



TOWN OF OCCOQUAN
Circa 1734 • Chartered 1804 • Incorporated 1874

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

Occoquan Town Council
Regular Meeting
November 1, 2016 | 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. **Approval of Minutes**
 - a. October 4, 2016 Regular Meeting Minutes
 - b. October 18, 2016 Work Session Meeting Minutes
5. **Councilmember Reports**
6. **Mayor's Report**
7. **Staff Reports**
 - a. Town Attorney
 - b. Town Engineer
 - c. Building Official
 - d. Town Manager
 - e. Chief of Police
 - f. Boards and Commissions
8. **Closed Session**
9. **Public Hearings**
 - a. Joint Public Hearing of the Town Council and Planning Commission Regarding Zoning Text Amendment to Chapter 66, Article VIII of the Town Code Relating to Signs and Advertising

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

10. Regular Business

- a. Request to Adopt an Ordinance to Amend Chapter 66, Article VIII of the Town Code Relating to Signs and Advertising
- b. Request to Appoint Interim Chief of Police/Town Sergeant
- c. Request to Adjust Salary for Town Clerk Due to Federal Overtime Rule
- d. Request to Approve 2017 Meeting and Holiday Calendar
- e. FY 2018 Budget Discussion – Goal and Priority Setting

11. Adjournment



OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes DRAFT
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, October 4, 2016
7:00 p.m.

Present: Mayor Liz Quist, Vice Mayor Pat Sivigny, Councilmembers Jim Drakes, Matthew Dawson, Cindy Fithian, and Joe McGuire
Staff: Martin Crim, Town Attorney; Bruce Reese, Town Engineer; Sheldon Levi, Chief of Police; Chris Coon, Town Clerk
Other: Dana Schrad, VACP Executive Director

Absent: Kirstyn Jovanovich, Town Manager

1. Call to Order

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

2. Citizens Time

None.

3. Approval of Minutes

It was moved to approve the minutes of the September 6, 2016 Regular Meeting and September 20, 2016 work session.

A motion was made by Councilmember Fithian seconded by Councilmember McGuire that the Action Item be approved. The motion carried by poll vote, unanimous.

4. Councilmember Reports

Councilmember Fithian stated that she will meet with Heather Ozuna and begin work for the town's submission into the Main Street America Program.

Councilmember Dawson stated that the Architectural Review Board did not have a quorum, but they discussed the three applications and held a special meeting on September 16, where all three applications were approved.

Councilmember McGuire reported that the Planning Commission had a meeting on September 13, 2016. He stated that the Planning Commission did not have a quorum but, members present discussed the proposed community plan and plan for the update to the Town's zoning and subdivision ordinances.

5. Mayor's Report

Mayor Quist reported on Real Estate Tax, Meals Tax, and Business License delinquencies. She stated that from 2012 to present there is a total of \$2,210.31 delinquent with \$1,087.89 coming from 2015 Taxes. She also stated that the only Meals Tax delinquency was from Riverside Coffee & Mini Mart, who has been delinquent since March 2016. The Town Treasurer has sent a letter to the business in August 2016 regarding payment of delinquent

Meals Tax. Mayor also stated there are several businesses that have sent the Town a business license application but have not paid for the license. The Town Treasurer is in the process of reaching out to those businesses for payment.

6. Staff Reports

A. **Town Attorney:** Mr. Crim, Town Attorney, reported on the following:

Kiely property and the appeal of the Building Code ruling: The Virginia State Board of Building Code and Technical Review Board reversed the ruling on the Kiely property. This would allow Mr. Kiely to cut lines that service Rockledge Mansion. Mr. Crim stated that he believes that Mr. Houghton will appeal this decision before anything will be able to be done. He also stated that Mr. Kiely has civil and criminal cases pending against Mr. Houghton and other neighbors in Circuit Court.

B. **Town Engineer** Mr. Reese, Town Engineer, submitted a report as part of the meeting agenda.

Councilmember McGuire inquired about the erosion on the River Mill Park trail. Mr. Reese stated that the Engineering Groupe is looking into having a pipe run the water under the path and they are currently looking into the cost associated with that change. Councilmember McGuire also inquired about what processes needed to be approved from Fairfax County Water. Mr. Reese stated that anything that would be done to combat the erosion would have to have approval from Fairfax County Water.

Vice Mayor Sivigny inquired about why the Town has to pay for an obvious oversight made during the planning or construction phase. Mr. Reese stated that he will talk with The Engineering Groupe and see the history behind their decision making.

Councilmember Fithian inquired whether the cones placed near the erosion limits the Town's liability if someone were to get injured at River Mill Park. Mr. Crim stated that the park is closed at dusk and people should see the cones placed near the erosion on the path. He stated all the Town can do is take preventative measures to keep people from getting injured.

Councilmember Drakes stated that this gives the issue a sense of urgency especially with a potential hurricane coming through the area. He also asked Mr. Reese if he could express the Town's concern with the time it is taking. Mayor Quist stated that she has contacted the Chairman of the Board for Fairfax County Water because of the difficulty communicating on-going issues with Fairfax Water's staff.

C. **Building Official:** Mr. Barbeau was not present, however, his report was submitted as part of the meeting agenda. No questions were received.

D. **Town Manager:** Ms. Jovanovich, Town Manager, was not present but submitted a manager's report as part of the agenda. No questions were received.

- E. **Chief of Police:** Chief Levi provided his September 2016 report with the agenda packet. No questions were received.

7. Regular Business

7A. Recreational Trail Program Grant Agreement- ADA Watercraft Launch

It was moved to approve the Project Agreement with the Virginia Department of Conservation and Recreation for State Project Number VRT-297, and to authorize the mayor to sign it.

A motion was made by Councilmember Drakes, seconded by Councilmember Fithian that the Action Item be approved. The motion carried by poll vote, unanimous.

7B. Chief of Police Hiring Process

Ms. Dana Schrad, Executive Director of the Virginia Association of Chiefs of Police, attended and provided information regarding the expectations for a one-person police department and discussed other departmental structures. A discussion was held on the utilization of VACP for assistance with conducting the search for the Chief of Police replacement. Council indicated a desire to conduct a needs assessment prior to advertising for the position in an effort to determine the needs of the community and organization.

It was moved to have the Virginia Association of Chiefs of Police prepare a quote for a needs assessment for the Town of Occoquan's Police Department.

A motion was made by Councilmember Fithian, seconded by Vice Mayor Sivigny that the Action Item be approved. The motion carried by poll vote, unanimous.

8. Adjournment

The meeting was adjourned at 7:55 p.m.

Christopher Coon
Town Clerk



OCCOQUAN TOWN COUNCIL
Special Meeting Minutes
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, October 18, 2016
7:00 p.m.

Present: Mayor Liz Quist, Vice Mayor Pat Sivigny, Councilmembers Matt Dawson, Jim Drakes, and Cindy Fithian
Staff: Kirstyn Jovanovich, Town Manager; Chris Coon, Town Clerk; Chief Sheldon Levi; Officer Adam Linn

Absent: Councilmember Joe McGuire

1. Call to Order

Mayor Quist called the meeting to order at 7:02 p.m.

2. Special Meeting

a. Request to Approve Police Department Needs Assessment Proposal

It was moved to approve the Occoquan Police Department needs assessment proposal with the Virginia Association of Chiefs of Police in the amount not to exceed \$1,750.

A motion was made by Councilmember Fithian, seconded by Councilmember Drakes that the Action Item be approved. The motion carried by poll vote, unanimous.

b. Request to Approve Amended 2016-2026 Comprehensive Plan

It was move to approve the 2016-2026 Town of Occoquan Comprehensive Plan as amended.

A motion was made by Vice Mayor Sivigny, seconded by Councilmember Drakes that the Action Item be approved. The motion carried by poll vote, unanimous.

3. Adjournment

Mayor Quist adjourned the meeting at 7:19 p.m.

Christopher Coon
Town Clerk



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J. Matthew Dawson
Jim Drakes
Cindy Fithian
Joe McGuire

TOWN MANAGER
Kirstyn Barr Jovanovich

TOWN ENGINEER
Bruce Reese, P.E.

Town Engineer's Report Town Council Meeting -November 1, 2016

Land Development Activity

Vistas at Occoquan
River Mill Park, Phase II

Kayak/Canoe Launch - no change from last report

Goal is to have Request for Proposal (RFP) advertised by 11/30/16, interviews for short-listed firms in January, with Town Council approval in February. Construction would start in Spring 2017.

River Mill Park

Presentation by The Engineering Groupe.

Tanyard Hill property - no change from last report

Proffer Condition Amendment (PCA) required for any work on site or to add signage. Working with Prince William County Planning staff to establish process and time frames.

Pond 28 in Prince William County - no change from last report

Pond located upstream of Town, draining to Ballywhack Branch. As part of PWC's stormwater program, the pond was repaired and upgraded over the summer of 2016. Work is completed and Watershed Management will conduct tour of upgraded pond within coming weeks.

Vistas at Occoquan

Bond release process started by D. R. Horton. As-builts submitted 9/9/16 - comments from TEG and returned to submitting engineer. No progress since last meeting.

-END-



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Cindy Fithian
Joe McGuire

TOWN MANAGER
Kirstyn Barr Jovanovich

BUILDING OFFICIAL
Joseph E. Barbeau, Jr.

OCTOBER 2016 REPORT TO THE TOWN COUNCIL BUILDING OFFICIAL REPORT

PERMITS ISSUED

09/22/2016, Permit to Replace Roof and Siding at 407 Union Street, issued.

10/04/2016, Permits to renovate the four residential units and single commercial space have been issued.

10/06/2016, Permit for kitchen renovations at 302 Poplar Alley, issued

10/06/2016, Permit to reroof at 152 Washington Street, issued

10/18/2016, Permit to reroof at 182 Union Street, issued

CERTIFICATES OF OCCUPANCY ISSUED

No Certificates of Occupancy have been issued in this month.

INSPECTIONS

Date	Activity
10/06/2016	380 Myrtle Place, Final Inspections for bathroom renovation, approved.
10/18/2016	114 Poplar Lane, Final Inspections, all work approved.
10/18/2016	142 Washington Street, Roof Inspection, work approved.

DOCUMENT REVIEW

No documents are currently under review.

ACTIONS

None.

RECOMMENDATIONS

There are no recommendations for the Council at this time.

OTHER

There is nothing to report at this time.

End of Report, submitted on 10/24/2016.



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Kirstyn Barr Jovanovich

Town Manager's Report Town Council Meeting - November 1, 2016

Eagle Scout Projects Update

An Eagle Scout candidate recently completed the installation of four park benches within River Mill Park on October 15, 2016 with the support of Fairfax Water and our Maintenance Supervisor, Mr. Brill. Another Eagle Scout candidate has reached out to the Town to discuss a potential project. I will be meeting with him next week to discuss replacing the cement bench pads in Mamie Davis Park.

Auto Decals

The 2017 Auto Decal notices have been mailed. New decals are required to be posted by November 15, 2016. Instead of being open on a Saturday morning, Town Hall will stay open late on November 1 and 15, until 7 p.m. for decal purchases.

Kayak/Canoe Launch

The grant agreement is on the Council agenda for approval. It is intended to begin construction in spring 2017.

Town Hall Painting

Town Hall's exterior was painted recently as part of the Town Hall renovations project that was started in August. Local town business Meticulous Painting performed the work.

Chief Retirement Reception - November 29

There will be a retirement reception in recognition of Chief Levi's public service on Tuesday, November 29, 2016 from 4:30 pm to 6:30 pm at Town Hall. The public is invited to attend. No RSVP required. Light refreshments will be served and short presentation will be held at approximately 5:30 pm.

Holiday Open House and Tree Lighting - November 18

The annual business open house will be held on Friday, November 18, with the annual tree lighting event at Town Hall at 8:05 pm. The lighted wreaths, tree decorating and other community decorations will take place during the first two weeks of November ahead of the event.

Winterfest - December 10

The second annual Winterfest presented by Occoquan River Communities will be held on Saturday, December 10. The Town will once again participate by hosting fire pits, carolers, and kids crafts in the historic district from 3 pm to 7 pm on that date. The Events Director is coordinating the town's participation.

Tanyard Hill Property

Working on preparing a rezoning request and comprehensive plan amendment for Prince William County in order to allow the installation of a trail and signage on the Tanyard Hill (Oaks III) property.

-END-



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TOWN MANAGER
 Kirstyn Barr Jovanovich

CHIEF OF POLICE
TOWN SERGEANT
 Sheldon E. Levi

Occoquan Police Department

Monthly Town Council Report November 1, 2016

Departmental Goals

(Set by Town Council in February 2016)

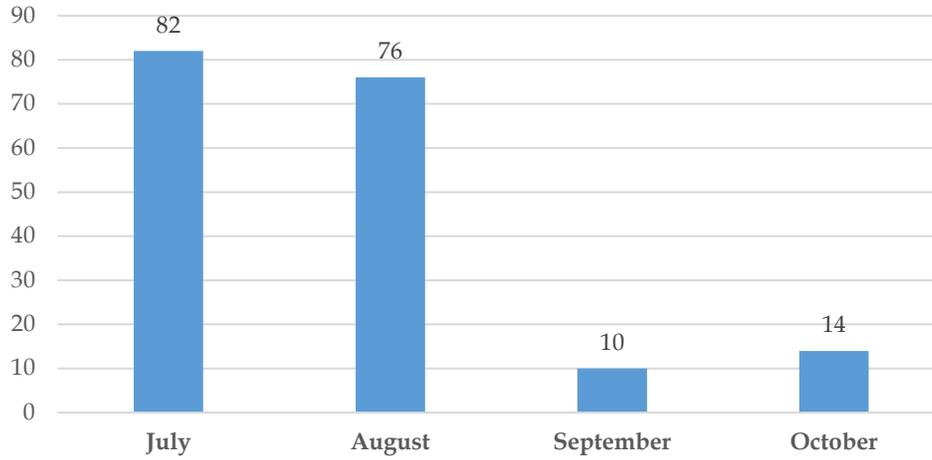
- Goal 1: Protection of private property
- Goal 2: Improvement of pedestrian safety
- Goal 3: Increased patrol hours including nights and weekends
- Goal 4: Prioritizing community meetings outside of town
- Goal 5: Updating department policies

Significant Incidents

Nature	Date	Location	Details
Town Clerk	10/03/2016	Town hall	Assisted the Town Clerk with a FOIA request.
Pokémon while driving	10/06/2016	Mill Street	Based on a citizen complaint I spoke with a driver who had been Pokémoning while driving. The driver was cooperative, parked the car and walked around Town playing.
Trespassing	10/06/2016	Mill Street	Found a resident in the park after dark and playing with their dog off leash. I had the resident read the sign and warned them to please observe the rules.
Pokémon	10/06/2016	Mill Street	At 2330 there were less than 10 Pokémon players on Mill Street.
ABC	10/11/2016	Mill Street	Met with a merchant concerning ABC regulations.
Found property	10/12/2016	All historic district streets	Tried to locate a vehicle using a key found on the street.
Motorist assist	10/12/2016	Washington Street	Assisted motorist locked out of their vehicle in the church parking lot.
Traffic stop	10/14/2016	Mill Street	Stopped a town merchant's employee from intentionally going the wrong way on Mill Street coming out of the post office.

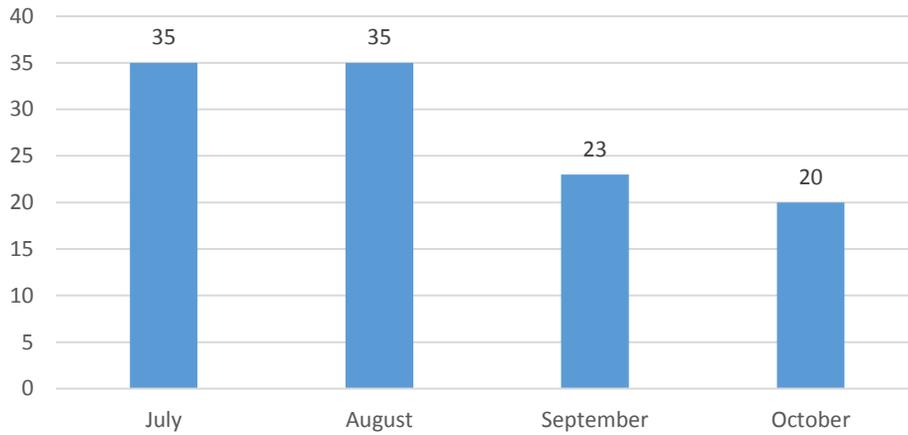
MVA	10/15/2016	Gordon Boulevard	Heard, then saw an motor vehicle accident on Gordon Boulevard at Flagship Drive. Called PWCPD to handle.
Trespassing	10/15/2016	Mill Street	Responded to a resident complaint of trespassing. Parties involved denied trespassing, trespassing was a misdemeanor not committed in my presence, and the resident was referred to the magistrate.
Trespassing	10/15/2016	Mill Street	Responded to a report of a trespasser flying a drone on a posted property. Warned the drone flyer of the posting and FAA no fly regulations covering the Town.
Meeting	10/19/2016	Gar-Field Station	Met with the executive officer and the new commander of the station.
Escort	10/19/2016	Fairfax Water	Escorted members of the Engineering Groupe for a ground inspection at Fairfax Water.
Resident complaint	10/19/2016	Washington Street	Received a complaint from a resident. Will be following up with PWCPD.
Civil process	10/21/2016	Union Street	Served a notice on a business on behalf of the Treasurer.
Sewage	10/24/2016	Mill Street	Met with Virginia Department of Health, property owner and a plumber about sewage issues.
Telephone fraud	10/24/2016	Mill Street	Took a fraud report from a business owner. Telephone scam, but was caught early enough and virtually no money was lost.
Stolen Vehicle	10/25/2016	Rockledge Mansion	There was a brief high speed chase in Town. VSP was chasing a stolen vehicle, when the driver bailed out of the vehicle in front of Rockledge Mansion. He left the vehicle in drive and it went over the embankment onto the adjacent property hitting and coming to rest on a parked vehicle. PWCPD, VSP, K-9's from PWC and Fairfax County, and the Fairfax helicopter conducted a search of the areas in Town and surrounding Town. The perpetrator was hiding in bushes nearby Clipper drive and was apprehended.
Sewage	10/25/2016	Mill Street	Met with Service Authority about sewage on Mill Street. They verified there are no issues with their lines.

Total Summonses FYTD (GRAPH) ¹



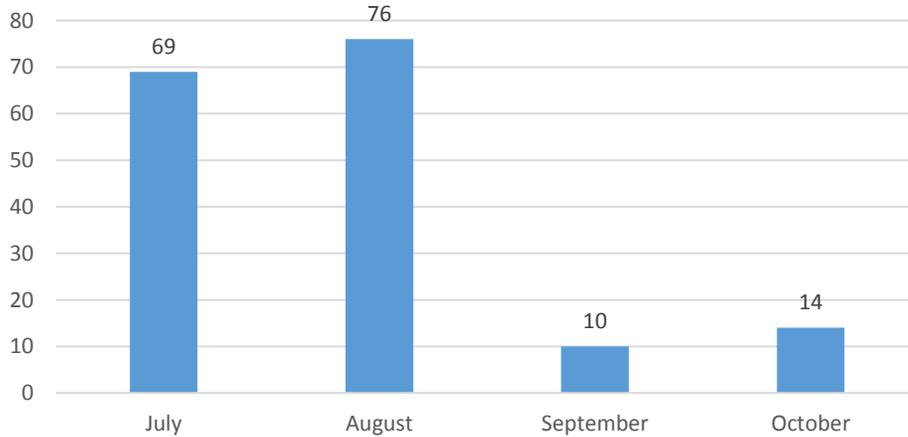
¹Goals 1, 2

Parking Tickets Issued FYTD (GRAPH) ²



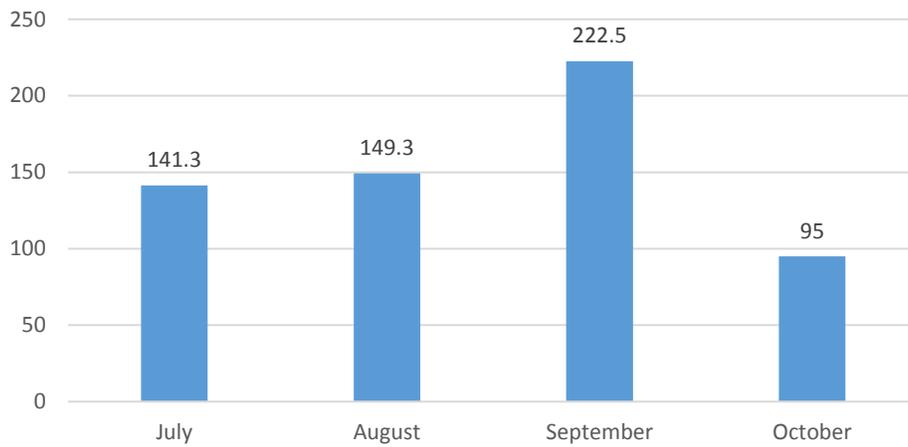
²Goal 2

Traffic Enforcement FYTD (GRAPH) ³



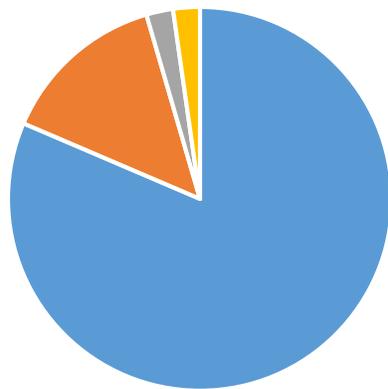
³Goal 2

Patrol Hours FYTD (GRAPH) ⁴



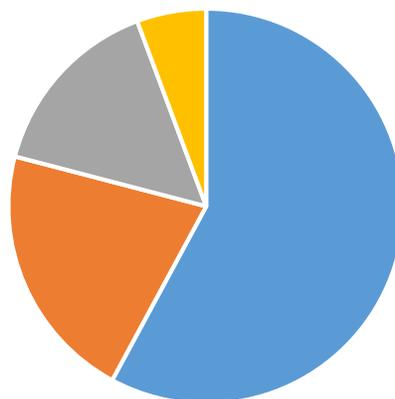
⁴Goals 1, 2, 3

Total Administrative/Training Hours FYTD



■ Levi ■ Linn ■ Feliciano ■ Butterfield

Total Patrol Hours FYTD



■ Levi ■ Linn ■ Feliciano ■ Butterfield

Community Relations

Supported FOTO Cleanup event on October 15.

Current Initiatives

Update General Orders; currently working with VML to finalize revised draft of Department's General Orders.⁵

⁵*Goal 5*



TOWN OF OCCOQUAN

TOWN COUNCIL MEETING

Agenda Communication

9. Public Hearing	Meeting Date: November 1, 2016
9 A: Joint Public Hearing of the Town Council and Planning Commission Regarding Zoning Text Amendment to Chapter 66, Article VIII of the Town Code Relating to Signs and Advertising	

Explanation and Summary:

The Town Council adopted an interim sign ordinance during their September 1, 2015 meeting. Since that time, the Architectural Review Board has been working with Town staff to develop a final revised version of the ordinance. The initial update was initiated to address content neutrality considering a Supreme Court case, *Reed v. Town of Gilbert*, which created a new more stringent test of when a sign regulation is content based.

The Planning Commission reviewed the draft ordinance during its October 11, 2016 meeting.

This is a joint Public Hearing between the Town Council and Planning Commission and is an opportunity for the public to provide input on the proposed ordinance. Town Council will vote on the adoption of this ordinance under Regular Business.

Proposed/Suggested Motion:

- 1. Town Council - Open Public Hearing**
Mayor - Open Public Hearing, Note Start Time
- 2. Planning Commission - Open Public Hearing**
Chair - Call to Order - Open Public Hearing, Note Start Time
Chair - Perform Roll Call, Note Members Present
- 3. Mayor - Request for Public Input**
- 4. Planning Commission - Close Public Hearing**
Chair - Close Public Hearing, Note End Time

"I move to close the public hearing."
- 5. Town Council - Close Public Hearing**
Mayor - Close Public Hearing, Note End Time

"I move to close the public hearing."
- 6. Planning Commission - Make Recommendation**
Chair - Request for recommendation to Council, Vote

Attachments: (4) Proposed Ordinance
Public Hearing Advertisement
September 1, 2015 Agenda Cover and ZTA

AN ORDINANCE TO ADOPT A COMPREHENSIVE REVISION OF ARTICLE VIII OF CHAPTER 66 OF THE TOWN CODE, GENERALLY RELATING TO REGULATION OF SIGNS THROUGH THE ZONING ORDINANCE, AND TO MAKE RELATED CHANGES THROUGHOUT THE ZONING ORDINANCE

WHEREAS, the Occoquan Town Council finds that public necessity, convenience, general welfare, and good zoning practice requires amending the Town’s sign ordinance provisions contained in Chapter 66, Article VIII of the Town Code, and

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

WHEREAS, On June 18, 2015, the U.S. Supreme Court in the case of *Reed v. Town of Gilbert* created a new more stringent test of when a sign regulation is content based, and

WHEREAS, On September 1, 2015, the Town Council adopted an interim sign ordinance to address the *Reed v. Town of Gilbert* decision and to clean up miscellaneous issues while it prepared a permanent sign ordinance, and

WHEREAS, The Town’s staff and Architectural Review Board have drafted a comprehensive sign ordinance to address *Reed v. Town of Gilbert* and court opinions issued in its wake, and to address issues of enforcement, the creation of an attractive and harmonious community, and proper balancing of the need for expression with the desire not only to protect the atmosphere of the Town generally but also to limit signage’s impact on the historic areas of the Town, and

WHEREAS, the Town Planning Commission and Town Council have held a public hearing on the draft comprehensive sign ordinance revision and have considered the views of the public;

NOW, THEREFORE, BE IT ORDAINED by the Council for the Town of Occoquan, Virginia meeting in Regular session this 1st day of November, 2016:

1. That the Occoquan Town Council hereby repeals the following portions of the Occoquan Town Code: Sections 66-63, 66-93, 66-113, 66-121, and 66-143, and Article VIII of Chapter 66, as amended on September 1, 2015, consisting of Code Sections 66-360 through 66-405.
2. That the Occoquan Town Council adopts new Article VIII of Chapter 66 of the Occoquan Town Code as follows:

DIVISION 1. - GENERAL PROVISIONS

Sec. 66-360. Findings, purpose and intent; interpretation.

Sec. 66-361. Definitions.

Sec. 66-362. Signs which require a sign permit.

Sec. 66-363. Signs allowed without a sign permit.

Sec. 66-364. Prohibited signs.

Sec. 66-365. Measurements of sign area and height.

Sec. 66-366. Maintenance and removal.

Sec. 66-367. General requirements.

Sec. 66-368. Nonconforming signs.

Sec. 66-369. Non-commercial signs.

Secs. 66-370 – 390. Reserved.

DIVISION 2. – SIGN REGULATIONS BY USE AND DISTRICT

Sec. 66-391. Residential district signs (R-1, R-2, R-3, R-4).

Sec. 66-392. Commercial district signs (B-1).

Sec. 66-393. Historic district signs.

ARTICLE VIII. SIGNS

DIVISION 1. GENERAL PROVISIONS

Sec. 66-360. Findings, purpose and intent; interpretation.

- (a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court

of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.

- (b) Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the Town Council are forbidden.
- (c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.
- (d) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- (e) These regulations distinguish between portions of the Town designed for primarily vehicular access and portions of the Town designed for primarily pedestrian access.
- (f) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (g) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

Sec. 66-361. Definitions.

A-Frame sign means a two-faced chalk board sign with supports that are connected at the top and separated at the base, forming an “A” shape. These are also referred to as “sandwich board” signs. They are included in the term “portable sign.”

Advertising means any words, symbol, color or design used to call attention to a commercial product, service, or activity.

Animated sign means a sign or part of a sign that is designed to rotate, move or appear to rotate or move.

Awning sign means a sign placed directly on the surface of an awning.

Banner means a temporary sign of flexible material designed to be installed with attachments at each of four corners.

Box Sign means a sign contained in a box, transparent on one side, which is not more than four and a half square feet in area and not more than one foot deep.

Business sign means a sign which directs attention to a product, service or commercial activity available on the premises.

Canopy sign means a sign attached to a canopy.

Changeable copy sign means a sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

Comprehensive sign plan means a plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities, with Special Use Permit (SUP) from Town Council.

Feather sign. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole. The physical structure may resemble a sail, bow, or teardrop.

Flag means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.

Flashing sign means a sign that includes lights that flash, blink, or turn on and off intermittently.

Freestanding Sign means a non-portable sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.

Height, means the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- (1) Existing grade immediately prior to construction of the sign; or
- (2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

Illegal sign means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

Illuminated sign means a sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

Inflatable sign means any sign which uses compressed or forced gas to provide support. *Marquee* means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Marquee sign means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

Minor sign means a wall or freestanding sign, as per Division 2 tables and not illuminated.

Monument sign means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.

Neon sign means a sign containing exposed tubes filled with light-emitting gas.

Nonconforming sign. Any sign which was lawfully erected in compliance with applicable regulations of the Town and maintained prior to the effective date of this chapter of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

Off-premises sign means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.

Pole sign means a sign that is mounted on one (1) or more freestanding poles.

Portable sign means any temporary sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.

Projecting sign means any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.

Public area means any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

Roof sign means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.

Sign means any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or character) visible to and designed to communicate information to persons in a public area. However, the term “sign” does not include architectural features, except those that identify products or services or advertise a business use. The term “sign” also does not include the display of merchandise for sale on the site of the display.

Sign face means the portion of a sign structure bearing the message.

Sign structure means any structure bearing a sign face.

Temporary sign means a sign constructed of cloth, canvas, vinyl, paper, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

Vehicle or trailer sign means any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

Wall Sign means any sign attached to a wall or painted on or against a flat vertical surface of a structure.

Waterfront Sign means a sign facing the river on riverfront property.

Window sign means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.

Sec. 66-362. Signs which require a sign permit.

- (a) *In general.* A sign permit is required prior to the display and erection of any sign except as provided in Section 66-363 of this Article.
- (b) *Application for permit.*
 - (1) An application for a sign permit shall be filed with the Town on forms furnished by the Town. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.
 - (2) The Town Zoning Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 20 business days after receipt. Any application that complies with all provisions of this zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.
 - (3) If the application is rejected, the Town shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
- (c) *Permit fee.* A nonrefundable fee as set forth in the uncodified fee schedule adopted by the Town Council shall accompany all sign permit applications.
- (d) *Duration and revocation of permit.* If a sign is not installed within one year following the issuance of a sign permit (or within 20 days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed 20 days unless another time is provided in the zoning ordinance. The Town may revoke a sign permit under any of the following circumstances:
 - (1) The Town determines that information in the application was materially false or misleading;
 - (2) The sign as installed does not conform to the sign permit application; or
 - (3) The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
- (e) *Overlay district regulations.* All signs in the Historic Overlay District (HOD) require compliance with Architectural Review Board (ARB) guidelines except when a sign permit is not required as provided in §66-363.
- (f) *Special exceptions.* The Town Council shall approve Comprehensive sign plans in the B-1 district. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the

total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

Sec. 66-363. Signs allowed without a sign permit.

A sign permit is not required for:

- (1) Signs erected by a governmental body or required by law.
- (2) Flags up to 16 square feet in size not containing any advertising; provided, that no freestanding pole shall be erected in the public right-of-way nor be within five (5) feet of a service drive, travel lane or adjoining street.
- (3) The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with § 66-368 (e).
- (4) Temporary signs as follows:
 - a. One (1) sign, no more than sixteen (16) square feet in area, located on property where a building permit is active.
 - b. On any property for sale or rent, not more than one sign with a total area of up to sixteen (16) square feet and a maximum height of six (6) feet when the sign abuts a road with a speed limit of 25 miles per hour or less, and when the sign abuts a road with a speed limit greater than 25 miles per hour not more than one sign with a total area of up to thirty-two (32) square feet and a maximum height of eight (8) feet.
 - c. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.
 - d. On residential use property, one or more temporary signs with a total area of no more than eight (8) square feet, and which are removed within 90 days after being erected. Once removed, temporary signs may not be erected again.
 - e. On residential use property, window signs, provided that the total extent of window signs do not obstruct more than 25% of the total area of all windows on each building façade.
- (5) Not more than four minor signs as per Division 2 tables per parcel. Additional minor signs are permitted in certain districts with a permit.
- (6) A-frame signs not in the public right of way as per Division 2 tables
- (7) A permanent window sign, provided that the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) of the total area of the window or door.
- (8) Box signs as per Division 2 tables

66-364. Prohibited signs.

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

- (a) General prohibitions.
 - (1) Signs that violate any law of the Commonwealth relating to outdoor advertising.
 - (2) Signs attached to natural vegetation.
 - (3) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized town official as a nuisance.
 - (4) Vehicle or trailer signs.
 - (5) Freestanding signs more than 15 feet in height.
 - (6) Any sign displayed without complying with all applicable regulations of this chapter.
- (b) Prohibitions based on materials.
 - (1) Signs painted directly on a building, driveway or road, except where expressly permitted by this chapter.
 - (2) Animated signs.
 - (3) Flashing signs.
 - (4) Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year or not to exceed 60 consecutive days.
 - (5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
 - (6) Signs that emit sound.
 - (7) Any electronic sign that is generated by a series of moving images, such as a-TV, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit.
 - (8) Strings of flags (two or more connected together) visible from, and within 50 feet of, any public right-of-way.
 - (9) Pole signs less than 6 feet in height.
 - (10) Feather signs.
 - (11) Inflatables signs.

- (12) Illuminated signs, except for Box Signs.
- (13) Neon signs
- (c) Prohibitions based on location.
 - (1) Off-premises signs.
 - (2) Signs erected on public land other than those approved by an authorized Town official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.
 - (3) Signs on the roof surface or extending above the roofline of a building or its parapet wall.
 - (4) Any sign which obstructs visibility for motorists or pedestrians at an intersection.
 - (5) Window signs whose aggregate area on a window or door exceed twenty-five percent (25%) of the total area of the window or door.

Sec. 66-365. Measurements of sign area and height.

- (a) Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the preceding provisions.
- (b) *Sign area.*
 - (1) Sign area is calculated under the following principles:
 - a. With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.
 - b. The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.
 - c. For projecting signs with a thickness of four inches or more, the sign area also includes the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.

(2) *Maximum height.* The maximum height for any sign shall be 15 feet unless otherwise specified within this chapter.

(3) Maximum Sign Area – 16 square feet unless otherwise specified within this chapter.

Sec. 66-366. Maintenance and removal.

- (a) All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.
- (b) All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.
- (c) The building official may take action under the Virginia Maintenance Code, after such notice as is provided by law, to address any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in chapters 10 and 30 of this Code.
- (d) Where the use or business has ceased operating, the owner of the sign or property owner shall remove the sign within 60 days of the cessation of use or business operation, or remove/replace the sign face with a blank face until such time as a new use or business has resumed operating on the property.
- (e) Sign condition, safety hazard, nuisance abatement, and abandonment.
 - (1) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.
 - (2) Any sign which constitutes a nuisance may be abated by the Town under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

Sec. 66-367. General requirements.

- (a) *Placement.* Except as otherwise permitted, all freestanding signs shall leave a vertical clearance over any sidewalk of at least seven (7) feet and shall not overhang any vehicular right-of-way.
- (b) *Illumination.* All permitted signs may be indirectly lighted, unless such lighting is specifically prohibited in this article. Box signs may be internally lighted.
 - (1) In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign. However, Wall Signs shall be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited within this chapter. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize

glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.

- (2) Internal illumination shall be limited to the illumination standards for outdoor lighting in Town Code § 66-352. No sign shall be permitted to have an illumination spread of more than .05 foot candle at the lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit. In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky.
 - (3) All illumination for signs shall comply with provisions of Article VII of this Chapter 66.
- (c) Waterfront signs – see chart in Division 2.
- (d) Banners - In the Historic District, banner colors shall be consistent with the ARB guidelines.
- (1) A banner can contain no more than four colors.
 - (2) Such banners shall be attached to an existing principal structure (with a clearance of at least 12” from the edge of the store or building) or sign pole. They must not obscure architectural features of the building (such as windows, railings or ornamentation) and shall not exceed 16 square feet in total area. They may be hung in a horizontal or vertical manner and shall be attached at all four corners in a taut manner.
 - (3) Banner permits shall be for 20 consecutive days and no more than twice in one calendar year per property.
 - (4) Banners installed and used for special events and festivals sponsored by the Town of Occoquan may be erected without a permit and shall be removed within two days after the event.

Sec. 66-368. Nonconforming signs.

- (a) Signs lawfully existing on the effective date of this chapter or prior ordinances, which do not conform to the provisions of this chapter, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the zoning administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.

- (b) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
- (c) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- (d) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.
- (e) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.
- (f) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- (g) A nonconforming sign structure shall be subject to the provisions of section 66-238. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such sign structure shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

Sec. 66-369. Non-commercial signs.

- (a) *Substitution.* Wherever this Article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.

DIVISION 2. - SIGN REGULATIONS BY USE AND DISTRICT

Sec. 66-391. Residential district signs (R-1, R-2, R-3 & R-4).

(a) Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in residential districts. Animated signs and electronic message signs are prohibited on residential properties in all residential districts.

TYPE	Flags	Temporary	Permanent (Box, Freestanding, Monument, Pole, Projecting, & Wall)	Minor	Waterfront
Size (each/total)	16 s.f./no limit	16 s.f./16 s.f. 1 total	3 s.f./3 s.f.	1 s.f./ 4 s.f.	16 s.f.
Illumination	As required by law	None	Indirect	None	Indirect
Setback	See 66-363 (2)	None	None	None	None
Max.Height	15 ft.	6 ft.	6 ft.	6 ft.	6 ft
Location	See 66-363 (2)	See 66-363 (4)	Wall, window sign, freestanding or affixed to mailbox	Wall, window sign, freestanding or affixed to mailbox	Wall, window sign, freestanding or affixed to mailbox.
Duration	Unlimited	90 days	Unlimited	Unlimited	Unlimited

(b) Except as provided otherwise in this Article, the following signs are permitted as accessory to non-residential uses in residential districts. Animated signs are prohibited as accessory uses for non-residential uses in all residential districts.

Type	Flags	Temporary	Changeable Message Signs	Permanent (Box, Freestanding, Monument, Pole, Projecting, & Wall)	Minor	Monument	Waterfront
Size (each/total)	16sf/ no limit	8sf/8sf	16sf/16sf	16sf/16sf	1 sf ea./ 4 sf total	16 s.f.	16 s.f.
Illumination	As required by law	None	indirect	Indirect	none	Indirect	Indirect
Setback	See 66- 363 (2)	None	None	None	None	None	None
Max. Height	15ft	6ft	6ft	6ft	6ft	6ft	6ft
Materials	See flag definition	See 66-363 (4)					
Duration	Unlimited	20 Days	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited

Sec. 66-392. Commercial district signs (B-1).

(a) *Generally.* Except as provided otherwise in this Article, the following signs are permitted as accessory uses in commercial districts. In addition, up to one minor sign per business is permitted as a wall sign.

Type	Permanent (Box, Freestanding, Monument, Pole, Projecting, & Wall	Temporary	Flags	Minor	Waterfront	Marquee
Size (each)	16 s.f. (except box signs, which are limited to 4.5 s.f. by definition)	16 s.f. total for commercial use property; 8 s.f. total for residential use property	16 s.f.	1 s.f. total	Total: two square feet per linear foot of the building's riverfront width, divided into as many signs as occupant wishes	SUP Req.
Location	Wall, window sign, freestanding or affixed to mailbox	See 66-363(4)	See 66-363(2)	Wall, window sign, freestanding or affixed to mailbox	Wall, window sign, freestanding or affixed to mailbox	SUP Req.
Maximum Number	4	unlimited	N/A	/ 4 signs total without a permit; up to 2 additional with a permit	Unlimited up to maximum size	1
Illumination	Indirect	None	As required by law	None	Indirect	Backlit, internally or indirectly
Setback	None	See 66-363(4)	See 66-363(2)	None	None	None
Maximum Height	6ft	6ft	15ft	6ft	Height of building	Height of building
Duration	Unlimited	20 days	Unlimited	Unlimited	Unlimited	Unlimited
SUP Req.	No	No	No	No	No	Yes

(b) *Window signs.* Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.

Sec. 66-393. Historic District signs.

In the Old and Historic Occoquan District, a certificate of appropriateness is required before erection or alteration of any structure. Repair of an existing sign, or replacement of an existing sign with like materials and colors, does not require a certificate of appropriateness.

3. This Ordinance shall take effect upon adoption.

MOTION:

SECOND:

RE:

ACTION:

Date: _____
Regular Meeting
Ord. No. _____

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY _____

Town Clerk

**NOTICE OF JOINT PUBLIC HEARING OF THE
TOWN COUNCIL AND PLANNING COMMISSION
TOWN HALL - 314 MILL STREET
TOWN OF OCCOQUAN**

NOVEMBER 1, 2016 – 7:00 PM

Notice is hereby given that the Occoquan Town Planning Commission and the Town Council will conduct a joint Public Hearing on the following item:

Zoning text amendment to Chapter 66, Article VIII of the Town Code related to signs and advertising. The Town adopted an interim ordinance on September 1, 2015 in response to recent court cases requiring sign ordinances to be "content neutral." The interim ordinance was intended to serve until the Town prepared a comprehensive revision of the sign ordinance. That comprehensive revision has now been prepared, and provides new and altered definitions and provides new or altered regulations of sign height, size, materials, illumination, and location. The comprehensive revision, if adopted, will replace the interim ordinance previously adopted.

The draft zoning text amendment to be adopted by the Town Council of the Town of Occoquan is available for review in Town Hall, 314 Mill Street, Occoquan, Virginia 22125.

This hearing is being held at the Occoquan Town Hall, located at 314 Mill Street, Occoquan, Virginia 22125. The location of this public hearing is believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact the Town Clerk at the above address or by telephone at (703) 491-1918. Persons needing interpreter services for the hearing impaired and/or vision impaired should notify the Town Clerk no later than one week prior to the hearing.

The Council of the Town of Occoquan, Virginia

10/21 & 10/28/16



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

9. Regular Business	Meeting Date: September 1, 2015
9 A: Request to Adopt an Ordinance to Amend Chapter 66, Article VIII of the Town Code Relating to Signs and Advertising	

Explanation and Summary:

During the August 4, 2015 regular meeting, Town Council adopted a resolution to initiate a Zoning Text Amendment (ZTA) to amend Chapter 66, Article VIII, Signs and Advertising and referred it to the Planning Commission for review and recommendation. During the Planning Commission's August 11, 2015 meeting, the Commission recommended a joint public hearing be scheduled to receive public comment on the proposed amendments. The joint public hearing has been advertised for September 1, 2015.

The purpose of this Zoning Text Amendment is in response to a recent Supreme Court opinion in the case of *Reed v. Town of Gilbert*, which created a new, more stringent test of when a sign regulation is content based. This is an interim ordinance and a complete review of the sign ordinance will be conducted within the next several months to include all stakeholders.

Zoning Administrator's Recommendation: Recommend approval.

Town Attorney's Recommendation: Recommend approval.

Town Manager's Recommendation: Recommend approval.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move adopt an ordinance to amend Chapter 66, Article VIII of the Town Code Relating to Signs and Advertising."

OR

Other action Council deems appropriate.

Attachments: (0) See Attachments listed under 8A, Public Hearing

**A RESOLUTION TO
INITIATE ZONING TEXT AMENDMENT
FOR REVISIONS TO CHAPTER 66, ARTICLE VIII,
SIGNS AND ADVERTISING, OF THE TOWN CODE**

WHEREAS, the Occoquan Town Council finds that public necessity, convenience, general welfare, and good zoning practice requires amending the Town's sign ordinance provisions contained in Chapter 66, Article VIII of the Town Code, and

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

WHEREAS, pursuant to §15.2-2286(A)(7)(i), such amendment may be initiated by resolution of the Town Council, and

WHEREAS, pursuant to §15.2-2285(B), no zoning ordinance shall be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the planning commission for its recommendations; and

WHEREAS, pursuant to §15.2-2285(C), before approving and adopting any zoning ordinance or amendment thereof, the governing body shall hold at least one public hearing thereon;

NOW, THEREFORE, BE IT RESOLVED that the Occoquan Town Council does hereby initiate ZTA-2015-01 to amend the Town's sign ordinance in Chapter 66, Article VIII of the Town Code; and

BE IT FURTHER RESOLVED that the Occoquan Town Council does hereby refer the proposed amendment to the Planning Commission for its recommendations; and

BE IT FURTHER RESOLVED that effective immediately the clerk is directed to advertise a joint public hearing of the Town Council and Planning Commission on the proposed amendment in accordance with the requirements of §15.2-2204 of the Code of Virginia.

Adopted by the Town Council of the Town of Occoquan, Virginia this 4th Day of August, 2015.

MOTION: Mr. Dawson

DATE: August 4, 2015

SECOND: Mr. McGuire

Regular Meeting

Attachments: Draft zoning text amendment language.

Votes

Ayes: Vice Mayor Sivigny, Mr. Brown, Mr. Dawson and Mr. McGuire

Nays: none

Absent from Vote: Mr. Drakes

Absent from Meeting: Mr. Drakes

BY ORDER OF THE TOWN COUNCIL



Elizabeth A.C. Quist, Mayor

Attested:



Greg Holcomb, Town Clerk



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

10. Regular Business	Meeting Date: November 1, 2016
10 A: Request to Adopt an Ordinance to Amend Chapter 66, Article VIII of the Town Code Relating to Signs and Advertising	

Explanation and Summary:

The Town Council adopted an interim sign ordinance during their September 1, 2015 meeting. Since that time, the Architectural Review Board has been working with Town staff to develop a final revised version of the ordinance. The initial update was initiated to address content neutrality considering a Supreme Court case, *Reed v. Town of Gilbert*, which created a new more stringent test of when a sign regulation is content based.

Zoning Administrator's Recommendation: Recommend approval.

Town Attorney's Recommendation: Recommend approval.

Town Manager's Recommendation: Recommend approval.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to adopt Ordinance O-2016-03 to amend Chapter 66, Article VIII of the Town Code Relating to Regulation of Signs."

OR

Other action Council deems appropriate.

Attachments: (0) See Attachments listed under 9A, Public Hearing



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

10. Regular Business	Meeting Date: November 1, 2016
10 B: Request to Appoint Interim Chief of Police/Town Sergeant	

Explanation and Summary:

The Town's current Chief of Police will retire at the end of the work period of December 3, 2016. The Town is currently undergoing an assessment of its police department with support from the Virginia Association of Chiefs of Police to identify department needs ahead of launching the recruitment process for a new Chief of Police. As a result, the Town needs to appoint an interim Chief of Police to ensure continuity of services throughout the search process.

This is a request to appoint Occoquan Police Officer Adam Linn as Interim Chief of Police/Town Sergeant effective December 2, 2016. Officer Linn has been an auxiliary officer with the Town of Occoquan since February 2016, is a certified Law Enforcement Officer, has over 14 years of experience in law enforcement, and has previously worked in a public safety capacity with the City of Falls Church Sheriff's Office and the Washington D.C. Metropolitan Police Department. He is also a member of the American Bar Association.

Town Attorney's Recommendation: Recommend approval.

Town Manager's Recommendation: Recommend approval.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to appoint Officer Adam Linn as Interim Chief of Police/Town Sergeant effective at the end of the current Chief's shift on December 2, 2016, contingent upon the Town Manager's successful negotiation of his salary and benefits within the range approved in closed session."

OR

Other action Council deems appropriate.

Attachments: (0) None.



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
 Agenda Communication

10. Regular Business	Meeting Date: November 1, 2016
10 C: Request to Adjust Salary for Town Clerk Due to Federal Overtime Rule	

Explanation and Summary:

On May 18, 2016, the US Department of Labor (DOL) publicized the final rule updating the overtime regulations, which will extend overtime pay protections to over 4 million workers within the first year of implementation. The Final Rule focuses primarily on updating the salary and compensation levels needed for Executive, Administrative and Professional workers. As a result of the Final Rule, effective December 1, 2016, the standard salary level will increase from \$455 to \$913 per week, or to \$47,476 annually for full-year workers.

In evaluating the Town’s current staffing salaries in light of this new rule, only one position is impacted. As a result, the Town must either (1) maintain the Town Clerk’s current salary and compensate the employee for any hours worked over 40 hours per week or (2) increase the salary to \$47,476 and maintain the position’s exempt status as it relates to overtime.

Town Clerk Salary OT Impact

FY2017 Salary	FY2017 Hourly Rate	OT Rule New Salary	OT Rule New Hourly Rate	OT Rule New Hourly Rate with OT	Salary Impact with Benefits
\$42,024	\$20.20	\$47,476	\$22.825	\$30.31	\$6,032

It is recommended to increase the Town Clerk’s base salary to meet the minimum requirements for the new overtime rule, effective November 20, 2016, which is the start of a new pay period. Should the Town maintain the current salary, the Town will be responsible for compensating the employee for hours worked over 40 hours per week, beginning December 1, 2016, at a rate one and one-half times the hourly rate. Based on the employees reported hours since April, 88.5 total hours have been worked beyond 40 hours per week due to evening meetings and event support. The increase in the base salary will allow the town more flexibility in staffing and office coverage and support, instead of being required to limit employee hours to ensure meeting, office and event coverage.

Town Manager’s Recommendation: Recommend approval.

Cost and Financing: \$6,032
Account Number: Administration - Salaries

Proposed/Suggested Motion:

"I move to increase the Town Clerk salary to \$47,476 effective November 20, 2016, due to the required Final Rule: Overtime issued by the US Department of Labor effective December 1, 2016."

OR

Other action Council deems appropriate.

Attachments: (1) Overtime Rule Information



FLSA Overtime Exemption Rule

The Department of Labor released its final rule on May 18, 2016, revising the overtime exemption regulations of the Fair Labor Standards Act (FLSA) and making millions of exempt employees eligible for overtime pay.

The final overtime rule includes an exempt employee threshold of **\$47,476**—less than the proposed rule's \$50,440, but more than double the old threshold of \$23,660.

The salary threshold will be updated every **3 years** and employers must implement the rule by **Dec. 1, 2016**.

OLD Overtime Rule

\$23,660

Previously, full-time, salaried workers who earned up to this amount annually (\$455 a week) were not eligible for FLSA overtime protections.

NEW Overtime Rule

\$47,476

The DOL more than doubled the salary threshold, requiring employers to pay workers who make up to this annual amount (\$913 a week) overtime pay.



Overtime Is Money

Employers will spend **\$592.7 million** to comply with the new rule, the DOL estimated, saying that each of the 7.4 million affected establishments will need one hour to get up to speed on the changes.

The Society For Human Resource Management and many business groups believe it will take a much longer time than one hour to make the changes needed.

Dec. 1, 2016

is the day all employers must comply with the new regulations.



The salary threshold will be updated every 3 years to keep up with inflation. Based on wage growth projections, the threshold is expected to rise to more than **\$51,000** with the first update on

Jan. 1, 2020



<https://www.shrm.org>



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

10. Regular Business	Meeting Date: November 1, 2016
10 D: Request to Approve 2017 Meeting and Town Holiday Calendar	

Explanation and Summary:

This is a request to set the Town Council meeting schedule for the 2017 calendar year. The Town Code Section 2-61, Date and time of regular meetings, states that the Council shall meet in regular session on the first Tuesday of each month at 7:00 p.m. or at such other times as may be fixed by resolution; provided at least one regular meeting per month shall be held as required by section 16 of the Charter.

The proposed meeting calendar includes regular meetings on the first Tuesday of each month and work session meetings on the third Tuesday of each month, except for the months of July, August and December, during which no work session is scheduled. Work session meetings are intended to discuss issues that would be coming before the Council for action at a regular meeting or other items that do not require formal action, but merit review and consideration by the Council.

Town Manager's Recommendation: Recommend approval.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to approve the 2017 Town Council meeting schedule as presented."

OR

Other action Council deems appropriate.

Attachments: (1) Calendar Year 2017 Town Council Meeting Schedule

TOWN OF OCCOQUAN 2017 Meeting Schedule

DATE	MEETING TYPE
Tuesday, January 3, 2017	Regular Meeting
Tuesday, January 17, 2017	Work Session + Budget Work Session
Tuesday, February 7, 2017	Regular Meeting
Tuesday, February 21, 2017	Work Session (Budget)
Tuesday, March 7, 2017	Regular Meeting + Budget Work Session
Tuesday, March 21, 2017	Work Session
Tuesday, April 4, 2017	Regular Meeting + Budget Public Hearing
Tuesday, April 18, 2017	Work Session
Tuesday, April 25, 2017	Public Hearing Proposed Tax Rates
Wednesday, May 2, 2017	Regular Meeting
Tuesday, May 16, 2017	Work Session
Tuesday, June 6, 2017	Regular Meeting
Tuesday, June 20, 2017	Work Session
Tuesday, July 18, 2017*	Regular Meeting
Tuesday, August 1, 2017	Regular Meeting
Tuesday, September 5, 2017	Regular Meeting
Tuesday, September 19, 2017	Work Session
Tuesday, October 3, 2017	Regular Meeting
Tuesday, October 17, 2017	Work Session
Wednesday, November 8, 2017*	Regular Meeting
Tuesday, November 21, 2017	Work Session
Tuesday, December 5, 2017	Regular Meeting

Total Regular Meetings: 12

Total Work Sessions: 10

Total Special Meetings: 1

*Added additional meeting in April for Budget Public Hearing.

*Moved regular July meeting date to third Tuesday due to Independence Day holiday.

*Moved regular November meeting date to following Wednesday due to Election Day.

2017 Town observed holidays

Town Hall will be closed in observance of the following holidays:

January 2 - New Year's Day (observed)	September 4 - Labor Day
January 13 - Lee-Jackson Day	October 9 - Columbus Day
January 16 - Martin Luther King, Jr. Day	November 10 - Veterans Day (observed)
February 20 - Presidents' Day	November 23, 24 - Thanksgiving Holiday
May 29 - Memorial Day	December 25, 26 - Christmas Holiday (observed)
July 4 - Independence Day	



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

10. Regular Business	Meeting Date: November 1, 2016
10 E: FY 2018 Budget Discussion - Goal and Priority Setting	

Explanation and Summary:

This is to discuss goals and priorities for the upcoming fiscal year in preparation for the FY 2018 Budget process.

In February 2015, the Town Council adopted six priorities that guided the budget development for fiscal years 2016 and 2017. This process should be reviewed annually and priorities should be established and adopted every two years.

The priorities set in 2015 are:

- Parking Issues
- Pedestrian Safety and Access
- Historic Preservation and Town Appearance
- Riverwalk Project
- Community Development and Programming
- Stormwater Management

This is an opportunity to review and/or alter the above priorities and provide guidance to staff on the budget development process in term of goals, priorities and expectations.

Attachments: (1) FY 2017 Budget Calendar



TOWN OF OCCOQUAN

Fiscal Year 2018 Budget Calendar

ACTIVITY	DATE	TIME
Budget Committee Meeting - Budget Preparation and Task Setting	Tuesday, October 18, 2016	10 a.m.
Town Council Goal Setting Work Session	Tuesday, November 1, 2016	7:00 p.m.
Staff Meeting - Budget Discussion/Priorities	Wednesday, November 2, 2016	10 a.m.
Planning Commission/Budget Committee CIP Review and Recommendations	Wednesday, November 9, 2016	6:45 p.m.
Deadline for Department Budget Requests	Monday, December 5, 2016	COB
Town Council Budget Work Session	Tuesday, January 17, 2017	7:00 p.m.
Proposed FY18 Budget Submitted to Council, Available to Public	Friday, February 17, 2017	COB
Town Council Budget Work Session	Tuesday, February 21, 2017	7:00 p.m.
Town Council Budget Work Session (if needed)	Tuesday, March 7, 2017	After Regular Meeting
Advertise for Tax Rate and Budget Public Hearings	Advertising Date: March 24, 2017	Date to send to paper: March 20, 2017
Public Hearing: Proposed FY18 Budget	Tuesday, April 4, 2017	7:00 p.m.
Public Hearing: Proposed FY18 Tax Rates	Tuesday, April 25, 2017	7:00 p.m.
Adoption of FY18 Tax Rates and Budget	Tuesday, May 2, 2017	7:00 p.m.
Submission of Budget to GFOA	Friday, July 28, 2017	COB