pre- and post-development pollutant loads in runoff;

h. Estimation of percentage of increase in impervious surface on the site and types of surfacing materials used;

i. Percentage of site to be cleared for the project;

j. Anticipated duration and phasing schedule of the construction project; and

k. Listing of all requisite permits from all applicable agencies necessary to develop the project.

4. Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include:

a. Proposed erosion and sediment control concepts; concepts may include minimizing the extent of the cleared area, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed areas, schedule and personnel for site inspection;

b. Proposed stormwater management system;

c. Creation of wetlands to replace those lost; and

d. Minimizing cut and fill.

(c) A landscape element that:

1. Identifies and delineates the location of all significant plant material on-site, including all trees six inches or greater ~~d.b.h.~~DBH. Where there are groups of trees, stands may be outlined;

2. Describes the impacts of the development or use on the existing vegetation, including:

a. General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;

b. Clear delineation of all trees to be removed; and

c. Description of plant species to be disturbed or removed.

3. Describes the potential measures for mitigation. Possible mitigation measures include:

a. Replanting schedule for trees and other significant vegetation removed for construction, including a list of possible plants and trees to be used;

b. Demonstration that the design of the plan will preserve, to the greatest extent possible, any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation; and

c. Demonstration that indigenous plants are to be used to the greatest extent possible.

(d) Submission and review requirements.

1. Ten copies of all site drawings and other applicable information as required by divisions (C)(2)(c)1. and (C)(2)(c)2. above shall be submitted to the Zoning Administrator for review.

2. All information required in this section shall be certified as complete and accurate by a professional engineer.

3. A water quality impact assessment shall be prepared and submitted to and reviewed by the Zoning Administrator in conjunction with § 157.161.

4. As part of any major water quality impact assessment submittal, the Zoning Administrator may require review by the Chesapeake Bay Local Assistance Department (CBLAD). Upon receipt of a major water quality impact assessment, the Zoning Administrator will determine if such review is warranted and may request CBLAD to review the assessment and respond with written comments. Any comments by CBLAD will be incorporated into the final review by the Zoning Administrator, provided that such comments are provided by CBLAD within 90 days of the request.

(e) Evaluation procedure.

1. Upon the completed review of a minor water quality impact assessment, the Zoning Administrator will determine if any proposed modification or reduction to the buffer area is consistent with the provisions of this subchapter and make a finding based upon the following criteria:

a. The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;

b. Impervious surface is minimized;

c. Proposed BMPs, where required, achieve the requisite reductions in pollutant loadings;

d. The development, as proposed, meets the purpose and intent of this section; and

e. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

2. Upon the completed review of a major water quality impact assessment, the Zoning Administrator will determine if the proposed development is consistent with the purpose and intent of this section and make a finding based upon the following criteria:

a. The proposed development within the RPA is water dependent;

b. The disturbance of any wetlands will be minimized;

c. The development will not result in unnecessary disruption of the hydrology of the site;

d. The development will not result in unnecessary degradation to aquatic vegetation or life;

e. The development will not result in unnecessary destruction of plant materials on the site;

f. Proposed erosion and sediment control concepts are adequate to achieve the reductions in erosion and minimize off-site sedimentation;

g. Proposed stormwater management concepts are adequate to control the stormwater runoff and achieve the required performance standard for pollutant control;

h. Proposed re-vegetation of disturbed areas will provide effective erosion and sediment control benefits;

i. The development, as proposed, is consistent with the purpose and intent of the overlay district;

j. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality;

k. The Zoning Administrator shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Zoning Administrator based on the criteria listed in division (C)(2)(e)1. above and this division (C)(2)(e)2; and

l. The Zoning Administrator shall find the proposal to be inconsistent with the purpose and intent of this section when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Zoning Administrator based on the criteria listed in division (C)(2)(e)1. above and this division (C)(2)(e)2.

§ 157.161 PLAN OF DEVELOPMENT PROCESS.

(A) Any development or redevelopment exceeding 2,500 square feet of land disturbance shall be accomplished through a plan of development process prior to any clearing, grading, or filling of the site or the issuance of any building permit, to assure compliance with all applicable requirements of this subchapter.

(B) In addition to the requirements of this section and Chapters 155 and 156 of this code, the plan of development process shall consist of the plans and studies identified in this division (B). These required plans and studies may be coordinated or combined, as deemed appropriate by the Zoning Administrator. The Zoning Administrator may determine that some of the following information is unnecessary due to the scope and nature of the proposed development. The following plans or studies shall be submitted unless otherwise provided for in this Chapter:

(1) A site plan in accordance with the provisions of Chapter 155 of this code or a subdivision plat in accordance with the provisions of Chapter 156 of this code, as necessary;

(2) An environmental site assessment;

(3) A landscaping plan;

(4) A stormwater management plan; and

(5) An erosion and sediment control plan in accordance with the provisions of Chapter 152 of this code.

(C) An environmental site assessment shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval.

(1) The environmental site assessment shall be drawn to scale and clearly delineate the following environmental features:

(a) Tidal wetlands;

(b) Tidal shores;

(c) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;

(d) A 100-foot buffer area located adjacent to and landward of the components listed in divisions (C)(1)(a) through (C)(1)(c) above and along both sides of any waterbody with perennial flow; and

(e) Other sensitive environmental features as determined by the Zoning Administrator.

(2) Wetlands delineations shall be performed consistent with the procedures specified in the current edition of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987, or as determined by the Army Corps of Engineers (ACOE).

(3) The environmental site assessment shall delineate the site-specific geographic extent of the RPA.

(4) The environmental site assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat and shall be certified as complete and accurate by a professional engineer. This requirement may be waived by the Zoning Administrator when the proposed use or development would result in less than 5,000 square feet of disturbed area.

(5) Any request for exemption from the buffer requirements for properties contained wholly within designated ~~IDEAS~~ IDAs, as allowed by § 157.159(C)(4), must be submitted in writing with the assessment.

(D) A landscaping plan shall be submitted in conjunction with site plan approval or as part of subdivision plat approval. No clearing, grading, or filling of any lot or parcel shall be permitted without an approved landscaping plan.

(1) Contents of the plan.

(a) The landscaping plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site six inches or greater ~~dbh~~ DBH shall be shown on the landscaping plan. Where there are groups of trees, stands may be outlined instead. The specific number of trees six inches or greater ~~dbh~~ DBH to be preserved outside the construction footprint shall be indicated on the plan. Trees to be removed to create a desired construction footprint shall be clearly delineated.

(b) Any required buffer area shall be clearly delineated, and any plant material to be added to establish or supplement the buffer area as required by this subchapter shall be shown.

(c) Within the buffer area, trees to be removed for sight lines, vistas, access paths, and BMPs, as provided for in this subchapter, shall be shown. Vegetation required by this subchapter to replace any existing trees within the buffer area shall also be shown.

(d) Trees to be removed for shoreline stabilization projects and any replacement vegetation required by this subchapter shall be shown on the landscaping plan.

(e) Grade changes or other work adjacent to trees that would affect adversely them. Specifications shall be provided as to how grade, drainage, and aeration will be maintained around trees to be preserved.

(f) Specifications for the protection of existing trees during clearing, grading, and all other phases of construction.

(2) Plant specifications.

(a) All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.

(b) All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the ~~American Association of Nurserymen~~ American Hort.

(c) Where areas that are to be preserved, as designated on an approved landscaping plan, are disturbed or encroached, replacement of existing trees and other vegetation will be achieved at a ratio of one planted tree to one removed. Replacement trees shall be of a similar species, a minimum of 12 feet in height and one and one-half inches DBH ~~DBA~~ at the time of planting.

(3) Maintenance.

(a) The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this subchapter.

(b) In buffer areas and areas outside the construction footprint, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris for a period of one year after the developer has completed all real estate sales in the developed property. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of this subchapter.

(E) A stormwater management plan shall be submitted in accordance with Chapter 153 of this code in conjunction with site plan or subdivision plan approval. The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this subchapter.

(1) At a minimum, the stormwater management plan must contain the following:

(a) Location and design of all proposed stormwater control devices;

(b) Procedures for implementing nonstructural stormwater control practices and techniques;

(c) Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations; and

(d) For facilities, verification of structural soundness, including a professional engineer certification.

(2) All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Virginia Stormwater Management Handbook.

(3) The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities including all maintenance requirements and persons responsible for performing said maintenance. If the designated maintenance responsibility is with a party other than the town, a maintenance agreement shall be executed between the responsible party and the town.

(F) An erosion and sediment control plan shall be submitted that satisfies the requirements of this subchapter and in accordance with Chapter 152 of this code, in conjunction with site plan or subdivision plan approval.

(G) Final plans for property within CBPAs shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in Chapters 155 and 156 of this code.

(1) Final plans and plats for all lands within CBPAs shall include the following additional information:

(a) The delineation of the 100-foot RPA boundary for the retention of an undisturbed and vegetated 100-foot-wide buffer area, with permissibility of only water dependent facilities or redevelopment;

(b) The delineation of required buffer areas;

(c) All wetlands permits required by law;

(d) A maintenance agreement, as deemed necessary and appropriate by the Zoning Administrator, to ensure proper maintenance of BMPs in order to continue their functions;

(e) Measures to be taken for the protection of the resource protection areas (RPAs) during clearing, grading, and all other phases of construction. The following notations shall be included.

1. All existing vegetation within the RPA shall remain in its undisturbed natural state, except as allowed by this code.

2. Permissible development in the RPA is limited to water-dependent facilities, redevelopment, or other uses specifically allowed by this code.

(f) Gross acreages of the following physical land units shall be tabulated and computed by accurate planimetric methods at the final plan scale: 100-year floodplains; wetlands; existing water features (bodies of water, drainage channels, streams, and the like); and resource protection areas and resource management areas as specified by this subchapter; and

(g) Buildable areas allowed on each lot based on the performance criteria specified in the Chesapeake Bay Preservation Area regulations ~~in this chapter~~; front, side, and rear yard setback requirements established pursuant to this chapter, and any other relevant easements or limitations regarding lot coverage shall be graphically depicted on the site plan.

(2) Installation and bonding requirements are as follows.

(a) Where buffer areas, landscaping, stormwater management facilities, or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed in accordance with the approved site plan.

(b) When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to the town a form of surety satisfactory to the Zoning Administrator in an amount equal to the remaining plant materials, related materials, and installation costs of the landscaping or other specifications and/or maintenance costs for any required stormwater management facilities.

(c) All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy, or the surety may be forfeited to the town.

(d) All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete, or maintain appropriate actions required by the approved plan, the surety may be forfeited to the town. The town may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.

(e) After all required actions of the approved site plan have been completed, the applicant must submit a written request for a final inspection with the as-built site plan or subdivision plan. If the requirements of the approved plan have been completed to the satisfaction of the Zoning Administrator, such unexpended or unobligated portion of the surety held shall be refunded in accordance with Chapters 155 and 156 of this code. The Zoning Administrator may require a certificate of substantial completion from a professional engineer before making a final inspection.

(H) Administration of the plan of development process shall be in accordance with Chapters 155 and 156 of this code.

(1) If the final plan or any component of the plan of development process, as related to this chapter, is not approved by the Zoning Administrator and/or recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Planning Commission.

(2) The appeal shall be made in writing to the Planning Commission. The Planning Commission shall review the appeal and ~~make recommendation to the Town Council. In reviewing the appeal, the Planning Commission shall~~ determine if:

(a) The plan is in accordance with all applicable ordinances and includes the necessary elements to mitigate any detrimental impact on water quality, adjacent properties, and the surrounding area; or

(b) Such plan meets the purpose and intent of the performance standards in this subchapter.

(3) If the Planning Commission finds that the applicant's plan does not meet the criteria stated in ~~subsection (i)(2) of this section, it shall recommend denial of reject~~ the plan to the Town Council. If the applicant's plan is found to meet the criteria stated in ~~subsection (i)(2) of this section, the Planning Commission shall recommend approval of approve the plan to the Town Council.~~

~~——(4) The Town Council shall consider the findings and rationale of the Planning Commission when voting to deny or approve the applicant's appeal.~~

§ 157.162 NONCONFORMING USES AND NONCOMPLYING STRUCTURES.

(A) The lawful use of a building or structure existing on the effective date of the ordinance from which this section derives or which exists at the time of any amendment to this subchapter, and which is not in conformity with the provisions of the overlay district may be continued in accordance with §§ 157.210 through 157.213.

(B) No change or expansion of use shall be allowed, with the exception that:

(1) ~~The Town Council~~ Planning Commission may grant a nonconforming use and development waiver for structures on legal nonconforming lots or parcels to provide for remodeling and alterations to such nonconforming structures, provided that:

(a) There will be no increase in nonpoint source pollution load; and

(b) Any development or land disturbance exceeding 2,500 square feet in area complies with all erosion and sediment control requirement of this subchapter.

(2) An application for a nonconforming use and development waiver shall be made to and upon forms furnished by the Zoning Administrator and shall include, for the purpose of proper enforcement of this section, the following information:

(a) Name and address of the applicant and the property owner;

(b) Legal description of the property;

(c) Type of proposed use and development;

(d) A sketch of the dimensions of the lot or parcel, location of buildings, and proposed additions relative to the lot lines, and boundary of the RPA; and

(e) Location and description of any existing private water supply or sewerage system.

(3) Requests for a nonconforming use and development waiver shall be reviewed by the Planning Commission for compliance with the provisions of this section, ~~who shall forward a recommendation to the Town Council;~~

(4) The Planning Commission shall review the ~~A~~ nonconforming use and development waiver ~~shall become null and void~~ 12 months from the date issued and shall revoke it by affirmative vote if no substantial work has commenced; and

(5) An application for the expansion of a nonconforming principal structure ~~may shall~~ be approved by the ~~Town Council~~ Planning Commission ~~after an administrative review process provided that if it finds that: the following findings are made:~~

(a) The request for the waiver is the minimum necessary to afford relief;

(b) Granting the waiver will not confer upon the applicant any specific privileges that are denied by this subchapter to other property owners in similar situations;

(c) The waiver is in harmony with the purpose and intent of this subchapter and does not result in water quality degradation;

(d) The waiver is not based on conditions or circumstances that are self-created or self-imposed, either by the current property owner or by a predecessor in title;

(e) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing degradation of water quality; and

(f) The application does not include any accessory structures. ~~Other findings, as appropriate and required by the town, are met; and~~

~~(g) In no case shall this provision apply to accessory structures.~~

§ 157.163 EXEMPTIONS AND EXCEPTIONS.

(A) Exemptions for linear utilities:

(1) Construction, installation, operation, and maintenance of electric, natural gas, fiber optic, telephone transmission lines, underground telecommunications and

cable television lines, railroads, public roads, pedestrian and bike paths, and their appurtenant structures shall be exempt from compliance with this Subchapter so long as they comply with Erosion and Sediment Control Law, the Storm Water Management (SWM) Act of the Code of Virginia and the Prince William County Design and Construction Standards Manual. The exemption of public roads is further conditioned on the road alignment and design being such as to minimize encroachment into the RPA and adverse effects on water quality. A WQIA study will be required for public roads unless the Town grants an exception pursuant to subsection (B) of this section. The applicant shall submit proof of all required compliance to the Zoning Administrator, who shall process the application as provided in this section.

(2) Construction, installation, and maintenance of water and sewer lines owned by a regional service authority shall be exempt from the compliance with this Subchapter if the provisions of the following paragraphs (a) through (d) are met. The applicant shall submit proof of all required compliance to the Zoning Administrator, who shall process the application as provided in this section.

(a) To the degree possible, the location of such utilities and facilities should be outside Resource Protection Areas;

(b) No more land shall be disturbed than is necessary to provide for the necessary utility installation;

(c) All such construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality;

(d) Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of the Design and Construction Standards Manual.

(B) Exceptions.

(1) Exceptions to the requirements of this Subchapter may be granted only as permitted by section 740.06 of the Prince William County Design and Construction Standards Manual. Exceptions for encroachment into the RPA will be processed in accordance with section 700 of the Prince William County Design and Construction Standards Manual either as administrative exceptions or as public hearing exceptions.

(2) When a public hearing is required by section 700 of the Prince William County Design and Construction Standards Manual, the Town Planning Commission shall conduct a public hearing to review a request for an exception for encroachment into the RPA and the associated water quality impact assessment study. The Planning Commission may grant the exception with such conditions and safeguards as stated in section 700 of the Prince William County Design and Construction Standards Manual.

~~(A) Construction, installation, and maintenance of water, sewer, roads, natural gas lines, underground telecommunications, and cable television lines owned, permitted by the town, shall be exempt from the overlay district provided that:~~

~~(1) To the extent possible, the location of such utilities and facilities shall be outside RPAs;~~

~~(2) No more land shall be disturbed than is necessary to provide for the proposed utility installation;~~

~~(3) All construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and~~

~~(4) Any land disturbance exceeding 2,500 square feet in area shall comply with all town erosion and sediment control requirements.~~

~~(B) Water wells; passive recreation facilities such as boardwalks, trails, and pathways; and historic preservation and archaeological activities within the RPAs may be exempted from the overlay district, provided that it is demonstrated to the satisfaction of the Zoning Administrator that:~~

~~(1) Any required permits, except those to which this exemption specifically applies, shall have been issued;~~

~~(2) Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;~~

~~(3) The intended use does not conflict with nearby planned or approved uses;~~
and

~~(4) Any land disturbance exceeding 2,500 square feet in area shall comply with all town erosion and sediment control requirements.~~

2. That this ordinance is effective _____.

BY ORDER OF THE TOWN COUNCIL

**Meeting Date:
Town Council Meeting
Ord No. O-2022-XX**

RE: An Ordinance to Amend Sections 157.152, 157.153, 157.159, 157.160, 157.161, 157.162, and 157.163 of the Town Code Generally Relating to Chesapeake Bay Preservation Overlay District

**MOTION:
SECOND:
ACTION:**

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

CERTIFIED COPY _____

Town Clerk



TO: The Honorable Mayor and Town Council

FROM: Kirstyn Jovanovich, Town Manager

DATE: February 1, 2022

SUBJECT: Administrative Report

This is a monthly report to the Town Council that provides general information on departmental activities including administration, public safety, engineering, zoning and building, public works and events.

Administration

- **Coronavirus Updates:** Town staff is continuing to monitor the impacts of the COVID-19 pandemic, including the rise and impact of variants. On July 27, the CDC updated their masking guidelines recommending that all individuals, including those fully vaccinated, wear a face covering in public indoor settings in areas of substantial or high transmission. Prince William County is currently classified as High Transmission. At this time, masking inside town facilities, regardless of vaccination status, continues to be required. Staff will continue to closely monitor information from the CDC and local health and government authorities to guide decisions about Town activities and policies.
- **ARPA Update:** The Town Council received a briefing on the Coronavirus State and Local Fiscal Recovery Fund (CLFRF) regarding the town's expected distribution and the Interim Final Rule's guidance on uses. The Town is entitled to receive \$949,560.76 under the Non-Entitlement Unit (NEU) distribution, having received the first half on June 30, 2021, and the second tranche expected around June 2022. The Final Rule has been issued by the Treasury Department; staff is reviewing and will brief Council at a future meeting. Updates will continue to be provided as more information is received.
- **FY2023 Proposed Budget:** Town staff is in the process of developing the FY2023 Proposed budget (July 1, 2022 – June 30, 2023). The first work session with Town Council will be during their February 15, 2022 meeting. A second work session will be held on March 15, with public hearings scheduled for April and adoption during the first meeting in May. Information on the budget process is available at www.occoquanva.gov.
- **Intersection Improvements Update:** The contract has been awarded for the intersection improvements that will include installation of ADA ramps and crosswalks at the intersections of Mill/Washington Street and Mill/Ellicott Streets. While a schedule has not been provided to the town yet, staff has been in contact with the contractor and the County and they are progressing toward construction. Staff has advised that construction in March would be ideal; once a schedule is received more information will be provided to the Town Council and community on timing and impacts.
- **Amplified Outdoor Sound Permit:** An Amplified Outdoor Sound Permit has been established as per Town Code § 92.10. Information on the process is available on the Town's website; however, the permit process will not be enacted until Spring 2022. Staff will provide

information to the businesses over the next few months in preparation for launching the permit program in early 2022.

- **Mill at Occoquan Project:** After a pre-application meeting was held, The Mill at Occoquan Architectural Review Board (ARB) application was reviewed by the ARB at their September 28, 2021 meeting. Additional information was requested, and a detailed memo was developed by staff and provided to the Applicant to aid in the update of their ARB application; to date, a revised application has not been received. In addition, a final site plan has not yet been submitted by the Applicant.
- **VDOT TAP Grant Project:** Participated in a meeting with representatives from Prince William County and VDOT regarding the County's TAP projects, specifically the Union Street sidewalk project that would connect the proposed Occoquan Greenway Trail to the Town's existing sidewalk along Ellicott Street. The project is being proposed by Prince William County Parks and includes sidewalk improvements along Ellicott Street, including adding a missing sidewalk connection near the intersection Mill and Ellicott Streets. The Town Council adopted a resolution of support for the project at its September 21, 2021 meeting, which has been provided to County staff. The project is being submitted as part of the County's TAP project list. Notification of award status is not expected until Spring 2022.
- **Community Strategy & Comprehensive Plan Update:** Staff is working with the Planning Commission to develop a Community Plan as an addendum to the Town's Comprehensive Plan. The 2021 update of the Comprehensive Plan was approved at the December 7, 2021 Town Council meeting, and completion of the Community Strategy Plan is currently planned for spring 2022.
- **Regional Hazard Mitigation Plan Update:** Town staff is participating in the update to the Northern Virginia Hazard Mitigation Plan, which is updated every five years.
- **FY2022 Capital Projects:** Town staff met with a Prince William County representative to obtain quotes on FY2022 capital projects, specifically street maintenance projects. Once quotes are received and reviewed by Staff, Town Council will be asked to review and award contracts.
- **Mill Street Water Issue:** The Town Manager and Zoning Administrator met with representatives from VDOT in regards to the continued water flow issue on Mill Street. VDOT representatives advised that they would review to address the water flow issue during the upcoming paving work to keep it from flowing across the road, as well as work to identify and address the issue of water coming up through the pavement. Town staff will continue to monitor and follow up with VDOT to ensure a solution is developed for this ongoing issue. In the meantime, VDOT has been treating continued icing on the road and in the parking area upon town request. There have not been observed issues with icing across the sidewalk in this location.
- **Development Inspections:** Beginning January 1, all development inspections performed on behalf of the town (including erosion and sediment control) are being performed by Legacy Engineering. Active development projects have been notified of the change. Until December 31, 2021, the Town contracted with The Engineering Groupe to perform development site inspections and land disturbance activities.
- **Meetings and Events:** Assisted with coordination of town emergency management response to snow events in January; participated in a webinar for The Local Choice Benefits (town health insurance) open enrollment process for FY2023; with staff and Merial Currer, supported the Untrim-A-Tree program by sorting, packaging and delivering donated gifts; met with staff to kick off the FY2023 budget process.

Treasurer Report – Supplemental Information

The December 2021 Financial Report is included in the Town Council agenda packet. Additional information regarding current delinquencies is included below.

BPOL Tax Delinquencies		
Business Name	Years of Delinquency	Date of Last Notice/Status

Transient Tax Delinquencies		
Business Owner	Months of Delinquency	Date of Last Notice/Status

Meals Tax Delinquencies		
Business Name	Months of Delinquency	Date of Last Notice/Status
Riverside Coffee/Baba & Me	6	1/24/2022

Real Estate Delinquencies				
Property Owner	Years of Delinquency	Delinquent Tax Amount	Date of Last Notice	Notes
FEINGOLD DAVID S	1	\$48.84	11/15/2021	USPS UTF; Mortgage Co. notified
FUGATE JIM R & LINDA L SURV	1	\$190.84	10/26/2021	
GRANNY'S COTTAGE INC	5	\$341.38	8/15/2021	Enforcement Pending
HOUGHTON RONALD	3	\$52.31	10/26/2021	Enforcement Pending
JONES SALUKA HALLIE	1	\$298.60	10/26/2021	2019 Tax Year – Non-compliant
KASTENS DOUGLASS & MARTA	1	\$43.25	10/26/2021	
LIGHT MARK D & RINA KOCSANY J-T SURV	1	\$44.66	10/26/2021	
LUDWIG CATHERINE	1	\$469.15	1/12/2022	USPS UTF; Mortgage Co. notified

Engineering

ACTIVE ITEMS:

- **FEMA Flood Insurance Rate Map (FIRM) – no change from last report:** Minor changes suggested on stream names. Town website included notification of changes to FIRM. Expected adoption of new mapping winter 2021, spring 2022. May require update of ordinance.
- **DEQ review of Town’s Chesapeake Bay Preservation Ordinances – update from last report:** DEQ report issued April 7, 2021 with Draft Corrective Action Plan issued for changes to Town Code and Comprehensive Plan. Planning Commission incorporated changes into Comprehensive Plan update, which was forwarded to DEQ 12/10/21. New Chesapeake Bay changes will need to be presented in public hearing before Planning Commission and Town Council.
- **Kiely Court Project – update from last report:** Land Disturbance Permit issued - construction commenced. Site work considered completed, but Town staff continues to monitor erosion and sediment controls and parking on/near job site.
- **Rivertown Overlook Project – no change from last report:** Land Disturbance Permit issued – construction proceeding.

- **Mill at Occoquan – update from last report:** Floodplain study comments by FEMA issued. Pre-application meeting held with J2 Engineering for site plan.
- **109 Poplar Lane – update from last report:** PWC may be issuing building permit, which will trigger need for land disturbance permit in Town.
- **PWC Transportation Alternatives Program (TAP) grant projects – no change from last report:** Sidewalk extensions on Ellicott Street only, in conjunction with the PWC Park Authority.
- **PWC Transportation Mill Street pedestrian crosswalks – update from last report:** Crosswalks approved and ready for construction. Construction commencement after January 1, 2022.
- **Community Strategy – no change from last report:** Working with Planning Commission on addendum to Comprehensive Plan to establish minimum standards for Town facilities. Preliminary outline presented to Planning Commission on August 26, 2021. Anticipated adoption in spring 2022.
- **Stormwater Management Grants – no change from last report:** Reviewing various grant and loan opportunities for multiple projects throughout Town.
- **Site Plans Under Review or Being Discussed with Owner/Tenant:**

Address	Plan Number	Use	Status
109 Poplar Lane	N/A	Dock extension	No submission to date
Mill at Occoquan	N/A	Mixed Use project	Pre-application 12/17/21
Barrington Point	N/A	Retaining Wall	Land disturbance exceeded original application

INACTIVE ITEMS (no action/monitoring pending):

- **Vantage Point BMP maintenance – no change from last report:** Bid received from Total Development Solutions (\$38,730). Lynn property – re-inspected with calculations on channel capacity and protective lining. Town Engineer evaluated runoff onto downstream property and prepared channel improvement plan for owner.
- **Tanyard Hill Park (Oaks III) – no change from last report**
 - Approved by PWC BOS 5/15/18 with revised proffers
 - Trails marked and blazed on site
 - Use as park and open space – trails and Stormwater Pond shown on GDP
 - Plat vacating lot line when site plan needed - NRA to review first
 - Access to potential parking lot for trail head allowed off Tanyard Hill
 - Reserve ROW along Tanyard Hill and Old Bridge Roads

Zoning Administrator

A. The following is a list of **zoning reviews** from December 1, 2021 to January 26, 2022:

	Zoning Application #	Property Address	Activity
1	TZP2021-053	216 West Locust Street	Replace furnace
2	TZP2021-054	435 Fortress Way	Proposed community dog park
3	TZP2022-001	458 Mill St	Replace SCADA cabinet
4	TZP2022-002	115 Mill Street	Replace SCADA cabinet
5	TZP2022-003	111 Vista Knoll Drive	Install 10'x20' Deck
6	TZP2022-004	469 Fortress Way	Home based business
7	TZP2022-005	312 Commerce Street	Interior flooring and foundation repairs
8	TZP2022-006	103 Poplar Lane	Pool permit
9	TZP2022-007	1541 Colonial Drive	Replace Electrical meter with individual
10	TZP2022-008	1408 Occoquan Heights Ct	Home based - pool maint. and repair

A. The following is a list of **new violation letters** from December 1, 2021 to January 26, 2022:

	Property Address	Violation	Town Action
N/A			

B. The following is a list of **active/previous violations** from December 1, 2021 to January 26, 2022:

	Property Address	Violation	Town Action
1	Rivertown Overlook	Weed violation	Violation Letter sent on 11/24/2021. Reinspect in early January 2022 to check status.
2	204 Union Street	Refuse violation	Violation Letter sent on 11/24/2021. Reinspect in early January 2022 to check status.
3	209 Commerce Street	Refuse and weed violation	Violation Letter sent on 11/24/2021. Reinspect in early January 2022 to check status.
4	Berrywood	Refuse Enclosure Required	Met on-site with developer on 8/3 to discuss next steps and close out of project, including design of enclosure and location; Received ARB approval on enclosure design on 8/24; Zoning application approved. Enclosure completed.
5	201 Union St. – Riverside Coffee and Ice Cream (Baba & Me)	Unpermitted Signage	E-mail correspondence on 8/2/21 and 8/12/21 to work with owner on compliance; some signs removed – some violations remain; <i>Referred to enforcement for action- see above.</i> 30-day appeal period expired on 11/30. Going to magistrate with Summons week of Feb 1, 2022.
6	307 Commerce St.	Residential use in B-1	One-story residential on Commerce Street; complies with O-2021-06 allows residential use by-right; in compliance as of December 7, 2021.
7	204 Ellicott St.	Residential use in B-1	Letter, 1 st Enforcement Action; <i>Action Plan Developed</i> – Current use is mixed-use; business front Ellicott Street and residential in rear; in compliance
8	303 Commerce St.	Residential use in B-1	Letter, 1 st Enforcement Action; <i>Action Plan Developed – In Progress</i>
9	201 Union St.	Refuse Enclosure Required	Letter - 1 st Enforcement Action; Town Manager attempted to work with property owner to bring into compliance; property owner – last written communication requesting complete zoning application sent 8/25 – Zoning Application submitted 10/21/21. Meeting on-site with ZA 11/4 to discuss options for compliance. Mostly resolved on 12/6 visit. One last follow up in early January to ensure compliance.

Building Official

Please see the attached monthly report provided by Prince William County providing information on permits within the Town of Occoquan. Below are status notes related to permits issued two or more years ago as of January 26, 2022:

Permit No.	Address	Type	Status	Issue Date	Note
BLD-2019-00547	402 Fortress Way	Building	Issued	07/30/2018	No inspections have been made.
GAS2019-00432	270 Gaslight Landing Ct	Gas	Issued	9/20/2018	No inspections have been made.
PLB2020-00752	201 Mill Street	Plumbing	Issued	10/1/2019	No inspections have been made.
BLD2018-04471	313 Mill Street	Building	Issued	02/23/2018	No inspections have been made

Permit No.	Address	Type	Status	Issue Date	Note
BLD2014-05879	1441 Occoquan Heights Ct	Building	Issued	04/25/2014	Footing Inspection Approved 5/5/2014
BLD2018-04008	199 Union Street	Building	Issued	01/31/2018	No inspections have been made
PLB2018-01862	199 Union Street	Plumbing	Issued	01/31/2018	450 Final Inspection rejected on 4/12/2018
PLB2018-02373	411 Union Street	Plumbing	Issued	03/23/2018	404 Sewer Lateral Inspection approved on 3/29/2018
BLD2019-00785 ELE2019-00643 PLB2019-00381	131 Washington Street	Building Electrical Plumbing	Issued	08/13/2018	198 Combination concealment rejected on 9/18/2018
PLB2018-01956	103 West Locust Street	Plumbing	Issued	02/08/2018	No inspections have been made
BLD2018-02984 ELE2020-04159 GAS2021-00349 MEC2021-00002 PLB2021-00536	430 Mill Street – Kiely Court	Various	Issued	2019-2021	Kiely Court Project – in progress
Various	1551 – 1556 Rivertown Place	Various	Issued	Various	Rivertown Overlook Project – in progress
BLD2022-03797 MEC2022-01673 MEC2022-01674 PLB2022-01611	200 Mill Street – Mill Street Beer Garden TLO	Various	Pending	Pending	Permit review in progress

Staff will work with Prince William County Building Department staff to develop a letter template to notify property owners within the town of outstanding open permits.

Public Safety

Departmental Goals

- Goal 1: Provide for the public safety of the persons and property of the residents, businesses, and visitors of the Town of Occoquan.
- Goal 2: Promote a professional and accountable police department.
- Goal 3: Promote safe roads and sidewalks in the Town of Occoquan.

Current Initiatives

Continued patrol and business coverage in town. Continued community policing and safe sidewalks. Continued speed enforcement on Route 123, Washington Street, and Union Street/Tanyard Hill Road. Continued DMV selective enforcement grants to address impaired driving, reduce accidents, and increase pedestrian safety. Updated emergency management policies in relation to weather incidents.

Community Relations

Engaged in foot patrols during times of high pedestrian traffic in Town. Officers provided assistance and coverage during inclement weather incidents (see summary narrative below). Officers spoke with business owners and residents throughout the month.

Emergency Management

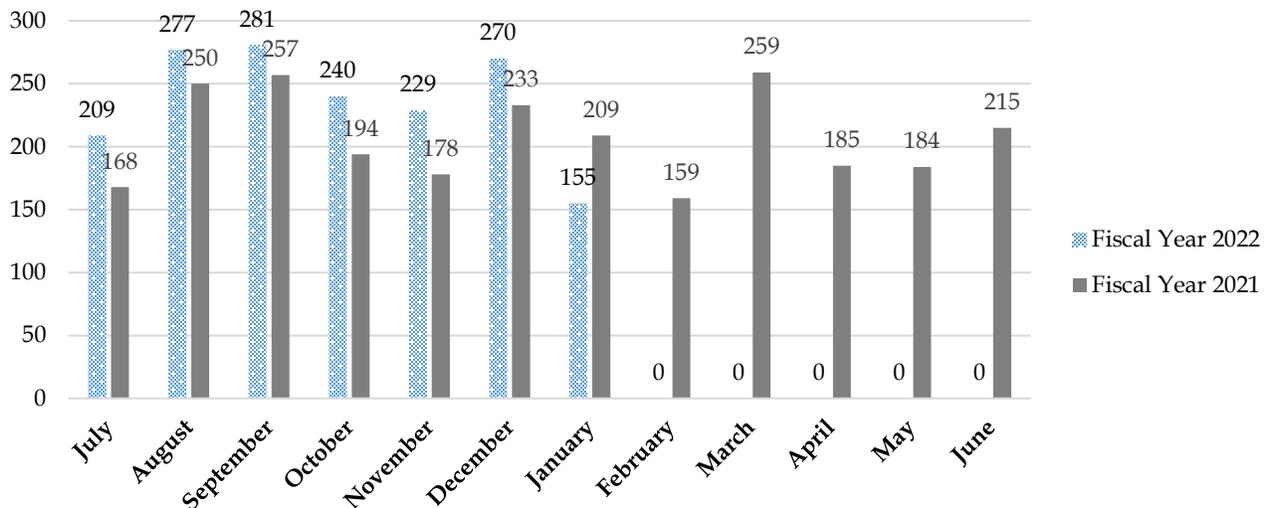
On January 3, 2022, Winter Storm Frida impacted the Commonwealth of Virginia, including Northern Virginia and the Town of Occoquan. This weather event deposited approximately 8 inches of heavy snow in the Town. Wind gusts in excess of thirty miles per hour accompanied the frozen precipitation. Regional roadways became impassible while widespread losses of electrical and internet utilities challenged public safety and public service capabilities for extended periods of time. Neighboring communities in many cases were without these essential services for days following the storm's departure from the National Capital Region.

The Town Police and leadership began formulating an incident specific preparedness plan several days prior to the storm's impact, carrying these efforts forward through the Town's recovery actions and eventual return to normal. Actions included, preparing an Incident Action Plan, enhanced monitoring and communication with local and state emergency management agencies, public safety partners, the National Weather Service, and the Metropolitan Council of Governments. Equipment and supply readiness was assessed and where needed, fortified by Town Police as well as Public Works personnel. Activities such as emergency tree clearing from roadways were undertaken by police officers during and following the snowfall. An enhanced, highly visibility law enforcement and fire watch patrol was implemented by the police department personnel. Officers removed downed wires on several roads that impacted driving and snow removal. Full-time, part-time, and auxiliary officers came together to offer a continuous provision of public safety. The Town Police also secured snow plowing assistance in several locations prior to VDOT and the Town contractor being able to respond to Town. This was done at no cost to the Town.

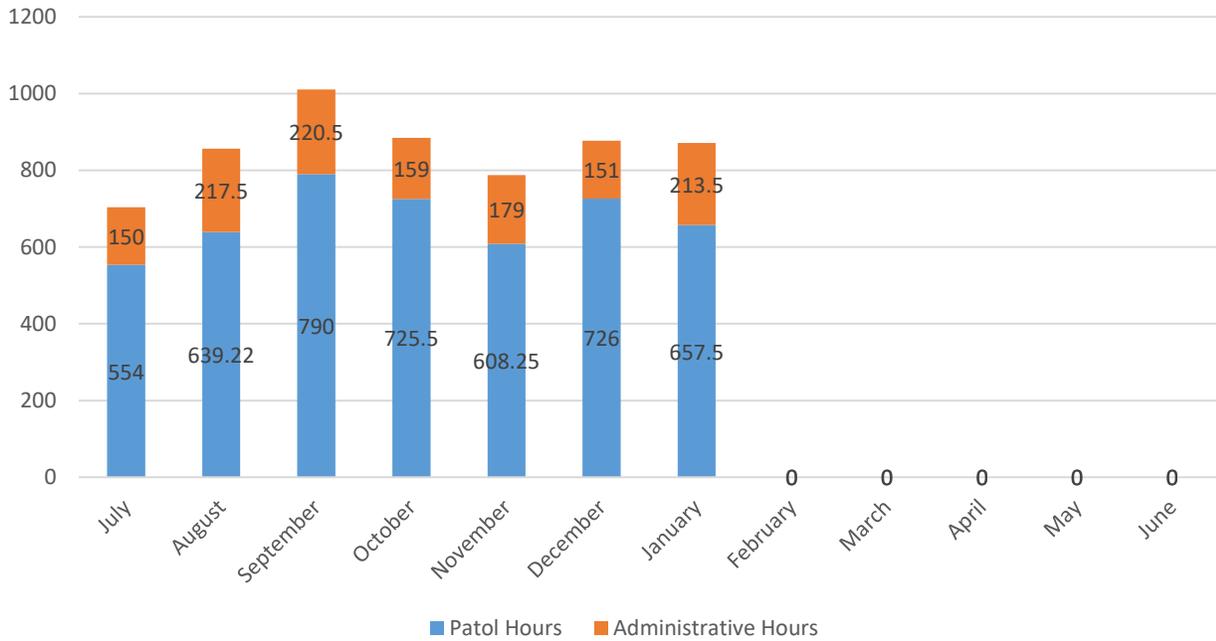
Patrol and Enforcement Activities

As of January 25, 2022, in the month of January, the Town Police made 23 business checks and 65 park checks. The Town Police also had 74 calls for service, with 10 suspicious person/vehicle/circumstance calls, 8 disabled vehicles/motorist assist calls, 6 animal calls, 6 vehicle accidents, 3 traffic control calls, 2 trespassing calls, 2 alarm calls, 2 domestic in progress calls, 2 stolen vehicle recovered calls, 2 warrant calls, 1 disorderly/assault in progress calls, 1 burglary in progress call, 1 emotionally disturbed person call, 1 roadway obstruction call, 1 hit & run call, 1 impaired driving call, 1 phone harassment call, 1 welfare check, 1 fleeing and eluding, multiple service/assist calls, and issued 155 traffic summonses, 19 parking violations, and 42 warnings.

Traffic Summonses FYTD (GRAPH)



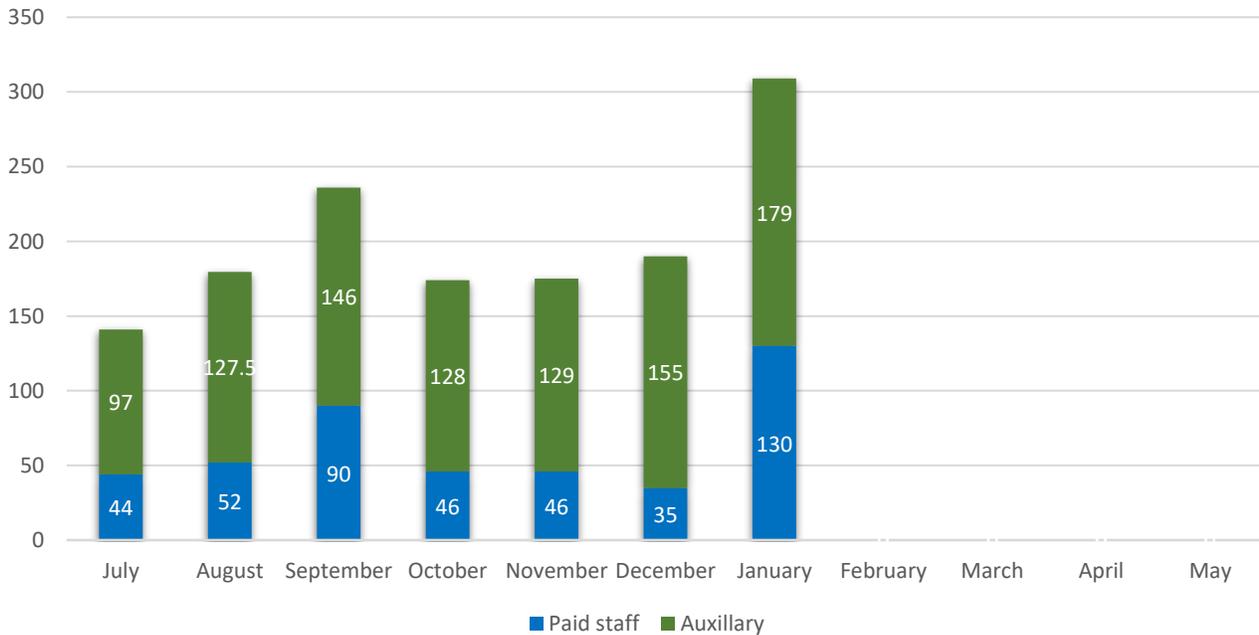
Patrol/Administrative Hours FYTD (GRAPH)



Volunteer in Police Service

For fiscal year 2022, our auxiliary police officers and paid police staff have donated a total of 1,404.5 uncompensated hours to the Town. Below is a list of volunteer hours (uncompensated time) provided by our auxiliary police officers and paid police staff:

Volunteered Hours



Public Works

Weekly Activities

The Public Works Department engages in the following regular maintenance activities:

Activity	Daily, M-F	Sat/Sun	Weekly	Monthly	Notes
Trash Collection/Check	X	X			Weekend checks during high traffic seasons
Street Sweeping			X		Sweeping Season: April - October
Check/Repair Gaslights	X				Review and schedule repairs as needed
Check/Repair Gaslight Banners	X				
Check/Clean Trash/Recycling Cans			X		Clean as needed
Check/Replace Doggie Bags			X		
Check/Clear Storm drains			X		Weekly + Storm Prep
Check Public Restrooms	X	X			Weekend checks during high traffic seasons
Contractor Cleaning - RMP			X		Contractor cleans Fridays and Mondays
Check Tanyard Hill Park			X		Review and schedule repairs as needed
Check Mamie Davis Park and Boardwalk	X				Review and schedule repairs as needed
Check River Mill Park	X				Review and schedule repairs as needed
Check Furnace Branch Park			X		Review and schedule repairs as needed
Minor Brick Sidewalk Check/Repairs			X		Review and schedule repairs as needed
Check/Replace Flags			X		
Maintain Town Equipment			X		Vehicle and small engine repair, seasonal and as needed
Maintain Town Buildings			X		Review and schedule repairs as needed
Clean Town Vehicle			X		Ensure cleanliness and care of town vehicle
Maintain Annex/PW Facility	X				External and Internal clean up and organization
Check/Maintain Dumpster and storage area				X	
Water Flowers	X				Seasonal
Graffiti Check/Removal	X				
Litter Check/Removal	X				

Maintenance Highlights (January 2022)

- Provided support to respond to winter weather events
- Met with PWC to review Scope of Work for paving projects for FY2022 in order to obtain quote
- Working on Scope of Work for other public works capital projects scheduled for FY2022

Upkeep and Maintenance Projects

Below is an updated list of maintenance activities with statuses updated as of January 26, 2022:

Project	Not Started	In Progress	Completed
Town Hall Bathroom Remodel	X		
Town Hall Kitchen Remodel	X		
River Mill Bathroom Upgrades	X		
Repair Town Hall Eve Damaged due to Tree	X		
Clean Lower Level Emergency Exit Stairs at Town Hall	X		
Install Custom Bricks at River Mill Park		X	
Backup Generator Project		X	
Paint cigarette Urns	X		
Install new fence at Mamie Davis Park	X		
Install replacement bench in River Mill Park		X	
Paint street sign poles black outside of historic district		X	
Paint Yellow curbs	X		
Address dirt area near LOVE sign steps	X		
Paint Town Hall front steps sides	X		
Repair Town Hall landscape lighting	X		
Repair concrete steps at Town Hall	X		
Clean/Maintain River Mill Park Light/Poles		X	
Clean off Kayak Ramp			X
Repair broken light on Fairfax side of footbridge		X	
Develop Art installation project for Agnes Commemoration		X	
Install curb stops along fence line in Town parking lot	X		
Remove graffiti from under bridge (ongoing), town		X	
Replace sensor at RMP for park lights		X	
Obtain Quote for electrical along fence line in RMP			X
Repair town portable generator	X		
Complete minor brick repairs		X	
Complete repairs on Riverwalk/dock - replace boards; reattach; safety issues		X	
Schedule power wash of Riverwalk/dock	X		
Review/schedule major repairs to brick sidewalk areas	X		
Clean up and organize PW Annex		X	
Repair heater in RMP Bathroom		X	
Main Office Reorganization - Town Hall	X		
Obtain Quote for Street Maintenance FY22 Capital Projects		X	
Obtain Quote for concrete repairs on West Locust		X	
Obtain Quote for major brick repair locations		X	
Support Winter Weather Events		X	
Remove and store holiday decorations			X
Address icing issues along Mill Street - Daily coordination with VDOT to treat as needed		X	
Met with VDOT regarding water issue on Mill Street		X	
Building maintenance - light repairs at town hall		X	
Coordinate Intersection Improvement project		X	

Brick Installation and Maintenance Projects - Below is the status of the replacement and maintenance of sidewalk bricks:

Location	Not Started	In Progress	Completed	Notes
Corner by Post Office		X		Contractor Quote requested - concrete curb/rebuild needed [minor repairs made]
206 Mill Street		X		Contractor Quote requested - concrete curb/rebuild needed
Town Hall	X			
203 Union Street		X		Contractor Quote requested - concrete curb/rebuild needed
Corner of Center/Washington		X		Contractor Quote requested - connect concrete into Brick, repair brick work
304 Mill Street (Ballywhack)		X		Brick over dirt area - Contractor Quote requested
Minor Brick Repairs - Throughout Historic District		X		Scheduled for repairs by Maintenance Supervisor

**Minor brick repairs are in progress.*

Events and Community Development

- Planning for 2022:** Staff's primary focus for the new year will be on RiverFest, scheduled for June 4 and 5, 2022. The Occoquan Business Partners and Town staff will continue to partner on major tourism events for 2022.

**Town of Occoquan - Permit Report
January 2022**

Permit Number	Main Address	Description	Permit Type	Permit Status	Permit Workclass	Issue Date	Finalize Date
ELE2022-02941	1541 COLONIAL DR	REPLACE THE EXISTING 400 AMP MAIN BREAKER METER SECTION WITH 16 INDIVIDUAL METERS IN THE ELECTRICAL ROOM OF BUILDING	Electrical	Pending	C - Alteration/Repair		
ELE2021-04934	124 COMMERCE ST	INSTALLATION OF GENERATOR	Electrical	Pending	C - Accessory Structure		
BLD2019-03820	206 COMMERCE ST	ANTENNA MOUNTED TO POLE IN TOWN OF OCCOQUAN.	Building	Pending	C - Alteration/Repair		
BLD2019-00547	402 FORTRESS WAY	KITCHEN RENOVATION TO CONDO UNIT - FOR KITCHEN CABINETS, CUTTING INTO THE CEILING TO INSTALL LIGHTS	Building	Issued	C - Alteration/Repair	07/30/2018	
BLD2021-07195	459 FORTRESS WAY	Installation of a new timber retaining wall with 6 x 6 pressure treated lumber. Inclusive of backfill and compact excavated areas with finished grade sloped and the installation of a new foundation drainage system and new clean stone.	Building	Issued	C - Retaining Wall	11/05/2021	
GAS2019-00432	270 GASLIGHT LANDING CT	ALTERATION/REPAIRS TO REPLACE HVAC UNIT AND FURNACE LIKE FOR LIKE	Gas	Issued	C - Alteration/Repair	09/20/2018	
ELE2022-02892	115 MILL ST	This project consists of upgrading the existing SCADA System (Data Acquisition) and Radio System at the existing L-73 Lift Station which is owned by the Prince William County Service Authority. The work involves removing the Existing Scada Cabinet and installing a new one and providing a few new security devices such as Camera's and door card readers for identification. This installation only involves electrical work. I have discussed this project with Zoning and Land Development and both have said since this is an existing commercial building that they do no need to review.	Electrical	Issued	C - Alteration/Repair	01/11/2022	
BLD2022-03797	200 MILL ST	TENANT LAYOUT FOR MILL STREET BEER GARDEN IN THE TOWN OF OCCOQUAN.	Building	Pending	C - Tenant Layout		
MEC2022-01673	200 MILL ST	TENANT LAYOUT FOR MILL STREET BEER GARDEN IN THE TOWN OF OCCOQUAN.	Mechanical	Pending	C - Tenant Layout		
MEC2022-01673	200 MILL ST	TENANT LAYOUT FOR MILL STREET BEER GARDEN IN THE TOWN OF OCCOQUAN.	Mechanical	Pending	C - Tenant Layout		
MEC2022-01674	200 MILL ST	TENANT LAYOUT FOR MILL STREET BEER GARDEN IN THE TOWN OF OCCOQUAN.	Mechanical	Pending	C - Tenant Layout		
MEC2022-01674	200 MILL ST	TENANT LAYOUT FOR MILL STREET BEER GARDEN IN THE TOWN OF OCCOQUAN.	Mechanical	Pending	C - Tenant Layout		
PLB2022-01611	200 MILL ST	TENANT LAYOUT FOR MILL STREET BEER GARDEN IN THE TOWN OF OCCOQUAN.	Plumbing	Pending	C - Tenant Layout		
PLB2022-01611	200 MILL ST	TENANT LAYOUT FOR MILL STREET BEER GARDEN IN THE TOWN OF OCCOQUAN.	Plumbing	Pending	C - Tenant Layout		
PLB2020-00752	201 MILL ST	CAPPING THE WATER SERVICE	Plumbing	Issued	C - Alteration/Repair	10/01/2019	
BLD2018-04471	313 MILL ST	PARTIAL ROOF REPAIR DUE TO WATER DAMAGE - SEE PSTD2018-00224	Building	Issued	C - Alteration/Repair	02/23/2018	
BLD2022-04172	406 MILL ST	Pergola encompassing back patio. with removeable vinyl sides and top for inclement weather.	Building	Pending	C - Accessory Structure		
ELE2022-00482	415 MILL ST	TLO FOR POPPS	Electrical	Pending	C - Tenant Layout		
MEC2021-02381	415 MILL ST	TLO FOR POPPS	Mechanical	Pending	C - Tenant Layout		
PLB2022-00959	415 MILL ST	TLO FOR POPPS	Plumbing	Pending	C - Tenant Layout		
BLD2022-01583	416 MILL ST	(SEE BCE2021-00265) Construct a covered roof over existing patio. Located in the rear of the existing restaurant bldg and does not increase the previous occupant load.	Building	Pending	C - Tenant Layout		
BLD2018-02984	430 MILL ST	*SEE NOTE* KIELY RESIDENCE - LOT SPECIFIC SFD - PRIOR TO BEGINNING CONSTRUCTION ON NEW SFD, BLD2019-04458 (SHEETING & SHORING) MUST HAVE AN APPROVED FINAL INSPECTION/BE COMPLETED.	Building	Issued	R - New Single Family Dwelling	04/15/2019	
ELE2020-04159	430 MILL ST	HOUSE ELECTRICAL	Electrical	Issued	R - New Single Family Dwelling	04/07/2020	
GAS2021-00349	430 MILL ST	1 gas fireplace , 1 gas range , 1 gas stove , 1 gas water heater	Gas	Issued	R - New Single Family Dwelling	08/31/2020	
MEC2021-00002	430 MILL ST	DUCTWORK AND HVAC INSTALL **05/14/2021** added prefab fireplace to permit	Mechanical	Issued	R - New Single Family Dwelling	08/26/2020	
PLB2021-00536	430 MILL ST	water and sewer	Plumbing	Issued	R - New Single Family Dwelling	08/31/2020	
ELE2022-02501	440 MILL ST	//GBC correct crawl space wiring	Electrical	Issued	C - Alteration/Repair	11/18/2021	
BLD2022-02422	458 MILL ST	TEMPORARY INFLATABLE MOVIE SCREEN - EVENT ON 10/23/2021	Building	Issued	C - Temporary Activity	10/22/2021	
ELE2022-02893	458 MILL ST	SCADA Cabinet UPGRADE - A/R	Electrical	Issued	C - Alteration/Repair	01/12/2022	
BLD2014-05879	1441 OCCOQUAN HEIGHTS CT	DECK	Building	Issued	R - Addition	04/25/2014	
BLD2018-04392	1551 RIVERTOWN PL	LOT SPECIFIC TOWNHOUSE - LOT 1 1551 RIVERTOWN PLACE	Building	Issued	R - New Townhouse	03/22/2018	
ELE2019-04221	1551 RIVERTOWN PL	LOT SPECIFIC TOWNHOUSE - LOT 1 1551 RIVERTOWN PLACE	Electrical	Issued	R - New Townhouse	04/29/2019	
GAS2019-00596	1551 RIVERTOWN PL	LOT SPECIFIC TOWNHOUSE - LOT 1 1551 RIVERTOWN PLACE	Gas	Issued	R - New Townhouse	10/22/2018	
MEC2019-01181	1551 RIVERTOWN PL	INSTALL NEW HVAC	Mechanical	Issued	R - New Townhouse	11/20/2018	
PLB2019-00861	1551 RIVERTOWN PL	LOT SPECIFIC TOWNHOUSE - LOT 1 1551 RIVERTOWN PLACE	Plumbing	Issued	R - New Townhouse	10/22/2018	
BLD2018-04390	1552 RIVERTOWN PL	LOT SPECIFIC TOWNHOUSE - LOT 6 1552 RIVERTOWN PLACE	Building	Issued	R - New Townhouse	03/22/2018	
ELE2022-01737	1552 RIVERTOWN PL	INSTALL 200 AMPS SERVICE / LTS/SW/SM/ OUTLETS	Electrical	Issued	R - New Townhouse	10/11/2021	
GAS2022-00768	1552 RIVERTOWN PL	ROUGH IN GAS LINES FOR NEW CONSTRUCTION	Gas	Issued	R - New Townhouse	10/15/2021	
MEC2022-00972	1552 RIVERTOWN PL	Installation of A/C, gas furnace, and ductwork	Mechanical	Issued	R - New Townhouse	10/25/2021	
PLB2022-00888	1552 RIVERTOWN PL	ROUGH IN PLUMBING FOR NEW CONSTRUCTION	Plumbing	Issued	R - New Townhouse	10/15/2021	
BLD2018-04393	1553 RIVERTOWN PL	LOT SPECIFIC TOWNHOUSE - LOT 2 1553 RIVERTOWN PLACE	Building	Issued	R - New Townhouse	03/22/2018	
ELE2019-04222	1553 RIVERTOWN PL	LOT SPECIFIC TOWNHOUSE - LOT 2 1553 RIVERTOWN PLACE	Electrical	Issued	R - New Townhouse	04/29/2019	
GAS2019-00598	1553 RIVERTOWN PL	LOT SPECIFIC TOWNHOUSE - LOT 2 1553 RIVERTOWN PLACE	Gas	Issued	R - New Townhouse	10/22/2018	
MEC2019-01193	1553 RIVERTOWN PL	INSTALL NEW HVAC SYSTEM	Mechanical	Issued	R - New Townhouse	11/21/2018	
PLB2019-00864	1553 RIVERTOWN PL	LOT SPECIFIC TOWNHOUSE - LOT 2 1553 RIVERTOWN PLACE	Plumbing	Issued	R - New Townhouse	10/22/2018	
BLD2018-04376	1554 RIVERTOWN PL	LOT SPECIFIC TOWNHOUSE - LOT 5 1554 RIVERTOWN PLACE	Building	Issued	R - New Townhouse	03/22/2018	
ELE2022-01736	1554 RIVERTOWN PL	INSTALL 200 AMPS SERVICE SW/ SM / OUTLETS / LTS	Electrical	Issued	R - New Townhouse	10/11/2021	
GAS2022-00767	1554 RIVERTOWN PL	ROUGH IN GAS LINES FOR NEW CONSTRUCTION	Gas	Issued	R - New Townhouse	10/15/2021	
MEC2022-00971	1554 RIVERTOWN PL	Installation of new A/C, gas furnace, and ductwork	Mechanical	Issued	R - New Townhouse	10/25/2021	

**Town of Occoquan - Permit Report
January 2022**

Permit Number	Main Address	Description	Permit Type	Permit Status	Permit Workclass	Issue Date	Finalize Date
PLB2022-00887	1554 RIVERTOWN PL	ROUGH IN PLUMBING FOR NEW CONSTRUCTION	Plumbing	Issued	R - New Townhouse	10/15/2021	
BLD2018-04394	1555 RIVERTOWN PL	LOT SPECIFIC TOWNHOUSE - LOT 3 1555 RIVERTOWN PLACE	Building	Issued	R - New Townhouse	03/22/2018	
ELE2019-04220	1555 RIVERTOWN PL	LOT SPECIFIC TOWNHOUSE - LOT 3 1555 RIVERTOWN PLACE	Electrical	Issued	R - New Townhouse	04/29/2019	
GAS2019-00599	1555 RIVERTOWN PL	LOT SPECIFIC TOWNHOUSE - LOT 3 1555 RIVERTOWN PLACE	Gas	Issued	R - New Townhouse	10/22/2018	
MEC2019-01194	1555 RIVERTOWN PL	INSTALL NEW HVAC	Mechanical	Issued	R - New Townhouse	11/21/2018	
PLB2019-00865	1555 RIVERTOWN PL	LOT SPECIFIC TOWNHOUSE - LOT 3 1555 RIVERTOWN PLACE	Plumbing	Issued	R - New Townhouse	10/22/2018	
BLD2018-04375	1556 RIVERTOWN PL	LOT SPECIFIC TOWNHOUSE - LOT 4 1556 RIVERTOWN PLACE	Building	Issued	R - New Townhouse	03/22/2018	
ELE2022-01735	1556 RIVERTOWN PL	Install 200 amps service / outlet's / SW/ SM/ LTS by code	Electrical	Issued	R - New Townhouse	10/11/2021	
GAS2022-00766	1556 RIVERTOWN PL	ROUGH IN GAS LINES FOR NEW CONSTRUCTION	Gas	Issued	R - New Townhouse	10/15/2021	
MEC2022-00973	1556 RIVERTOWN PL	Installation of A.C, gas furnace, and ductwork	Mechanical	Issued	R - New Townhouse	10/25/2021	
PLB2022-00886	1556 RIVERTOWN PL	rough in plumbing for new construction	Plumbing	Issued	R - New Townhouse	10/15/2021	
BLD2018-04008	199 UNION ST	UPDATE AND REPAIR BATHROOM IN RENTAL APARTMENT.***MUST PAY BCE ADMIN FEE***	Building	Issued	C - Alteration/Repair	01/31/2018	
PLB2018-01862	199 UNION ST	INTERIOR RENOVATIONS TO LAUNDRY AND BATHROOM IN RESIDENCE ON THE SECOND FLOOR. 1 BATH, 1 DRAIN.	Plumbing	Issued	C - Alteration/Repair	01/31/2018	
BLD2020-03981	202 UNION ST	ALTERATION/REPAIRS TO DEMO SPACE FOR FUTURE TENANT	Building	Issued	Demolition	02/12/2020	
BLD2020-04453	202 UNION ST	SALAD SALOON - TLO	Building	Pending	C - Tenant Layout		
MEC2020-02163	202 UNION ST	SALAD SALOON - TLO	Mechanical	Pending	C - Tenant Layout		
PLB2021-00690	202 UNION ST	SALAD SALOON - TLO	Plumbing	Pending	C - Tenant Layout		
BLD2021-08525	206 UNION ST	Converting existing retails space to new Nail Salon.	Building	Issued	C - Tenant Layout	11/15/2021	
ELE2022-01996	206 UNION ST	Converting existing retails space to new Nail Salon.	Electrical	Issued	C - Tenant Layout	11/22/2021	
MEC2022-01112	206 UNION ST	Converting existing retails space to new Nail Salon.	Mechanical	Issued	C - Tenant Layout	01/14/2022	
PLB2022-01118	206 UNION ST	Converting existing retails space to new Nail Salon.	Plumbing	Pending	C - Tenant Layout		
PLB2018-02373	411 UNION ST	CONVERTING FROM SEPTIC TO PUBLIC SEWER	Plumbing	Issued	R - Alteration/Repair	03/23/2018	
BLD2022-01979	105 VISTA KNOLL DR	12' X 20' OPEN DECK NO STAIRS - PER PLANS	Building	Issued	R - Addition	09/29/2021	
BLD2021-00870	127 WASHINGTON ST	A/R TO ADD BEDROOM & QUARTERS ABOVE KITCHEN	Building	Issued	R - Alteration/Repair	11/09/2020	
ELE2021-02202	127 WASHINGTON ST	Add bedroom and quarters above kitchen	Electrical	Issued	R - Alteration/Repair	11/15/2020	
MEC2021-01175	127 WASHINGTON ST	install heat pump with duct work	Mechanical	Issued	R - Alteration/Repair	11/20/2020	
PLB2021-02432	127 WASHINGTON ST	A/R TO ADD BEDROOM & QUARTERS ABOVE KITCHEN	Plumbing	Issued	R - Alteration/Repair	04/01/2021	
BLD2019-00785	131 WASHINGTON ST	FINISH BASEMENT -*REVISED 9/19/18 TO REMOVE BEDROOM - SPACE WILL BE A REC ROOM NOW, WINDOW THAT WAS INSTALLED DID NOT REQUIRE MODIFICATION OF WINDOW OPENING* INSTALLING INTERIOR DOOR AND WET BAR- NON STRUCTURAL WORK	Building	Issued	R - Alteration/Repair	08/13/2018	
ELE2019-00643	131 WASHINGTON ST	FINISH BASEMENT -*REVISED 9/19/18 TO REMOVE BEDROOM - SPACE WILL BE A REC ROOM NOW, WINDOW THAT WAS INSTALLED DID NOT REQUIRE MODIFICATION OF WINDOW OPENING* INSTALLING INTERIOR DOOR AND WET BAR- NON STRUCTURAL WORK	Electrical	Issued	R - Alteration/Repair	08/16/2018	
PLB2019-00381	131 WASHINGTON ST	FINISH BASEMENT -*REVISED 9/19/18 TO REMOVE BEDROOM - SPACE WILL BE A REC ROOM NOW, WINDOW THAT WAS INSTALLED DID NOT REQUIRE MODIFICATION OF WINDOW OPENING* INSTALLING INTERIOR DOOR AND WET BAR- NON STRUCTURAL WORK	Plumbing	Issued	R - Alteration/Repair	08/15/2018	
PLB2021-00738	142 WASHINGTON ST	WATER SERVICE REPLACEMENT	Plumbing	Issued	R - Alteration/Repair	09/23/2020	
BLD2022-01142	202 WASHINGTON ST	(SEE BCE2022-00035) NEW TENANT BUILD-OUT FOR A NAIL SPA	Building	Issued	C - Tenant Layout	09/28/2021	
ELE2022-01465	202 WASHINGTON ST	(SEE BCE2022-00035) NEW TENANT BUILD-OUT FOR A NAIL SPA	Electrical	Issued	C - Tenant Layout	11/22/2021	
MEC2022-00655	202 WASHINGTON ST	(SEE BCE2022-00035) NEW TENANT BUILD-OUT FOR A NAIL SPA	Mechanical	Issued	C - Tenant Layout	11/22/2021	
PLB2022-00561	202 WASHINGTON ST	(SEE BCE2022-00035) NEW TENANT BUILD-OUT FOR A NAIL SPA	Plumbing	Issued	C - Tenant Layout	11/22/2021	
BLD2022-02442	206 WASHINGTON ST	Change of Use of an existing residential space to an office. Demo and new construction of existing space to follow update ADA requirements. Mixed use.	Building	Pending	C - Tenant Layout		
MEC2022-01565	206 WASHINGTON ST	Change of Use of an existing residential space to an office. Demo and new construction of existing space to follow update ADA requirements. Mixed use.	Mechanical	Pending	C - Tenant Layout		
PLB2022-01433	206 WASHINGTON ST	Change of Use of an existing residential space to an office. Demo and new construction of existing space to follow update ADA requirements. Mixed use.	Plumbing	Pending	C - Tenant Layout		
PLB2022-01433	206 WASHINGTON ST	Change of Use of an existing residential space to an office. Demo and new construction of existing space to follow update ADA requirements. Mixed use.	Plumbing	Pending	C - Tenant Layout		
PLB2018-01956	103 WEST LOCUST ST	Water Service	Plumbing	Issued	R - Alteration/Repair	02/08/2018	

Permit Issued Over 2 Years Old
Development Project

END OF REPORT

TOWN OF OCCOQUAN
FINANCIAL STATEMENTS
AS OF 12/31/2021

	As of 7/1/21 (unaudited)	<i>Unaudited Income/ (Loss) YTD FY22</i>	As of 12/31/2021
Nonspendable:			
Inventory	\$ -	\$ -	\$ -
Restricted:			
Mamie Davis Fund	\$ 100,000	\$ -	\$ 100,000
Assigned:			
Operating Reserves	\$ 70,127	\$ -	\$ 70,127
Events Fund	\$ 25,000	\$ 33,137	\$ 58,137
CIP Fund *	\$ 148,900	\$ (2,236)	\$ 146,664
Financing Proceeds	\$ 25,271	\$ -	\$ 25,271
Public Safety Grant Fund	\$ 64,237	\$ 8,698	\$ 72,935
CARES Act fund	\$ 8,302	\$ (8,302)	\$ -
ARPA Fund	474,780	\$ -	\$ 474,780
Mamie Davis Park Fund	\$ 11,109	\$ 254	\$ 11,363
PEG Fund	\$ 1,562	\$ -	\$ 1,562
Public Art Fund	500	\$ -	\$ 500
Subtotal Assigned:	\$ 829,788	\$ 31,552	\$ 861,340
Unassigned	-	\$ (88,637)	\$ (88,637)
Total Available Fund Balance:	\$ 929,788	\$ (57,085)	\$ 872,703

*CIP paid by CARES is counted in CARES only

The Town of Occoquan
Profit & Loss Budget Performance
July through December 2021

	Jul - Dec 21	Annual Budget	Over/(Under) Budget	% of Budget
Ordinary Income/Expense				
Income				
40000 · TAXES				
40010 · Real Estate	\$ 1,584	\$ 249,189	\$ (247,605)	1%
40020 · Meals Tax	\$ 137,977	\$ 228,000	\$ (90,023)	61%
40030 · Sales Tax	\$ 14,531	\$ 30,000	\$ (15,469)	48%
40040 · Utility Tax	\$ 15,106	\$ 28,800	\$ (13,694)	52%
40050 · Communications Tax	\$ 11,298	\$ 35,000	\$ (23,702)	32%
40060 · Transient Occupancy Tax	\$ 7,386	\$ 11,200	\$ (3,814)	66%
Total 40000 · TAXES	\$ 187,881	\$ 582,189	\$ (394,308)	32%
41000 · FEES/LICENSES				
41010 · Vehicle License	\$ 8,914	\$ 12,000	\$ (3,086)	74%
41020 · Business Licenses	\$ 9,076	\$ 68,800	\$ (59,724)	13%
41030 · Late Fees	\$ 290	\$ 2,500	\$ (2,210)	12%
41040 · FINES (PUBLIC SAFETY)	\$ 193,617	\$ 297,580	\$ (103,963)	65%
41100 · Administrative Fees	\$ 2,948	\$ 5,000	\$ (2,052)	59%
41120 · Service Revenue - Eng	\$ 6,705	\$ 10,000	\$ (3,295)	67%
41130 · Service Revenue - Legal	\$ 4,727	\$ 10,000	\$ (5,273)	47%
41140 · Service Revenue - Other	\$ -	\$ 1,000	\$ (1,000)	0%
41170 · E-Summons	\$ 742	\$ 7,000	\$ (6,258)	11%
41000 · FEES/LICENSES - Other	\$ -	\$ 2,500	\$ (2,500)	0%
Total 41000 · FEES/LICENSES	\$ 227,751	\$ 416,380	\$ (188,629)	55%
42000 · GRANTS				
42010 · LITTER	\$ 1,329	\$ 1,050	\$ 279	127%
42020 · HB 599	\$ 11,844	\$ 23,686	\$ (11,842)	50%
Total 42021 · NHSTA (DMV)	\$ 2,255	\$ 14,594	\$ (12,340)	15%
Total 42000 · GRANTS	\$ 24,235	\$ 39,330	\$ (15,095)	62%
43000 · RENTALS				
43010 · Town Hall	\$ -	\$ 500	\$ (500)	0%
43020 · River Mill Park	\$ 1,950	\$ 2,000	\$ (50)	98%
43030 · Mamie Davis Park Rental	\$ 550	\$ 2,000	\$ (1,450)	28%
43040 · 200 Mill St	\$ -	\$ 7,500	\$ (7,500)	0%
Total 43000 · RENTALS	\$ 2,500	\$ 12,000	\$ (9,500)	21%
44000 · OTHER				
44010 · General Fund Interest	\$ 434	\$ 120	\$ 314	362%
44060 · Other	\$ 52	\$ 1,000	\$ (948)	5%
Total 44000 · OTHER	\$ 506	\$ 1,120	\$ (614)	45%
Total Income	\$ 442,928	\$ 1,051,019	\$ (608,091)	42%
Gross Profit	\$ 442,928	\$ 1,051,019	\$ (608,091)	42%
Expense				
Total 60000 · PERSONNEL SERVICES	\$ 288,598	\$ 633,918	\$ (345,320)	46%
Total 60400 · PROFESSIONAL SERVICES	\$ 77,070	\$ 156,770	\$ (79,700)	49%
Total 60800 · INFORMATION TECH SERV	\$ 12,652	\$ 27,205	\$ (14,553)	47%
Total 61200 · MATERIALS AND SUPPLIES	\$ 20,167	\$ 20,008	\$ 159	101%
Total 61600 · OPERATIONAL SERVICES	\$ 4,341	\$ 7,500	\$ (3,159)	58%
Total 62000 · CONTRACTS	\$ 51,920	\$ 82,000	\$ (30,080)	63%
Total 62400 · INSURANCE	\$ 16,446	\$ 28,000	\$ (11,554)	59%
Total 62800 · PUBLIC INFORMATION	\$ 1,679	\$ 2,500	\$ (821)	67%
Total 63200 · ADVERTISING	\$ 2,098	\$ 2,000	\$ 98	105%
Total 63600 · TRAINING AND TRAVEL	\$ 5,897	\$ 16,450	\$ (10,553)	36%
Total 64000 · VEHICLES AND EQUIPMENT	\$ 12,071	\$ 23,530	\$ (11,459)	51%
Total 64400 · SEASONAL	\$ 5,726	\$ 3,000	\$ 2,726	191%
64700 · FACILITIES EXPENSE				
Total 64800 · TOWN HALL	\$ 6,485	\$ 10,690	\$ (4,205)	61%
Total 65200 · MILL HOUSE MUSEUM	\$ 275	\$ 6,090	\$ (5,815)	5%

The Town of Occoquan
Profit & Loss Budget Performance
July through December 2021

	Jul - Dec 21	Annual Budget	Over/(Under) Budget	% of Budget
Total 65600 · 200 Mill Street	\$ 452			
Total 66000 · ANNEX / MAINTENANCE YARD	\$ 2,277	\$ 5,910	\$ (3,633)	39%
Total 66400 · MILL ST STORAGE FACILITY	\$ -	\$ 250	\$ (250)	0%
Total 66800 · RIVER MILL PARK & FACIL	\$ 8,583	\$ 14,970	\$ (6,387)	57%
Total 67200* · MAMIE DAVIS PARK & RIVERWALK	\$ 1,325	\$ 2,650	\$ (1,325)	50%
Total 68400* · STREETS AND SIDEWALKS	\$ 183	\$ 700	\$ (517)	26%
Total 68800 · HISTORIC DISTRICT	\$ 7,086	\$ 14,100	\$ (7,014)	50%
Total 64700 · FACILITIES EXPENSE	\$ 26,681	\$ 55,360	\$ (28,679)	48%
Total Expense	\$ 525,356	\$ 1,058,241	\$ (532,885)	50%
Net Ordinary Income	\$ (82,428)	\$ (7,222)	\$ (75,206)	1141%
General Fund Net Income	\$ (82,271)	\$ (7,222)	\$ (75,049)	1139%

CIP FUND

Ordinary Income/Expense				
Income				
42000 · GRANTS	\$ -	\$ 5,000	\$ (5,000)	0%
Net Ordinary Income	\$ -	\$ 5,000	\$ (5,000)	0%
Other Income/Expense				
Other Expense				
70000 · CIP EXPENSE				
70001 · Streetscape	\$ -	\$ 10,000	\$ (10,000)	0%
70002 · Intersection Improvements	\$ -	\$ 3,400	\$ (3,400)	0%
70003 · Street Maintenance	\$ -	\$ 83,000	\$ (83,000)	0%
70004 · Sidewalk Maintenance	\$ -	\$ 12,000	\$ (12,000)	0%
70005 · Building Maintenance	\$ -	\$ 5,000	\$ (5,000)	0%
70006 · Stormwater Management	\$ -	\$ 10,000	\$ (10,000)	0%
70013 · Parking Management Plan	\$ -	\$ -	\$ -	
70014 · Timed Parking Equipment	\$ -	\$ 5,500	\$ (5,500)	0%
70015 · Gaslight Banner Replacement	\$ -	\$ 5,000	\$ (5,000)	0%
72006 · Riverwalk	\$ -	\$ 10,000	\$ (10,000)	0%
74001 · Vehicles & Equipment	\$ -	\$ 5,000	\$ (5,000)	0%
74002 · In-Vehicle Laptop Replace	\$ -	\$ 4,000	\$ (4,000)	0%
74003 · Body Armor	\$ -	\$ 1,000	\$ (1,000)	0%
74007 · LIDAR Speed Equipment	\$ 2,236	\$ -	\$ 2,236	
CARES Funds: 76005 · A/V Equipment - Town Hall	\$ 5,970	\$ -	\$ 5,970	
Total 70000 · CIP EXPENSE	\$ 8,206	\$ 153,900	\$ (145,694)	5%
Total Other Expense	\$ 8,206	\$ 153,900	\$ (145,694)	5%
Net Other Income	\$ (8,206)	\$ (153,900)	\$ 145,694	5%
Net Income	\$ (8,206)	\$ (148,900)	\$ 140,694	6%

EVENTS FUND

Ordinary Income/Expense				
Income				
44000 · OTHER				
44020 · Events Fund Interest	\$ 540	\$ 3,000	\$ (2,460)	18%
44040 · Bricks Revenue	\$ 714	\$ 3,000	\$ (2,286)	24%
Total 44000 · OTHER	\$ 2,442	\$ 6,000	\$ (3,558)	41%
47000 · EVENTS REVENUE				
47010 · Sponsorships	\$ 3,728	\$ 10,000	\$ (6,272)	37%
47020 · Booth Rentals	\$ 78,478	\$ 170,600	\$ (92,122)	46%
Total 47021 · Ticket Sales	\$ 9,840	\$ 9,590	\$ 250	103%
47030 · Shuttle Fees	\$ 28,268	\$ 53,000	\$ (24,732)	53%
47040 · Parking Space Sales	\$ 4,200	\$ 6,000	\$ (1,800)	70%
47060 · Merchandise	\$ 785	\$ 1,000	\$ (215)	79%

The Town of Occoquan
Profit & Loss Budget Performance
July through December 2021

	Jul - Dec 21	Annual Budget	Over/(Under) Budget	% of Budget
47081 - Alcohol	\$ -	\$ 3,600	\$ (3,600)	0%
Total 47000 - EVENTS REVENUE	\$ 125,298	\$ 253,790	\$ (128,492)	49%
Total Income	\$ 130,539	\$ 259,790	\$ (129,251)	50%
Gross Profit	\$ 130,539	\$ 259,790	\$ (129,251)	50%
Expense				
Total 60000 - PERSONNEL SERVICES	\$ 31,888	\$ 62,892	\$ (31,004)	51%
Total 60400 - PROFESSIONAL SERVICES	\$ 6,678	\$ 10,000	\$ (3,322)	67%
Total 61200 - MATERIALS AND SUPPLIES	\$ 5,896	\$ 5,150	\$ 746	114%
Total 62000 - CONTRACTS	\$ 31,580	\$ 66,700	\$ (35,120)	47%
Total 63200 - ADVERTISING	\$ 6,068	\$ 19,000	\$ (12,932)	32%
Total 64700 - FACILITIES EXPENSE	\$ 245	\$ 1,000	\$ (756)	24%
Total 69200 - SPECIAL EVENTS	\$ 14,340	\$ 12,700	\$ 1,640	113%
Total Expense	\$ 97,401	\$ 177,442	\$ (80,041)	55%
Net Ordinary Income	\$ 33,137	\$ 82,348	\$ (49,211)	40%
Net Income	\$ 33,137	\$ 82,348	\$ (49,211)	40%
MAMIE DAVIS PARK				
Ordinary Income/Expense				
Income				
44000 - OTHER				
44030 - Mamie Davis Park Interest	\$ 254	\$ 500	\$ (246)	51%
Total 44000 - OTHER	\$ 254	\$ 500	\$ (246)	51%
Total Income	\$ 254	\$ 500	\$ (246)	51%
70000 - CIP EXPENSE				
72005 - Mamie Davis Park Renovations	\$ -	\$ 2,000	\$ (2,000)	0%
Total 70000 - CIP EXPENSE	\$ -	\$ 2,000	\$ (2,000)	0%
Total Other Expense	\$ -	\$ 2,000	\$ (2,000)	0%
Net Other Income	\$ -	\$ (2,000)	\$ 2,000	0%
Net Income	\$ 254	\$ (1,500)	\$ 1,754	-17%
Total Net Income/Loss (All Funds)	\$ (57,085)	\$ (75,274)	\$ 18,189	76%

The Town of Occoquan
Balance Sheet Prev Year Comparison
As of December 31, 2021

	Dec 31, 21	Dec 31, 20	\$ Change
ASSETS			
Current Assets			
Checking/Savings			
10001 · Petty Cash - Operating	\$ 100	\$ 100	\$ -
10020 · Sun Trust Operating 0438	\$ -	\$ 2,828	\$ (2,828)
10022 · Operating Account 0058	\$ 47,400	\$ 46,409	\$ 991
10024 · Reserves MM	\$ 200,019	\$ -	\$ 200,019
10029 · Events Fund - Checking 3126	\$ 58,239	\$ -	\$ 58,239
10030 · Events Fund - Checking B&H	\$ -	\$ 4,932	\$ (4,932)
10031 · Events Fund CD - B&H	\$ -	\$ 200,000	\$ (200,000)
10033 · Events Fund - Paypal	\$ 2,039	\$ 2,602	\$ (563)
10034 · VIP - Investment Pool			
25-0001 · VIP 1-3 Year Bond Fund 0001	\$ 224	\$ -	\$ 224
25-5001 · VIP NAV Liquidity Pool 5001	\$ 474,902	\$ 21,519	\$ 453,382
Total 10034 · VIP - Investment Pool	\$ 475,126	\$ 21,519	\$ 453,607
10080 · Mamie Davis Checking - B&H	\$ -	\$ 6,475	\$ (6,475)
10081 · Mamie Davis CD - B&H	\$ -	\$ 100,000	\$ (100,000)
10082 · Mamie Davis Savings	\$ 6,978	\$ -	\$ 6,978
10083 · Mamie Davis CD	\$ 100,000	\$ -	\$ 100,000
10091 · Bricks - PayPal	\$ 494	\$ 592	\$ (97)
10094 · Event Fund - MM 5997	\$ 15,555	\$ 2,541	\$ 13,014
10095 · Bricks MM 2125	\$ 11,299	\$ 9,209	\$ 2,090
Total Checking/Savings	\$ 917,249	\$ 397,207	\$ 520,043
Accounts Receivable			
10180 · Accounts Receivable	\$ (10,965)	\$ 234,291	\$ (245,256)
Total Accounts Receivable	\$ (10,965)	\$ 234,291	\$ (245,256)
Other Current Assets			
10190 · Real Estate Receivable	\$ 2,039	\$ 2,039	\$ -
14990 · Undeposited Funds	\$ 5,049	\$ 2,553	\$ 2,496
Total Other Current Assets	\$ 7,088	\$ 4,592	\$ 2,496
Total Current Assets	\$ 913,372	\$ 636,090	\$ 277,282
TOTAL ASSETS	\$ 913,372	\$ 636,090	\$ 277,282
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
20000 · Accounts Payable	\$ 21,346	\$ 63,140	\$ (41,794)
Total Accounts Payable	\$ 21,346	\$ 63,140	\$ (41,794)
Credit Cards			
22000 · Credit Cards			
22020 Home Depot	\$ 197	\$ -	\$ 197
22010 · ExxonMobil	\$ 1,247	\$ 806	\$ 442
22030 · Lowe's Proservices	\$ 579	\$ 373	\$ 206
22040 · United Bank Credit Cards	\$ 3,174	\$ 1,559	\$ 1,615
Total 22000 · Credit Cards	\$ 5,197	\$ 2,737	\$ 2,461
Total Credit Cards	\$ 5,197	\$ 2,737	\$ 2,461
Other Current Liabilities			
20935 · Performance Bond	\$ 4,568	\$ 4,568	\$ -
20960 · Unearned Other Revenue			
20970 · Rental	\$ 300	\$ 500	\$ (200)
20972 · Unearned CARES Act Revenue	\$ -	\$ 87,195	\$ (87,195)
20973 · Unearned ARPA Revenue	\$ 474,780	\$ -	\$ 474,780
Total 20960 · Unearned Other Revenue	\$ 475,080	\$ 87,695	\$ 387,386
20980 · Unearned R.E. Tax	\$ 8,760	\$ 2,039	\$ 6,721
21200 · Payroll Liabilities			
21230 · VRS Employee Contributions	\$ (929)	\$ (600)	\$ (329)
21200 · Payroll Liabilities - Other	\$ -	\$ 224	\$ (224)
Total 21200 · Payroll Liabilities	\$ (929)	\$ (376)	\$ (553)
Total Other Current Liabilities	\$ 487,479	\$ 93,925	\$ 393,554
Total Current Liabilities	\$ 514,022	\$ 159,802	\$ 354,221
Total Liabilities	\$ 514,022	\$ 159,802	\$ 354,221
Equity			
Total Equity	\$ 399,350	\$ 476,288	\$ (76,939)
TOTAL LIABILITIES & EQUITY	\$ 913,372	\$ 636,090	\$ 277,282

Town Attorney Report

To: Mayor and Council, Town of Occoquan

Thru: Kirstyn Jovanovich, Town Manager

From: Martin Crim, Town Attorney

Re: February 2022 Town Attorney Report

Date: January 26, 2022

NOT CONFIDENTIAL

This is a non-confidential report on matters that my office has been working on for the Town since my previous report dated December 22, 2021:

1. Worked with the Town Engineer and Town Manager to finalize the updates to the Town's ordinance implementing the Chesapeake Bay Preservation Act.
2. Attended the Virginia Senate Subcommittee on charters on January 24 in case any questions arose regarding the Town's revised charter.
3. Drafted a form agreement for event vendors that is simpler than our standard contract.



9. Regular Business	Meeting Date: February 1, 2022
9 A: Request to Adopt Resolution of Appreciation to Ms. Robyn Becker on the Occasion of her Retirement	

Attachments: a. R-2022-02

Submitted by: Kirstyn Jovanovich
Town Manager

Explanation and Summary:

This is a request to adopt a resolution of appreciation to Ms. Robyn Becker on the occasion of her retirement. Ms. Becker, owner of Yarn Cloud, has closed her storefront in Occoquan.

Proposed/Suggested Motion:

“I move to approve Resolution R-2022-02 as presented.”

OR

Other action Council deems appropriate.

**TOWN OF OCCOQUAN, VIRGINIA
RESOLUTION**

**RESOLUTION OF APPRECIATION TO
MS. ROBYN BECKER ON THE OCCASION OF HER RETIREMENT**

WHEREAS, Ms. Robyn Becker in 2014 opened her business the Yarn Cloud at 204 Washington Street in the Town of Occoquan, offering a wide variety of knitting, crochet, and related products, as well as related workshops and club activities; and

WHEREAS, in operating the Yarn Cloud she kept active the original site of Ogle Harris & Sons store, one of the iconic, historic, commercial locations in the Town of Occoquan in what was once the heart of the Town’s African-American business community; and

WHEREAS, over the years under her ownership the Yarn Cloud sponsored a number of charity programs, including Knitted Knockers, Let’s Warm Up America, Hats for the Homeless, and the Great Yarn Giveaway; and

WHEREAS, Ms. Becker was always quick with a kind word and generous in her praise and expressions of gratitude to others; and

WHEREAS, it is understood that Ms. Becker plans to re-open as a mobile yarn shop in the future, and we accordingly hope that we will see her again in Occoquan, perhaps in future Arts & Crafts Shows.

NOW, THEREFORE, BE IT RESOLVED, the Occoquan Town Council hereby congratulates Ms. Becker on her retirement, wishes to express its sincere appreciation for her decade of contributions to the Occoquan community, and wishes her well in all her future endeavors.

Adopted by the Town Council of the Town of Occoquan, Virginia this 1st Day of February 2022.

MOTION:

**DATE: February 1, 2022
Town Council Meeting**

SECOND:

Votes

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

BY ORDER OF THE TOWN COUNCIL

Attested:

Earnest W. Porta, Jr., Mayor

Michele White, Town Clerk



9. Regular Business	Meeting Date: February 1, 2022
9 B: Request to Adopt Resolution of Appreciation to Ms. Mitzie Tibbets on the Occasion of her Retirement	

Attachments: a. R-2022-03

Submitted by: Kirstyn Jovanovich
Town Manager

Explanation and Summary:

This is a request to adopt a resolution of appreciation to Ms. Mitzie Tibbets on the occasion of her retirement. Ms. Tibbets, owner of The Reclaimed Treasures, has closed her storefront in Occoquan.

Proposed/Suggested Motion:

“I move to approve Resolution R-2022-03 as presented.”

OR

Other action Council deems appropriate.

**TOWN OF OCCOQUAN, VIRGINIA
RESOLUTION**

**RESOLUTION OF APPRECIATION TO
MS. MITZIE TIBBETS ON THE OCCASION OF HER RETIREMENT**

WHEREAS, Ms. Mitzie Tibbets with a partner in 2017 opened the business The Reclaimed Treasures in the Town of Occoquan, later moving it to a prominent location at the corner of Mill and Union Streets; and

WHEREAS, Ms. Tibbets eventually became the sole owner and operator of The Reclaimed Treasures, offering furniture, home décor, signs, artwork, and workshops, as well as a variety of goods and services for artists and the do-it-yourself community; and

WHEREAS, over the ensuing years Ms. Tibbets established The Reclaimed Treasures as a business that helped favorably evoke an image of Occoquan from earlier days when it offered a wide variety of artisan goods and antiques; and

WHEREAS, the Town of Occoquan wishes to express appreciation to Ms. Tibbets for her contributions to the Occoquan community.

NOW, THEREFORE, BE IT RESOLVED, the Occoquan Town Council hereby congratulates Ms. Tibbets on her retirement, expresses its appreciation to her for her contributions to the Occoquan community, and wishes her well in all her future endeavors.

Adopted by the Town Council of the Town of Occoquan, Virginia this 1st Day of February 2022.

MOTION:

**DATE: February 1, 2022
Town Council Meeting**

SECOND:

Votes

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

BY ORDER OF THE TOWN COUNCIL

Attested:

Earnest W. Porta, Jr., Mayor

Michele White, Town Clerk



9. Regular Items	Meeting Date: February 1, 2022
9 C: Request to Approve Amendments to the Administrative Manual	

Attachments: a. Draft Amendments

Submitted by: Kirstyn Jovanovich
Town Manager

Explanation and Summary:

This is a request to approve updates to the Town Administrative Manual related to employee benefits. The Administrative Manual in its current form was first effective July 1, 2016, with administrative revisions on June 19, 2018 and December 1, 2021, and Town Council approved revisions on December 1, 2020 and December 7, 2021.

As per Section 1.2 of the Administrative Manual, employment policies and procedures are issued and maintained by the Town Manager. Changes or updates to policies affecting benefits require Town Council approval. Attached are proposed changes to the Town’s employee benefit program located in sections 3.12 and 3.14.

Background

At the December 7, 2021 meeting, Town Council approved updates to the Town’s Administrative Manual which included an adjustment to the accrual policy for annual leave. With this update, the current Administrative Manual includes an Accrual Cap under which employees stop accruing annual leave once they hit the set Accrual Cap. During the meeting; however, there was discussion regarding utilizing a Roll Over Cap as opposed to an Accrual Cap. While the Council approved the Administrative Manual as presented including the Accrual Cap, staff was directed to review and bring the item back to the Town Council for further discussion and consideration.

Below is a brief chart that illustrates the differences between a Roll Over Cap and an Accrual Cap:

Roll Over Cap		Accrual Cap (Current)	
<i>Leave is earned by the employee throughout the calendar year; however, the employee can only carry over the Roll Over Cap on January 1 each year</i>		<i>Leave cannot be earned over the Accrual Cap once an employee reaches the Cap at any point in the year</i>	
Roll Over Cap	FT (80 hours) – 240 PT (60 hours) – 180 PT (40 hours) - 120	Accrual Cap	FT (80 hours) – 240 PT (60 hours) – 180 PT (40 hours) – 120
Sick Leave	Unlimited	Sick Leave	Unlimited
Payout	Annual Leave – upon separation from the town, employees are paid out for any unused Annual Leave. Sick Leave – not eligible for payout upon separation.	Payout	Annual Leave – upon separation from the town, employees are paid out for any unused Annual Leave. Sick Leave – not eligible for payout upon separation.

The philosophy behind the Accrual Cap is to firstly encourage employees to take vacations and secondly to reduce the financial liability to the town. By encouraging (and making possible) employees to take vacations, high leave accruals are limited, and the Town will pay for vacation at the employee's current rate of pay, which presumably will be lower than the future rate for payout at separation. In addition, studies show that quality of life and productivity are increased when employees take leave from work responsibilities.

The Roll Over Cap would be an added benefit to employees by allowing them unlimited leave accrual throughout the year; however, this creates an increased liability to the town to pay out for the leave either through employee separation, increased vacation requests or through a leave payout program.

After review, staff has prepared revisions to the Administrative Manual related to the Leave Program to further adjust the leave program. The changes included under Section 3.12 are based on the following:

1. Roll Over Cap: Institute a roll over cap wherein employees earn unlimited leave throughout the year; however, leave is reduced back down to the roll over cap January 1 each year (use it or lose it scenario); AND
2. Annual Leave Buy Back Program: Institute a buy back program wherein employees may elect to 'cash out' up to 40 hours of accrued leave annually each November; AND
3. Payout Cap: Institute a Payout Cap wherein upon separation with the Town, employees will only receive up to the roll-over cap amount, regardless of total accrued annual leave balance at time of separation.

In addition to the changes related to the leave program, changes included under section 3.14 clarify how overtime is calculated and adds a policy related to Special Duty Detail for Non-Exempt Police Officers. The policy creates uniformity on how officers are paid who performs special duty detail, such as grant work, on behalf of the town.

Staff Recommendation: Staff is recommending approval of the administrative manual as presented.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to approve the update to the Town Administrative Manual, contingent on final review by the Town Attorney."

OR

Other action Council deems appropriate.

4. Effective management practices and positive management attitude
5. Consistent, effective and efficient policies and procedures
6. Workforce training and development
7. Opportunities for selection and promotion from within

(3.11, July 12, 2016)

3.12 Leave

Regular attendance at work is a critical component of meeting the service delivery, productively and efficiency goals of the town. Employees are expected to maintain regular, predictable attendance to report to work on time except for time off approved under the following provisions.

Paid time off may be used in ½ hour increments. Accrued paid time off is a personal benefit to an individual employee and shall not be loaned or sold to another employee, except through participation in the Leave Donation Program. Employees shall be granted authorized leave only for its intended purpose.

Employees are not paid for unused sick leave upon separation from the town.

Only regular full-time and part-time permanent employees, as defined in this manual, are eligible for the following benefits.

i. Annual Leave

1. Annual Leave earned will be based on the normal work schedule for each permanent part-time and full-time position and will not change unless there is a permanent change in the number of hours.
2. ~~A maximum of 240 hours for full-time (prorated for part-time) of annual leave may be carried by the employee at any time. A maximum of 240 hours for full-time (prorated for part-time) of annual leave may be carried over to the new calendar year. An employee may accumulate over 240 hours at any time during a calendar year; however, any annual leave in excess of 240 hours remaining on the last day of the pay period in December will be forfeited, except for demonstrated good cause.~~
3. ~~Annual leave will be accrued at the following rates: Once an employee accrues annual leave up to the maximum, the employee will not accrue annual leave until leave is expended below the maximum, except for demonstrated good cause. Demonstrated good cause will be determined by the Town Manager.~~

Years of Service	Full Time (per pay period)	Part Time (per pay period)
<2 years	4 hours	Prorated Full-time Rate
2 years - 5 years	5 hours	Prorated Full-time Rate
5 years - 8 years	6 hours	Prorated Full-time Rate
8 years - 10 years	7 hours	Prorated Full-time Rate
11 years +	8 hours	Prorated Full-time Rate

- 2.4. All use of annual leave requires approval in advance by the employee's immediate supervisor and Town Manager. Leave requests should be made at least two weeks in advance, except in cases of emergency.
- 5. In order to accumulate annual leave, a full-time employee must work or be on an approved paid leave status for at least 80 hours during each pay period. Permanent part time employees must work or be on approved leave status for at least 40 hours during each pay period in order to accumulate annual leave.
- 6. Upon separation from the Town, employees will receive payment of any unused annual leave up to a maximum of 240 hours.
- 3.7. During the last pay period in November of each year, employees will receive the option to elect to cash out a portion of their accrued annual leave at the employee's current rate of pay. Employees may cash out up to a maximum of 40 hours providing that at least 40 hours of leave remain in the employee's accrued annual leave balance.
- 4.8. Previous Town employees who had resigned in good standing and then are later rehired by the Town will earn annual leave at the rate based on their combined years of service. This applies to the calculation of annual leave only. There shall be no reinstatement of any leave upon the rehiring of a former employee.

ii. Sick Leave

Sick Leave earned will be based on the normal work schedule for each permanent part-time and full-time position and will not change unless there is a permanent change in the number of hours. There is no carry over limit for sick leave.

Classification	Hours per pay period
Full-Time	4 hours
Part-Time	Prorated Full-time Rate

- 1. In order to accumulate sick leave, a full-time employee must work or be on approved paid leave status for at least 80 hours during each pay period. Part time employees must work or be on approved leave status for at least 40 hours during each pay period in order to accumulate sick leave.
- 2. Sick leave, when taken, shall be used on an hour for hour basis and may be used for:
 - i. Leave under the Family Medical Leave Act (FMLA).
 - ii. Illness or injury incapacitating the employee and preventing the employee from performing assigned duties.
 - iii. Medical, dental, or optical appointments during working hours.
 - iv. Medically-necessary care of family members, such as in-laws living in the same household as the employee. Family member is defined as: spouse, and parents thereof; children, including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual

related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

- v. Bereavement due to death of a family member or births of an employee or employee's spouse

- 3. An employee away from work for a medical condition that requires absence in excess of one week or for FMLA purposes is required to (1) submit to the Town Manager a written statement from the attending physician or health care provider, stating the earliest approximate date of return to duty and advising on the ability of the employee to perform the essential functions of his or her job with or without reasonable accommodations; simultaneously (2) apply for leave under the Family and Medical Leave Act (FMLA). The Town Manager has the prerogative of requiring a physician's or health care provider's letter with the above content prior to an absence of one week if in his or her judgment this information is necessary. Medical information and the needs of the Town will be considered in determining the holding of the employee's position or placement in another position for which the employee qualifies. All medical information will be kept confidential and will be made a part of a file separate from the employee's personnel file.

iii. Leave Without Pay

The following are the situations for which an employee may be on leave without pay status.

- 1. Family and Medical Leave Act

Employees are entitled to participate in the benefits of the Family and Medical Leave Act ("FMLA"). See Section 3.13 for information on FMLA Leave.

- 2. Extended Leave Without Pay

When special circumstances require an extended leave, the manager has the authority to grant an employee leave without pay provided that Town operations will not be adversely affected.

- 3. Disciplinary Leave Without Pay

An employee who is absent from work without prior approval shall receive no pay for the duration of the absence and may be subject to disciplinary action which may include termination. If extenuating circumstances exist for the unauthorized absence, due consideration will be given.

iv. Military Leave

An employee who is a member of a reserve force of the United States or of the Commonwealth of Virginia and who is ordered by the appropriate authorities to attend a training program or who is called into emergency active duty for the purpose of aiding civil authority under the supervision of the United States or the Commonwealth of Virginia shall be granted a leave of absence with full pay during the period of such activity, not to exceed fifteen (15) consecutive calendar days for training duty and five (5) working days for emergency active duty, or as required by

law. The Town may, by motion of council, pay any such employee the difference between his or her salary and the pay received for the military duty.

An employee who leaves the employ of the Town to join the military forces of the United States during the time of war or other declared national emergency or who is called to service in the Virginia Militia by order of the Governor shall be placed on military leave without pay commencing on the first business day following the last day of active employment with the Town. The employee on such leave is entitled to be restored to the position he or she vacated, provided the employee makes application to the Town not later than 90 days after the date of honorable discharge or separation under honorable conditions, or as otherwise required by law. Job restoration is further conditioned on the position still existing and the employee being physically and mentally capable of performing the work of the vacated position. This section does not override the previous section on Military Leave.

v. Civil Leave

An employee will be given time off without charge to leave or loss of pay for (a) performing jury duty, (b) when subpoenaed as a witness to appear before a court, public body or commission, (c) serving as a blood donor, or (d) performing emergency civilian duties in connection with national defense or for the purpose of voting in a national, state, or local election. The period of such leave shall be only as necessary for the performance of the activity, plus any necessary travel time.

vi. Workers' Compensation Leave

When an employee is unable to report to work because of incapacity that is the result of a compensable injury under the Virginia Workers' Compensation Act, the employee will receive for the first seven (7) days of absence full salary minus normal payroll deductions. The first seven days of Workers' Compensation leave will not be charged against the employee's consolidated leave balance.

If the absence is longer than seven days, the employee will receive for the period of absence the full compensation that is provided under Workers' Compensation Act. If the period of incapacity extends beyond twenty-one (21) calendar days, the employee will be required to reimburse the Town the amount of compensation awarded to the employee for the employee's first seven days of absence. This is an obligation owed to the Town and one which, if not reimbursed promptly, will be deducted from future monies (wages, terminal leave pay, etc.) owed to the employee by the Town.

vii. Transfer of Leave

1. Sick leave may be transferred from one employee to another under certain prescribed conditions. Such a transfer may be permitted:

- i. When the receiving permanent, full or part-time employee is non-probationary;
- ii. After the receiving employee has exhausted all of his/her accrued annual and sick leave plus compensatory time;

- iii. After the receiving employee has requested and received 40 hours advanced sick leave by the Town Manager;
 - iv. When used by the receiving employee due to his/her own extended illness or injury or that of a child, spouse or parent by blood, marriage or adoption;
 - v. When the transferring employee donates no more than 160 hours to any one individual and, in so doing, does not deplete the balance of his/her own sick leave accumulation below 100 hours;
 - vi. All donated leave shall be processed anonymously by the Town and will not be subject to release to the recipient;
 - vii. All transfers of leave shall be done in eight-hour increments.
2. Any employee who transfers sick leave relinquishes all rights to that leave. Donated sick leave will be transferred from the giver to the receiver on a first in, first out basis in order of receipt to the Town Manager.
 3. Transferred leave shall not be transferred to another leave recipient.
 4. An employee may receive donated leave in amounts so that the total of all is no more than 12 weeks of paid leave status.
 5. While using transferred leave, the receiving employee shall not accrue any personal annual or sick leave.
 6. Within 30 calendar days of the Town Manager's authorization of an employee's participation in the program, he/she must begin to use the leave on a continuous basis until the recipient of the donated leave returns to work. Should the employee not begin to use the transferred leave within 30 calendar days of approval, the authorization will expire.

(3.12, July 12, 2016; December 7, 2021, [February 1, 2022](#))

3.13 Family and Medical Leave Act

A. General Provisions

It is the policy of the Town of Occoquan to grant up to 12 weeks of family and medical leave during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA) and up to 26 weeks of leave in any 12-month period in compliance with the expansion of FMLA under The Support of Injured Servicemembers Act of 2007. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

B. Eligibility

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for the Town for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive, but must have occurred within the previous seven (7) years. For eligibility purposes, an employee will

3.14 Overtime and Compensatory Time

A. Overtime

Under the Fair Labor Standards Act, an employer who requires or permits an employee to work overtime is generally required to pay the employee premium pay for such overtime work. Unless specifically exempted, employees covered by the Act must receive overtime pay for hours worked in excess of 40 in a workweek at a rate not less than time and one-half their regular rates of pay. There is no limit in the Act on the number of hours employees aged 16 and older may work in any workweek. The Act does not require overtime pay for work on Saturdays, Sundays, holidays, or regular days of rest, as such. Employees who are required to be paid an overtime premium rate by law are referred to as "Non-Exempt."

1. In the Town of Occoquan, Non-Exempt (NE) employees (except NE Police Officers, see 3.14 (A)(2)) will be paid overtime at a rate of one and one-half (1 ½) times their normal hourly wage for each hour over 40 hours of work in the Town's workweek. ~~For purposes of calculating overtime earned, all hours worked along with those hours classified as paid leave status are included in determining eligibility.~~
2. In the Town of Occoquan, Non-Exempt (NE) Police Officers will be paid overtime at a rate of one and one-half (1 ½) times their normal hourly wage for each hour over 80 hours of work in the Town's Public Safety Work Schedule (3.8 (C)). ~~For purposes of calculating overtime earned, all hours worked along with those hours classified as paid leave status are included in determining eligibility.~~
 - i. Special Duty Detail: If an NE Police Officer works or is on approved paid leave status (except town holidays) for more than 80 hours in a pay period, the police officer shall be compensated at a rate no less than one and one-half their regular rate for all time worked on the special duty detail. If the NE Police Officer works or is on approved paid leave status (except town holidays) less than 80 hours in a pay period, the police officer shall receive their regular rate of pay for all time worked on the special duty detail.
 - ii. Definitions: Special Duty Detail is any work outside of normal patrol duties as assigned and determined in advance by the Chief of Police.
3. Positions designated as Exempt (E) are not eligible for any type of overtime pay.

B. Compensatory Time

1. Non-Exempt Personnel
 - i. Non-Exempt Personnel are not eligible for compensatory time.
2. Exempt Personnel

Employees in FLSA-Exempt positions are paid a fixed salary that takes into consideration the executive, supervisory, or administrative responsibilities of the position. They are exempt from the FLSA requirement of overtime pay; they

typically work all hours required to complete the job, which may be in excess of 40 hours a week, for the fixed salary period. Federal law does not require that employers pay overtime pay to these employees.

- i. The Town of Occoquan trusts that its Exempt professionals accomplish their core job duties in approximately 40 hours per week without the expectation of overtime compensation. They manage their schedules taking into account work coverage, deadlines, customer needs and business outcomes.
- ii. It is the personal responsibility of employees in Exempt positions to complete their work, even if such completion requires more than 40 hours per week without the expectation of overtime compensation.
- iii. Where possible, Exempt employees who work extra hours are encouraged to offset their time, if appropriate, in the same pay period that the extra hours are worked; i.e. leave early or come in late the same day or another day in the workweek, if possible. Because it is work performed within the same pay period, this would be considered “flex time” and not compensatory time.
- iv. Exempt Personnel are not eligible for compensatory time.

(3.14, July 12, 2016; December 7, 2021, February 1, 2022)

3.15 Benefits

A. Short and Long Term Disability; Life

See the separately provided information regarding disability coverage.

B. Health Insurance

The Town of Occoquan participates in The Local Choice health benefits program. See the separately provided information regarding the Town’s health insurance program.

C. Virginia Retirement System

The Town of Occoquan is a member of the Virginia Retirement System (VRS). See the separately provided information regarding VRS.

(3.15, June 19, 2018; December 1, 2020; December 1, 2021)

3.16 Holidays

- A. Permanent employees are paid their regular straight time rate for all days designated as Town Holidays. Legal holidays observed by the Town are as follows:

Holiday	Date
New Years’ Day	January 1
Martin Luther King Jr. Day	Third Monday in January
Presidents’ Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September