



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
January 3, 2017 | 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. December 6, 2016 Regular 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. Town Treasurer
 - f. Chief of Police
 - g. Boards and Commissions
8. **Regular Business**
 - a. Request to Award Contract for Town Recodification and Zoning and Subdivision Ordinance Review and Update Project
 - b. Request to Appropriate Funding for River Mill Park Project Overage
 - c. Request to Approve Parking Restrictions on West Locust Street
Continued from December 6, 2016 Regular Meeting
 - d. Request to Approve Amendment to Chapter 62 of the Town Code, Prohibiting the Blocking of Intersections

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.

- e. Request to Approve Employee Health Insurance Stipend
- f. Request to Set Policy on Police Take Home Vehicle
- g. Request to Appoint Town Representative to the Bull Run ASAP Policy Board

9. Closed Session

10. Adjournment



OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes DRAFT
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, December 6, 2016
7:00 p.m.

Present: Mayor Liz Quist, Vice Mayor Pat Sivigny, Councilmembers Jim Drakes, Matthew Dawson, Cindy Fithian, and Joe McGuire
Staff: Kirstyn Jovanovich, Town Manager; Martin Crim, Town Attorney; Bruce Reese, Town Engineer; Stan Orndorff, The Engineering Groupe; Chris Coon, Town Clerk; Adam Linn, Interim Chief of Police; Mike Vanderpool, Vanderpool, Frostick & Nishanian

1. Call to Order

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

2. Pledge of Allegiance

3. Citizens Time

Chris Kiely, 430 Mill Street, stated that the Town purchased an approximately \$40,000 police vehicle and he estimated that the police vehicle had 40,000 miles on it and that the Town is 0.2 square miles. He believes that the reason for that, is that it is a take home vehicle. He stated that it should only be used for when the Sheriff is responding from home to emergencies in Town. He stated that the Sheriff is not responding to emergencies and he believes that means that a take home vehicle would be considered salary. He stated that he doesn't believe that the Town has approved pay in that amount.

He also stated that a federal judge has issued a nationwide preliminary injunction on the Department of Labor's Federal Overtime Rule. He asked that this be brought up because in his opinion it does not benefit the Town.

4. Approval of Minutes

It was moved to approve the minutes of the November 1, 2016 Regular Meeting and November 15, 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.

5. Councilmember Reports

Councilmember Fithian stated that the Winterfest will be Saturday. She also stated that she has been meeting with Mrs. Ozuna about the Main Street America partnership. They are working toward Occoquan's application.

Councilmember Drakes stated that there is a Budget Committee Meeting next Friday December 16, 2016. Mayor Quist noted that Councilmember Drakes has volunteered to participate on the Town's budget committee this year.

Councilmember Dawson stated that the Architectural Review Board did not have a meeting in November.

Councilmember McGuire stated that the Planning Commission did not have a meeting in November.

6. Mayor's Report

No Report. Mayor Quist added that the Winterfest fireworks sponsored by Prince William Marina are in honor of our Nation's Active Duty Military.

7. Staff Reports

A. Town Attorney: Mr. Crim, Town Attorney, reported on the Kiely property. He asked the Council to add a Closed Session to provide an update on the Kiely matter. He also stated that at the last meeting, the Town Council instructed Town Staff to inform Mr. Kiely that he needed to abate the sewage spill on his property. He stated that the abatement of the sewage spill has been completed. He also stated that there was a hearing in Circuit Court on November 23, 2016 in which the Court granted a temporary injunction against cutting the sewer line. Mr. Crim stated that this will maintain the current status and there is a jury trial set for the end of May 2017. Mr. Crim stated that the Town is only involved in this matter as a result of the appeal that Mr. Houghton has filed.

B. Town Engineer Mr. Reese, Town Engineer, submitted a report as part of the meeting agenda. No questions were received.

Stan Orndorff, The Engineering Groupe, provided an update on the River Mill Park project, specifically in regards to proposed improvements to the Stone Dust Trail. He stated that a preliminary design has been submitted and approved by Fairfax Water. He stated that they are in the process of completing the final engineering drawing. There was also a request for asphaltting the upper portion of the trail that was approved through email by Fairfax Water.

Ms. Jovanovich stated that the Town has reached out to Prince William County Public Works to see if they would be able to install the storm water system and asphalt the approved portion of the trail. She stated that Prince William County Public Works will be able to do it as per the MOU agreement between the Town and County.

Councilmember Dawson inquired about the timeline for the lights to be installed on the foot bridge. Mr. Orndorff stated that the Town has approval from VDOT to install the lights. As part of the approval, VDOT wants to replace the planks where the lights will be installed on the foot bridge. Mr. Orndorff stated that he has reached out to

VDOT and inquired about a timeline as to when the planks will be repaired and has not been given a response to date.

- 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 was present and her report was submitted as part of the meeting agenda. No questions were received.
- E. **Chief of Police:** Chief Linn was present and his report was submitted as part of the meeting agenda. No questions were received.
- F. **Boards and Commissions:** No ARB or Planning Commission meetings were held in November.

8. Regular Business

8A. Request to Extend Contingencies on Kiely Court Final Subdivision Plat

Chris Kiely, owner of 430 Mill Street, requested for all contingencies on the Kiely Court Subdivision Plat be removed. Town Staff recommended the contingencies on the Kiely Court Subdivision Plat be extended for one year. It was moved to extend the Town Council's conditional approval of the Kiely Court Final Subdivision Plat for one year, under the same conditions imposed by the original contingent approval dated December 1, 2015.

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

8B. Request to Consider Extension of Building Period for Kiely Court Project

Due to litigation pending in Circuit Court regarding Kiely Court, it was moved to continue this matter without action until the June 2017 Town Council Regular Meeting.

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

8C. Request to Designate No Parking on Section of W. Locust Street

The Town Council requested additional information regarding VDOT parking standards. It was moved to continue this matter until the January 2017 Town Council Regular Meeting.

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

9. Closed Session

Vice Mayor Sivigny moved that the Council convene in closed session to discuss the following as permitted by Virginia Code S 2.2-3711(A)(3), a matter involving: acquisition of real property for public purposes. Also, as permitted by Virginia Code S 2.2-3711(A)(7) consultation with legal counsel, or the pending case of Christopher and Jillian Kiely 430 Mill

Street, Occoquan Virginia and Prince William County Circuit Court. Councilmember Fithian seconded. **The motion carried by poll vote, unanimously.** The Council convened in closed session at 7:45 p.m.

The Council came out of closed session at 8:50 p.m. Vice Mayor Sivigny moved that the Council 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 under the provisions of the Virginia Freedom of Information Act cited in that motion. Councilmember McGuire seconded. Motion passed, **Ayes- Councilmember Fithian, Councilmember Drakes, Councilmember Dawson, and Councilmember McGuire, Vice Mayor Sivigny, by roll call vote.**

It was moved to approve the contract with OBC LLC for 1.05 acres at 401, 403, 405, 407 and 411 Mill Street and authorize the Mayor to sign the contract and appropriate a not to exceed amount of \$39,000 for due diligence.

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

10. Adjournment

The meeting was adjourned at 8:52 p.m.

Christopher Coon
Town Clerk



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Jim Drakes
Cindy Fithian
Joe McGuire

TOWN MANAGER
Kirstyn Barr Jovanovich

TOWN ENGINEER
Bruce A. Reese, P.E., L.S.

Town Engineer's Report Town Council Meeting - January 3, 2017

Land Development Activity

Vistas at Occoquan
River Mill Park, Phase II

Kayak/Canoe Launch - update from last report

Goal is to have Request for Proposal (RFP) advertised by 1/31/17, interviews for short-listed firms in February/March, with Town Council approval in April. Construction would start after June 30, 2017, due to "time of year" restriction for anadromous fish in Occoquan River.

River Mill Park

Presentation by The Engineering Groupe.

Tanyard Hill property - update 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. On schedule to have updated rezoning package, including new proffers, GDP, application, Comprehensive Plan Amendment, narrative, etc. in January 2017.

Vistas at Occoquan - no change from last report

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.

Occoquan Heights Landscape Maintenance Bond Release

Request for landscape bond release submitted by HOA. Inspection conducted with minor replantings required. On-going process.

Rivertown Overlook Property

Potential interest from owner to complete project. On-going process.

Parking on West Locust

Please see separate staff report dated 12/27/16.

VDOT Grant Funding

Meeting VDOT representatives 1/5/17. On-going process.

-END-



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BUILDING OFFICIAL
Joseph E. Barbeau, Jr.

January 3, 2017

DECEMBER 2016 REPORT TO THE TOWN COUNCIL BUILDING OFFICIAL REPORT

PERMITS ISSUED

12/01/2016, 184 Washington Street, Permit granted to Re-Roof.
12/07/2016, 102 Frayer's Farm, Permit granted to replace roof, siding, and gutters.
12/06/2016, 408 Mill Street, Permits granted for Plumbing and Electrical renovations.
12/12/2016 416 Mill Street, Permit granted for Emergency Repairs (flooring and ceiling repairs) due to dishwasher leak damage.
12/22/2016, 158 Washington Street, Permit granted to replace roof and gutters.

CERTIFICATES OF OCCUPANCY ISSUED

No Certificates of Occupancy have been issued in this month.

INSPECTIONS

Date	Activity
12/12/2016	Inspection of rough trade installations at 416 Mill Street, 2 nd floor left apartment and basement commercial space, work was approved.
12/12/2016	Inspection of damage conditions and emergency remediation at 416 Mill Street (Georgetown Caterers facility). Work was allowed to be continued with permitting applications to follow that day.
12/12/2016	Final Inspection of the application of new roofing materials at 204 Brawner's Farm Place, approved.
12/12/2017	Final Inspection of repairs to interior of 114 Fortress Way for repairs conducted due to water main break, approved.

DOCUMENT REVIEW

No documents are currently under review.

ACTIONS

No actions are underway at this time.

RECOMMENDATIONS

There are no recommendations for the Council at this time.

OTHER

As a result of a health episode that I suffered in August, it was determined that I needed surgery to repair a hiatal hernia, and the damage that this caused. I underwent surgery on 17 November, while other members of my team covered my absence. I was able to remain in contact with both Town Hall and TCS staff throughout this period. I am happy to report that all health issues were successfully treated and I am recovering well. I wish to express my appreciation to the Town's staff for their understanding and assistance through this process, their efforts and concern merit notice by the Council for helping to ensure that our citizens were well served in my absence. Thank you!

End of Report, submitted on 12/29/2016.



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Kirstyn Barr Jovanovich

Town Manager's Report Town Council Meeting - January 3, 2017

GFOA Award

The Town received the GFOA Distinguished Budget Award for its FY 2017 Adopted Budget document. This is the second year in a row that the town has received this designation. The FY 2018 Budget will be prepared with the intent to submit to GFOA for consideration for this award next year.

Community Development and Events Director Position Posted

The position announcement has been posted for the Community Development and Events Director. The announcement closes on January 15, 2017, after which interviews will be scheduled.

Police Department Assessment

No update has been provided by VACP on the status of the police department assessment.

Police Auxiliary Position Posted

A position announcement for police auxiliary officers has been posted on the town's website and sent to VACP. The announcement will be posted until filled.

River Mill Park Restrooms and Canopy

The restrooms at River Mill Park were temporarily closed for several days during December due to the extreme cold and there not being operational heaters within the bathroom facilities. The repairs to the heaters are expected to be made by January 3, 2017 by the park contractor. The intent is to have the bathrooms open year-round for public use.

The canopy over the pavilion has been removed and stored for the season.

December Events

Town staff coordinated several successful events in December including the Town Blessing and Winterfest. No town events are scheduled during the month of January.

-END-



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TOWN TREASURER
 Abigail Breeding, CPA

Town Treasurer's Report Town Council Meeting - January 3, 2016

Audits

Provide update/status on audits:

Audit Type	Current Status	Last FY Audit Completed	Next Steps/Action
Financial Audit	In Process	FYE 2015	No action
Meals Tax Audit		None	
BPOL Audit		2012 License Year	

Delinquencies

Provide update/status on delinquencies:

Meals Tax Delinquencies				
Business Name	Length of Delinquency (months)	Amount of Delinquency (total, est.)	Date of Last Notice	Status of Compliance
Blue Arbor	1	\$500	12/28/16	
Friend's Riverside	1	\$100	12/28/16	
Pink Bicycle Tea Room	2	\$160	12/28/16	
Sugar Mama's	1	\$100	12/28/16	
Georgetown Catering	2	?	12/28/16	

Business License Delinquencies			
Business Name	Length of Delinquency (Years)	Date of Last Notice	Status of Compliance
13 Magickal Moons	1	12/28/16	
Aer Potentia	1	12/28/16	
Excellence Home Health Services	1	12/28/16	
Fathom Realty	1	12/28/16	
Joy of Being	1	12/28/16	
Make Wake, LLC	1	12/28/16	
Mike Garcia Construction	1	12/28/16	
Proactive Wellness Concepts	1	12/28/16	
Red Art and Design	1	12/28/16	
Solis Energy Solutions Inc	1	12/28/16	
Tai Chi Jab	1	12/28/16	
The RJ Group	1	12/28/16	
Daken Operations Analysis and Strategies	1	12/28/16	
Dansk Day Spa	1	12/28/16	
Ervin Engineering	1	12/28/16	

Real Estate Delinquencies				
Property Address OR Property Owner (whichever is appropriate to publish)	Length of Delinquency (Years)	Amount of Delinquency (Tax Only)	Date of Last Notice	Status of Compliance
Fore, Ernest J	2	\$695	12/28/16	
Houghton, Joy, Ronald W. & Lance R.	1	\$1	12/28/16	
Houghton, Lance	1	\$128	12/28/16	
Selecman, James	3	\$813	10/4/16	
Tan, Purisima K	3	\$572	12/28/16	

Other Items of Note

None.



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**INTERIM CHIEF OF POLICE/
 TOWN SERGEANT**
 Adam C. Linn

Occoquan Police Department

Monthly Town Council Report January 3, 2016

Departmental Goals

(Set by Town Council in February 2016)

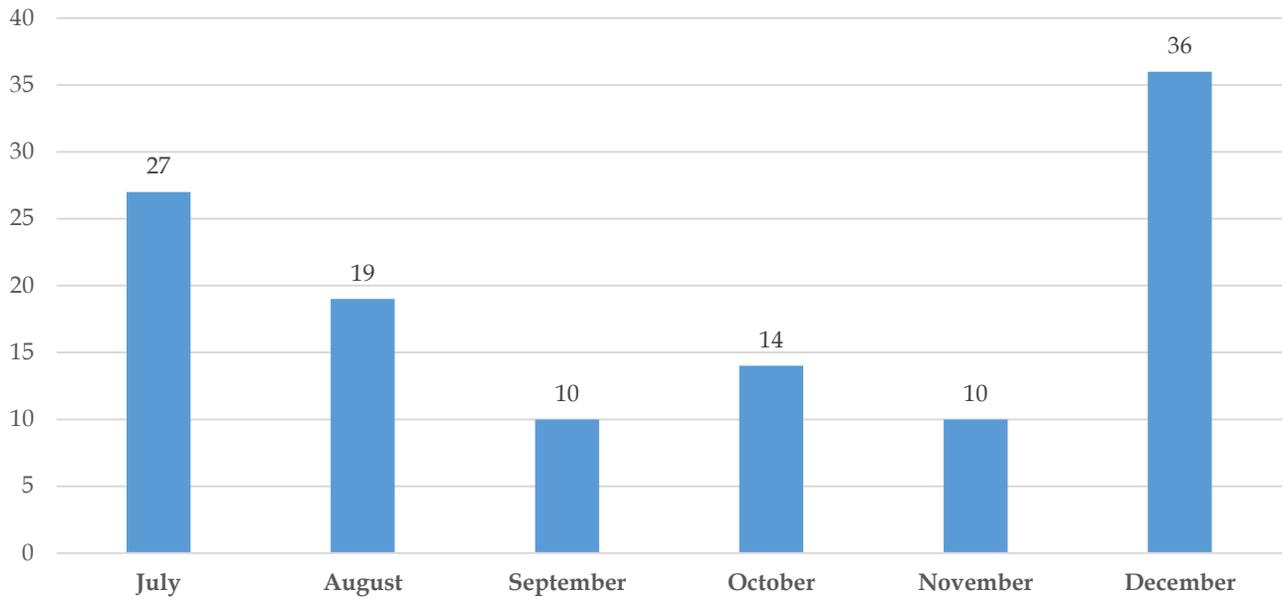
- Goal 1: Protection of private property
- Goal 2: Improvement of pedestrian safety
- Goal 3: Increased patrol hours including nights and weekends
- Goal 4: Prioritizing community meetings outside of town
- Goal 5: Updating department policies

Significant Incidents

Nature	Date	Location	Details
Rescue/Injury Call	12/03/2016	Town	OWL Rescue and OPD responded to location on Washington St. for report of person injured from a "hit on the head."
Parking Complaints	12/6/2016	Town	Received complaint that vehicles were parking in Visitor Center Only parking spaces. Parking tickets and warnings issued.
Theft from Vehicle	12/5-6/2016	Town	An unlocked vehicle located on W. Locust St. was entered and miscellaneous items stolen by unknown person(s).
Parking Complaints	12/7/2016	Town	Parking in Visitor Center parking spaces. Parking tickets issued.
Hit and Run	12/7/16	Town	A white truck went the wrong way down Mill St. and then attempted to turn and struck a fire hydrant in front of Town Hall. The vehicle then fled the scene of the accident.
Line Down on Street	12/8/2016	Town	A Verizon Fios wire fell and blocked traffic on Commerce St. between Union St. and Washington St. The downed wire was

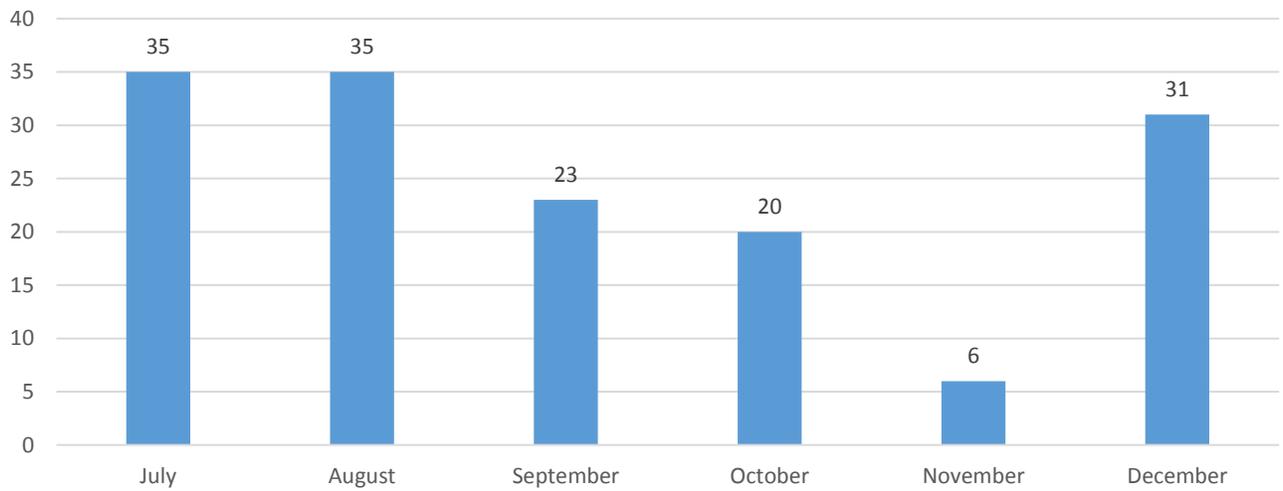
			temporarily moved and Verizon came and resolved the issue.
DHS Investigation	12/9/2016	Town	Met with Special Agent from Dept. of Homeland Security regarding a complaint of chemical dumping in the Occoquan River.
Parking / Abandon Vehicle Complaint	12/12/2016	Town	Received complaint regarding possible abandoned vehicle on private property on Ellicott St. Investigated and did not find any enforceable infractions or abandoned vehicles. Owner of property was notified and was going to take corrective action.
Public Safety Sign Issue	12/14/2016	Town	Observed "One-Way" sign posted the wrong way on Washington St. and Poplar Alley. Contacted VDOT and had sign replaced and properly posted.
Traffic Complaints	12/9, 12, 14, 16/2016	Town	Complaints received and observed of motorist blocking the intersection of Gordon Blvd & Commerce St. and Washington St. & Mill St. Monitored the intersections and drafted options to address safety concerns.
Vehicle Blocking Roadway	12/20/2016	Town	PW County received a complaint that cars were blocking Union St. and Tanyard Hill. Investigated and resolved the issue.
Vehicle Decal Campaign	12/21-30/2016	Town	Began warning vehicles without Town Decals of requirement to obtain Decal within 10 days.
Traffic Complaints	12/27/2016	Town	Received several complaints that Gordon Blvd had heavy traffic and was blocking the entrance into and out of Commerce St. Parked Police Vehicle next to the intersection and monitored traffic.
Domestic Complaint	12/27/2016	Town	PW County dispatched Town Officer to Woodlee Terrace Apartments for alleged domestic matter. Matter was cleared by.

Total Summonses FYTD (GRAPH) ¹



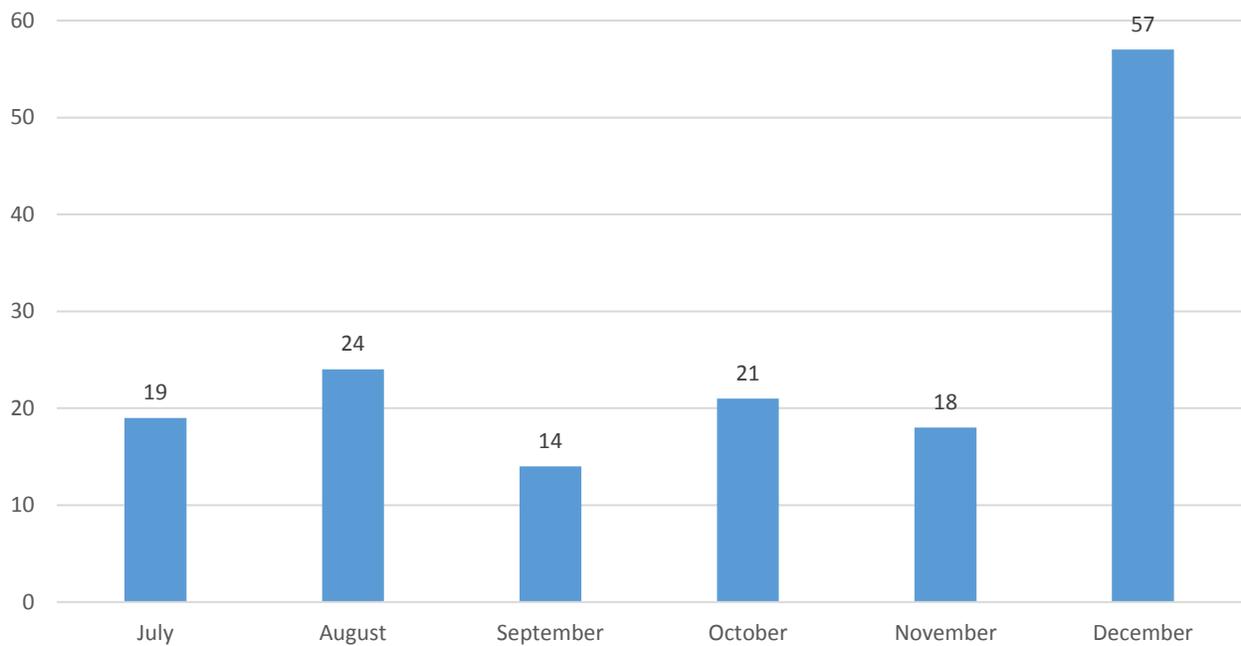
¹Goals 1, 2

Parking Tickets Issued FYTD (GRAPH) ²



²Goal 2

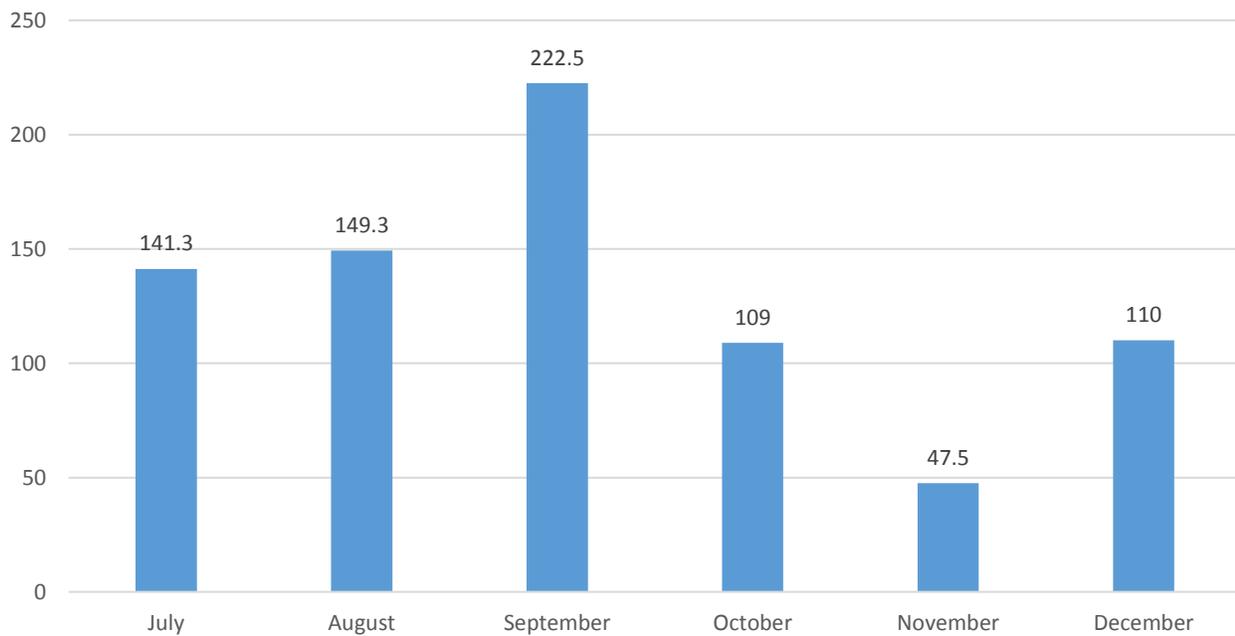
Traffic Enforcement FYTD (GRAPH)³



Includes stops without tickets issued.

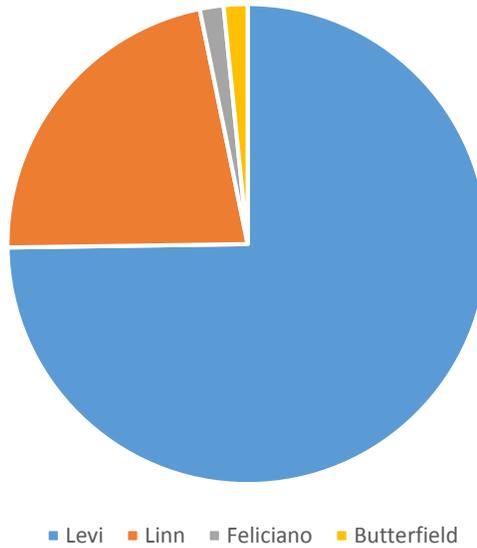
³Goal 2

Patrol Hours FYTD (GRAPH)⁴

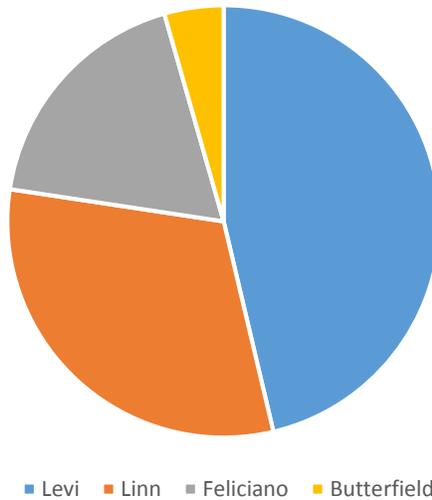


⁴Goals 1, 2, 3

Total Administrative/Training Hours FYTD



Total Patrol Hours FYTD



Community Relations

- Officers provided traffic control and security during the “Santa Claus Arrives by Boat” event.
- Interim Chief Linn attended and provided traffic control for the Town Blessing.
- Interim Chief Linn spoke with several residents of W. Locust St. and took measurements of W. Locust to assist the Town Engineer regarding the parking issue on W. Locust St.
- Interim Chief Linn participated in the Santa’s Lake Ridge Parade. Officers provided traffic control and security during the Town’s WinterFest event.
- Provided visibility through foot patrols, vehicle patrols and business checks throughout the month especially during the week leading up to the Christmas holiday.

Current Initiatives

- Assessed public safety issues related to traffic and pedestrian safety in the Town. Prepared suggested solutions to issues.¹
- Updating General Orders; currently reviewing General Orders of similar small police departments, as well as working with VML to finalize Department's General Orders.⁵

¹Goal 1

⁵Goal 5



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
 Agenda Communication

8. Regular Business	Meeting Date: January 3, 2017
8 A: Request to Award Contract for Town Recodification and Zoning and Subdivision Ordinance Review and Update Project	

Explanation and Summary:

This is a request for funding for a two-part project that includes a legal review and update of the Town’s zoning and subdivision ordinances, and a complete recodification of the Town Code. The zoning and subdivision ordinance update is anticipated to begin in January 2017 and be completed by July 1, 2017, with the recodification process to commence immediately afterwards and take approximately nine months to complete. The entire project is expected to be completed by April 2018 and result in a completely recodified town code with updated and legally compliant zoning and subdivision ordinances, all accessible and searchable in an online database.

Zoning and Subdivision Ordinance Update: January 2017 - July 2017

The Town recently completed its 2016-2026 Comprehensive Plan. The plan included discussions on updating the zoning and subdivision ordinances of the Town Code to ensure appropriate land use within the town, specifically within the business district. Zoning within the Town of Occoquan is discussed throughout the document, but is specifically part of the overall Vision for 2026. In addition, Action Items number 44, 45, 46, 51, 52, 53, and 54 are all related to the town’s zoning and subdivision ordinances. Since the initial adoption of the Zoning Map in 1981, no significant changes have been made to zoning within the town.

This proposal includes contracting with a planning agency to perform a legal review of both the zoning (Chapter 66) and subdivision (Chapter 54) ordinance of the Town Code to ensure compliance with State law, ensure compliance with the recently updated Comprehensive Plan, integration of necessary maps, tables, etc., and hosting a community meeting to obtain community input and feedback. Five companies were contacted to provide a quote to perform the work and three responded:

Company	Amount
The Berkley Group	\$40,000 – NTE Amount
Burns McDonnell	\$23,450 – NTE Amount
Mike Chandler	\$38,000 – NTE Amount

**Milton Herd was contacted but declined to quote due to availability and Clarion Associates was contacted but did not respond to the request for bid.*

It is recommended that the Town contract with Burns McDonnell (BMcD) to perform the work. The proposal is included as part of this agenda item. The NTE amount includes BMcD organizing and hosting a community meeting for public input into the process.

Activity	Cost
Contractor Cost	\$23,450
Legal Review	\$5,000
Zoning and Engineering Review	\$3,000
5% Contingency	\$1,572
Total Not To Exceed Amount	\$33,022

The estimated total project cost is \$31,450, which includes an estimate of \$5,000 for the Town Attorney’s legal review for state code compliance, and \$3,000 for engineering and zoning costs associated with staff involvement with the project. The requested NTE amount of \$33,022 includes a five percent contingency.

Town Code Recodification: July 2017 - April 2018

Once the Zoning and Subdivision Ordinance review is completed, the Town will then begin its recodification project for the entire Town Code. The last time the Town Code was recodified was in 1999. Between 1999 and 2011, newly passed ordinances were not incorporated into the code and instead, were simply included as separate documents to the code. In 2011, Mayor Porta began the process of codifying the ordinances into the code in order to ensure that the code text was up-to-date with most recent ordinance changes. Since that time, Town staff has been updating and managing the Town Code internally as ordinances are passed and amendments are made. A complete legal review and formal recodification has not been performed since 1999. The previous recodification was performed by Municode Corporation.

Three companies were contacted for quotes and the town received two responses.

Company	One Time Cost	Annual Cost	Includes
Legal Publishing Corporation	\$7,200	\$350 annual fee \$18 per page for supplements	Legal review, draft, code update, one hard copy code book
Municode	\$13,470	\$675 annual fee \$19 per page for supplements	Legal review, draft, code update, 10 hard copy books

**No bid received from Code Publishing Company.*

It is recommended that the Town contract with Legal Publishing Corporation to perform the recodification and host the Town Code online. This cost includes supplemental updates as the Town Code is amended by the Town Council. This cost will be incurred as part of the FY2018 Budget. Approval of this is pending Town Council approval of the FY2018 budget in May 2017.

Activity	Cost
Recodification	\$7,200
10% Contingency	\$720
Total Not To Exceed Amount	\$7,920

Budget Information

FY 2017 CIP: Zoning and Subdivision Ordinance Update Project

CIP Category	Budgeted Amount
Town Code Recodification	\$20,000
Community Plan	\$15,000
Delayed Project Funding ¹	\$15,000
Available Funding	\$50,000

¹Funding available from delayed FY2017 CIP Projects

Proposed FY 2018 CIP: Town Code Recodification Project

CIP Category	Budgeted Amount
Town Code Recodification	\$10,000
Proposed Available Funding	\$10,000

Engineer’s Recommendation: Recommend approval.

Town Attorney’s Recommendation: Recommend approval.

Town Manager’s Recommendation: Recommend approval.

Cost and Financing: NTE \$33,022 | NTE \$10,000
Account Number: FY 2017 CIP | Proposed FY 2018 CIP

Proposed/Suggested Motion:

“I move to approve a contract with Burns McDonnell and set a not to exceed amount of \$33,022 for the Zoning and Subdivision Ordinance Update project utilizing FY 2017 CIP funding.”

“I further move to approve a contract with Legal Publishing Corporation and set a not to exceed amount of \$10,000 for the Town Code Recodification project utilizing FY 2018 CIP funding, pending Town Council approval of the FY 2018 Budget.”

OR

Other action Council deems appropriate.

Attachments: Contractor Proposal – Burns McDonnell
Contractor Proposal – The Berkley Group
FY 2017 CIP Tracking and Status Update



November 23, 2016

Kirstyn B. Jovanovich, CFM
Town Manager
Town of Occoquan
314 Mill Street
PO Box 195
Occoquan, VA 22125

Re: Zoning Review and Update

Dear Ms. Jovanovich:

Based on our understanding of the requested needs of the Town of Occoquan (Town), Burns & McDonnell Engineering Company, Inc. (BMcD) offers the following scope of work with a cost not to exceed \$19,784.00.

1. BMcD will begin work as soon as possible, but no later than the first week of January 2017 and work will be finished and delivered to Town staff no later than June 30, 2017.
2. BMcD will conduct a thorough review of the Zoning Ordinance, Subdivision Ordinance, and recently updated Comprehensive Plan.
3. BMcD will review the Zoning and Subdivision Ordinances for grammatical issues, conflicts with each other and with the Comprehensive Plan and other Town codes.
4. BMcD will edit the Zoning and Subdivision Ordinances to comply with the recently updated Comprehensive Plan.
5. BMcD will format the Zoning and Subdivision Ordinances for consistency and ease of readability.
6. BMcD will integrate maps, photographs, diagrams, charts, tables, etc. into the documents in a format that is consistent between documents.
7. BMcD will work with Town staff throughout the process to gather input and keep officials updated on the progress.

Deliverables will consist of a clean version and a redlined version of both the Zoning and Subdivision Ordinances with updated tables of contents in a digital and modifiable format.

BMcD assumes that the Town of Occoquan will provide Word, or other modifiable, versions of both the Zoning and Subdivision Ordinances and will also provide the updated Comprehensive Plan. The Town will supply any additional photos, maps, charts, graphs, etc. that are desired to be used in either Ordinance within a week of request. All existing graphics, unless found to be unnecessary, redundant, or in conflict will continue to be used within the documents. Included in this scope are two site visits to the Town.

If you have any questions or concerns, please feel free to give me a call at 804-200-6317.

Kirstyn B. Jovanovich, CFM
Town of Occoquan
November 23, 2016
Page 2

Sincerely,



Angeline Crowder
Senior Land Use Planner



December 14, 2016

Kirstyn B. Jovanovich, CFM
Town Manager
Town of Occoquan
314 Mill Street
PO Box 195
Occoquan, VA 22125

Re: Modifications to November 23, 2016 Proposal

Dear Ms. Jovanovich:

Per your request, Burns & McDonnell Engineering Company, Inc. (BMcD) offers the following options to address the needs of the Town of Occoquan (Town) to hold a community meeting at the start of the Zoning and Subdivision Ordinance Review and Update. The cost included in this letter are in addition to those presented in the November 23, 2016 proposal.

Option 1: BMcD will organize and host a community meeting at a public facility within the Town.
Additional Cost: \$3,666

Option 2: BMcD will participate in a community meeting organized and hosted by the Town.
Additional Cost: \$2,428

Option 3: BMcD will organize and host a community meeting at a public facility within the Town as one of the two meetings accounted for in the November 23, 2016 proposal.
Additional Cost: \$2,634

Option 4: BMcD will participate in a community meeting organized and hosted by the Town as one of the two meetings accounted for in the November 23, 2016 proposal.
Additional Cost: \$1,396

BMcD assumes that the Town of Occoquan will provide a meeting location without cost and advertise the meeting through the Town website and associated social media. It is also assumed that minimal printouts and hard copy materials will be needed for the community meetings and that recently adopted Comprehensive Plan copies and current Zoning and Subdivision Ordinances will be available for the citizens to review at the meeting.

If you have any questions or concerns, please feel free to give me a call at 804-200-6317.

Sincerely,

Kirstyn B. Jovanovich, CFM
Town of Occoquan
December 14, 2016
Page 2



Angeline Crowder
Senior Land Use Planner

ANGELINE CROWDER, CZA

Senior Land Use Planner



Ms. Crowder comes to Burns & McDonnell with over 11 years of local government planning experience. She worked on the update to the Caroline County Comprehensive Plan adopted in 2010 and 2011 and worked on the most recent update effort slated to be completed in 2016. In her duties as the planner in Caroline County, Virginia, she was charged with review of subdivisions and site plans, as well as rezoning and special exception applications. In addition to working on two

Comprehensive Plan updates, Ms. Crowder worked on various zoning ordinance text amendments and the 2010 Census redistricting. She was the liaison to the Planning Commission for cases being presented for review and public hearing.

As the Senior Land Use Planner for Burns & McDonnell in Environmental Studies and Permitting, Ms. Crowder works on all aspects of land use planning, including public involvement. She helps clients with rezoning and special exception applications, the associated public hearing processes, and site plan and permitting processes. Both the rezoning and special exception application processes typically include open houses to discuss projects with the affected landowners and surrounding community. Currently, Ms. Crowder is working with Dominion Virginia Power on various aspects of their ongoing improvements to transmission and electric substation infrastructure throughout the state of Virginia, including open houses, Land Use Committee meetings, special exception applications and site plan submission. In addition to her current work with Dominion Virginia Power, Ms. Crowder recently was a part of the Burns & McDonnell team working with Duke Energy on open houses for an upcoming project.

EDUCATION

- ▶ Master of Urban and Regional Planning
- ▶ BA, Public and Urban Affairs; Foreign Language French

REGISTRATIONS

- ▶ Certified Zoning Administrator
- ▶ Erosion & Sediment Control Inspector, 2015, Virginia Department of Environmental Quality

<1 YEAR WITH BURNS & MCDONNELL

13 YEARS OF EXPERIENCE

LAND USE PLANNING & PERMITTING

Ox Substation Security Enhancement | Dominion Virginia Power

Fairfax County, Virginia

- ▶ Work directly with the client and locality on special exception permit application process
- ▶ Work in conjunction with the client on public meetings, open houses, and public hearings
- ▶ Present to the Planning Commission and Board of Supervisors during the public hearing

Spotsylvania Substation Site Plan Management | Dominion Virginia Power

Spotsylvania County, Virginia

- ▶ Work directly with client, engineers, state and local agencies and departments, as well as locality staff on site plan application submission

ANGELINE CROWDER, CZA

(continued)

PUBLIC INVOLVEMENT

Cleveland Matthews Road Project | Duke Energy

Raleigh, North Carolina

- ▶ Represent the client during two open house events for the project to disseminate information to the general public and those potentially impacted by the project
- ▶ Interact with the public to solicit comments, concerns, and information that may be critical to the siting process and currently unknown
- ▶ Work with the GIS program to add comments from open house participants in specific locations
- ▶ Help to compile and report on the information collected during the open house events, both in writing and through the GIS program

County Planner* | Caroline County Planning and Community Development

Caroline County, Virginia | 2005-2016

- ▶ Work directly with engineers, developers, businesses local agencies & departments, and state departments
- ▶ Write and present staff reports to the Planning Commission for subdivisions, exceptions, rezonings, special exceptions, text amendments
- ▶ Write and present staff reports to the Board of Zoning Appeals for variance cases
- ▶ Prepare reports for the Board of Supervisors
- ▶ Review site plans and subdivision plats for conformity with Ordinance Requirements
- ▶ Work directly with the Department Director to update Ordinances, help bring new projects to the area working closely with Economic Development Department
- ▶ Work with the County's consultant to maintain GIS
- ▶ Create GIS maps for projects, presentations and citizen requests
- ▶ Aid private citizens with questions and concerns about property and easements
- ▶ Lead Technical Review Committee meetings for projects submitted
- ▶ Assist in the update of the Comprehensive Plan, including final editing and formatting
- ▶ Aided in the Redistricting process for the 2010 Census
- ▶ Liaison to the FREDericksburg Transit System (PTAB) and Technical Advisory Committee for the MPO
- ▶ Certified Erosion & Sediment Inspector
- ▶ Certified Zoning Administrator

Regional Planner* | Roanoke Valley Alleghany Regional Commission

Roanoke, Virginia | 2003-2004

- ▶ Worked on Long Range Transportation projects, such as Intelligent Transportation System and Access Management
- ▶ Crafted studies and reports for local projects
- ▶ Worked with various localities on Long Range Transportation Projects
- ▶ Aided in Regional Freight Study, Airport Study and Local Business Leaders meetings

**denotes experience prior to joining Burns & McDonnell*

THOMAS A. EGELAND, JR., AICP

Land Use Planner



Tom is a Certified Planner by the American Institute of Certified Planners (AICP) for the Environmental Studies and Permitting Department at Burns & McDonnell. His primary responsibilities include: land acquisition, land use permitting, environmental reports, and project research. Tom has worked in both the public and private sectors.

As a Planning Associate in the private sector he worked as a contractor on transportation-related projects for the Virginia Department of Transportation (VDOT). His transportation projects required the use of Geographic Information Systems (GIS) and advanced research skills. In the public sector, Tom worked for the City of Petersburg as they worked to adopt an updated Comprehensive Plan.

Tom understands the importance of sustainable and environmentally conscious planning and has obtained the designations of LEED Green Associate and Envision Sustainability Professional (ENV SP). Tom has been a licensed Virginia Real Estate Agent in residential sales since August of 2009.

Tom is currently working on infrastructure projects throughout the state of Virginia pertaining to transmission and electric substations. Tom is responsible for conducting the background research, coordinating with local governmental officials, and creating the Stormwater Pollution Prevention Plan (SWPPP) books for several electric substations. He assists in the land use permitting process by writing and submitting Special Exceptions Permits, Conditional Use Permits, Major and Minor Site Plan Applications, Variance Applications, Zoning Permits, and assisting the facilitation of client open houses. Tom also works on real estate projects that require the negotiation of temporary easements, right-of-way encroachment clearing, and land acquisition.

LAND USE PERMITTING & LINEAR INFRASTRUCTURE DEVELOPMENT

City Central Lay Down Material Yard Land Acquisition Project | Dominion Virginia Power

City of Richmond, Virginia | 2014

Land use planner responsible for researching and obtaining property information for Dominion Virginia Power (DVP) to locate a new material lay down yard. Tom researched sites that fit within the client's criteria and needs, communicated with commercial real estate agents, and reached out to economic development agencies and government officials in the performance of his job. He was involved with the lease negotiation and the preparation and successful receipt of a Certificate of Zoning Letter. The success of the real estate portion of the project led to Burns & McDonnell performing the site design, environmental studies, stormwater management, and general oversight for the transition of the site from current use to completion of the material laydown yard.

EDUCATION

- ▶ MURP, Master of Urban and Regional Planning, 2011
- ▶ BA, Economics and Commerce, 2008

CERTIFICATIONS

- ▶ American Institute of Certified Planners (AICP) #027933
- ▶ Certificate in Geographic Information Systems (GIS), Virginia Commonwealth University, 2013
- ▶ LEED Green Associate #10751640
- ▶ Virginia Stormwater Management Inspector #SWINO290
- ▶ Envision Sustainability Professional (ENV SP)

2 YEARS WITH BURNS & MCDONNELL

3 YEARS OF EXPERIENCE

THOMAS A. EGELAND, JR., AICP

(continued)

Plymouth Substation | Dominion Virginia Power

Town of Plymouth, North Carolina | 2014

Land use planner responsible for the land use permitting required for a substation expansion including the preparation of the Conditional Use Permit Application, Letter of Zoning Application, and Building Permit Application for a retaining wall, and writing the project Statement of Justification. Tom was also responsible for preparing the Erosion and Sediment Control Permit Application and the Stormwater Management Permit Application required by the North Carolina Department of Environmental Quality (NCDENR). He was responsible for coordinating with various local and state government officials to create an open dialogue toward project completion.

Chancellor Substation Transformer Improvement Project | Dominion Virginia Power

Spotsylvania County, Virginia | 2013 - 2014

Land use planner responsible for submitting the Minor Site Plan Application for the replacement of an oil containment barrier for the substation's transformers. Tom attended a Technical Review Committee meeting and coordinated efforts with the client, engineers, and local government officials to successfully obtain an approved Minor Site Plan for Dominion Virginia Power. He also completed a SWPPP book and accompanying Virginia Stormwater Management Permit (VSMP) application for the project.

City of Petersburg, Virginia - Planning Department*

City of Petersburg, Virginia | 2013 - 2015

Project Leader for updating the City of Petersburg's Comprehensive Plan, and directly responsible for bringing the Transportation Section of the Comprehensive Plan into compliance with Virginia State Code. Tom helped facilitate public involvement meetings for City residents where he helped to explain the Comprehensive Plan and worked to gain input from residents during charretts. He was also responsible for setting up/conducting interviews with key community stakeholders for community block grant work as required by the Housing and Urban Development Authority (HUD).

Studio II Project | Richmond International Airport*

Henrico County, Virginia | 2011

Masters of Urban and Regional Planning student: Tom wrote a Studio II Project that focused on economic development through the proposed creation of a light rail system that would span from The Richmond International Airport (Tom's Studio II client) to the proposed rail line terminus at the City of Richmond's Main Street Station. His project was titled, "The Richmond International Airport Light Rail Station Node Study", which identified the barriers to light rail station site selection and made recommendations for successful implementation. The plan focused on a review of local zoning, comprehensive plans, transportation plans, population densities, Transit Oriented Development Design Principles (TOD), and local Urban Design Guidelines. Tom worked with a graphic designer and an artist to create conceptual drawings for the plan.

**denotes experience prior to joining Burns & McDonnell*



December 22, 2016

Ms. Kirstyn Jovanovich
Town Manager
314 Mill Street
Occoquan, VA 22125

**RE: Work Order: Planning & Zoning Assistance
Zoning and Subdivision Ordinance Updates**

Dear Ms. Jovanovich:

We are pleased to present the following scope and fee to assist the Town with an update of its zoning and subdivision ordinances. If this scope of work is acceptable, then a final timeline will be developed with staff that meets the Town's approval.

Should you have any questions related to this scope of work, please let me know.

Thank you for this opportunity to work with you and your staff.

Sincerely,

A handwritten signature in black ink that reads "Darren K. Coffey". The signature is written in a cursive style.

Darren K. Coffey, AICP
Principal

A. WORK ORDER DESCRIPTION

Consulting services to assist the Town of Occoquan with necessary updates to streamline and improve its Zoning and Subdivision Ordinances.

B. SCOPE OF SERVICES

Zoning and Subdivision Ordinance Update Tasks:

1. Zoning Diagnostic; compare existing ordinance to state code requirements.
2. Analysis of existing districts; consolidate where possible.
3. Construct matrix of permitted and special permit uses.
4. Analysis and update of permitted densities, setbacks, and heights.
5. Introduce design and performance standards for select uses.
6. Update of sign regulations to comply with recent legal requirements.
7. Update of terms and definitions.
8. Analysis and update of zoning map; reconcile with Comprehensive Plan.
9. Ensure the compatibility of the Subdivision Ordinance with the updated Zoning Ordinance.
10. Review of zoning and subdivision processes and procedures.

C. SCHEDULE

The Zoning and Subdivision Ordinance Update can occur within an 8 month timeframe with the approval and support of the Town.

D. FEE

The cost to perform these services is a fixed, lump sum fee of \$40,000, as detailed below. Any elements not specifically referenced in the Scope of Work are not included in this proposal. Non-direct costs are minimized and do not include print production of the Zoning Ordinance revisions. A digital copy of the final document will be provided to the Town. More extensive hard copies can be produced at cost plus overhead if desired.

Occoquan Zoning and Subdivision Ordinance: Scope of Work	
<i>Project Tasks</i>	<i>Cost</i>
Zoning and Subdivision Ordinance Update	
Zoning Diagnostic; compare existing ordinance to state code requirements	\$ 4,000
Analysis of existing districts; consolidate where possible	\$ 4,000
Construct matrix of permitted and special permit uses	\$ 4,000
Analysis and update of permitted densities, setbacks, and heights	\$ 2,400
Introduce design and performance standards for select uses	\$ 2,800
Update of sign regulations to comply with recent legal requirements	\$ 2,200
Update of terms and definitions	\$ 2,800
Analysis and update of zoning map; reconcile with Comprehensive Plan	\$ 500
Ensure the compatibility of the Subdivision Ordinance with the updated Zoning Ordinance	\$ 3,600
Review of zoning and subdivision processes and procedures	\$ 2,200
Council/Commission Joint Work Session (1)	\$ 1,200
Community Meeting (1)	\$ 1,200
Document Draft	\$ 5,500
PC / Council Joint Public Hearing (1)	\$ 2,400
Non-Direct Expenses (printing, travel, etc.)	\$ 1,200
Not-to-Exceed Price	\$ 40,000

SUMMARY

In-depth local government background; skilled in planning, administration, facilitation, negotiation, analysis, and oral and written communications. Familiar with capabilities of GIS, word-processing, spreadsheet, database, presentation, statistical and financial software. Provide leadership and vision; take initiative; independent worker, but team oriented; efficient, effective, responsive and responsible.

WORK HISTORY

Chief Executive Officer & Owner, Berkley Group (6/10-present)

Created a consulting firm to partner with and support small localities with a variety of plans, projects, and issues of local concern. The firm has over 30 years of collective experience in local government and specializes in Comprehensive Plan development, Zoning & Subdivision Ordinances, public involvement, community mediation, project development & management, grant writing & administration, and other community enhancement projects.

Planning & Community Development Director, Fluvanna County, (6/08-3/12)

Responsible for all planning, zoning, and code inspection activities in Fluvanna County. Administer and amend zoning and subdivision ordinances, revise and amend comprehensive plan, implement desired policies and procedures, and facilitate special projects. Attend and participate in Board of Supervisor meetings and oversee all work of the Planning Commission. Provide support to the County Administrator and Assistant County Administrator.

Community Development Director, Louisa County, (2/05-6/08)

Responsible for all planning, zoning, and inspection activities in Louisa County. Administer zoning and subdivision ordinances, amend comprehensive plan and related ordinances, modernize office procedures and processes, and facilitate special projects. Attend and participate in Board of Supervisor meetings and organize and help facilitate all Planning Commission work, committees, and work sessions.

Community Development Manager, Town of Blacksburg, (3/04-2/05)

Direct the town's Community Development Block Grant (CDBG) programs and projects, as well as the town's neighborhood enhancement (code enforcement) program. Wrote and implemented the town's first Consolidated Plan to meet federal requirements for receiving CDBG funds for low-moderate income activities. Act as town liaison to regional organizations and the Housing Advisory Board. Supervise three full-time employees.

Town Planner, Town of Blacksburg, (4/99-3/04)

Responsible for all long range planning projects. Manage the successful implementation of the town's first CDBG grant. Create, implement, and administer the Neighborhood Planning program, Blacksburg Historic District, and mini-grant program. Develop and implement the 2001 Comprehensive Plan and related studies (e.g., Cost Analysis of Land Uses and Economic Development studies), Blacksburg Parks Master Plan, and a regional park master site plan.

PROFESSIONAL ACCOMPLISHMENTS

Planning

- Dumfries, VA Comprehensive Plan Update (2013-2014)
- Manassas, VA Zoning Ordinance Update (2013-)
- Payson, AZ General Plan Update [with TischlerBise] (2013)
- Buckingham County, VA Land Use Diagnostic (2013)
- Fluvanna County Comprehensive Plan (2009)
- Louisa County Comprehensive Plan (2006)
- 2001 Blacksburg eComprehensive Plan

Economic Development

- Oversee Zion Crossroads commercial development
- Managed Blacksburg's Cost of Land Use Study
- Capital Improvements Programs
- 1995 & 97 Two-Thirds Bonds
- 1995 General Obligation Bond
- Capital Needs Assessment
- Transportation Enhancement Grants



DARREN K COFFEY,
AICP

EXPERIENCE
22 Years

EDUCATION
MA in Geography, Rutgers
University, New Brunswick, NJ
(1993)

BS in Economics and Geography,
James Madison University,
Harrisonburg, VA (1992)

AFFILIATIONS
American Institute of Certified
Planners (AICP), 2000-present

Virginia Association of Zoning
Officials Certified Zoning
Administrator (CZA), 2008-2014

SUMMARY

Broad planning, consulting, and project management experience on behalf of governmental, institutional, and private sector clients. Completed projects include long-range planning, zoning, transportation infrastructure, and environmental analysis, as well as comprehensive development of residential, commercial, and institutional real estate. Proficient in spreadsheet, database, GIS, CAD, publishing, and graphic design software. Provides project leadership, scheduling, and facilitation for multi-faceted planning projects developed across jurisdictional and organizational lines.

WORK HISTORY

Project Manager, Berkley Group (2/16-present)

Brought a broad base of planning and development ability to a firm focusing on local, regional, and state government planning and infrastructure initiatives. Projects tasks include transportation project management, comprehensive plan analysis, zoning ordinance creation, and public involvement.

Project Manager, The Cox Company, (2/05-2/16)

Lead a wide variety of local government planning studies, including 16 comprehensive plans, as well as zoning ordinances, environmental studies, transportation analysis, and urban design studies from project scoping, through research, visioning, strategic and economic analysis, public input, mapping, and presentation before elected officials for adoption.

Lead real estate development projects, including transportation planning, feasibility studies, environmental planning, rezoning, economic analysis, site plan design, and construction documentation totaling 4,500 residential units and 3.8 million square feet of commercial and institutional space.

Planning Associate, Okerlund Associates Urban Design, (5/04-2/05)

Completed a variety of consulting tasks for transportation corridor, public transit, and transit-oriented development projects, including site design, project management, mapping, budgeting, grant management, research, and public participation.

PROFESSIONAL ACCOMPLISHMENTS

Comprehensive Plans and Updates

- Fluvanna County, VA (2009)
- Cumberland County, VA (2011)
- Town of Smithfield, VA (2008)
- Town of Ashland, Virginia (2012-13)
- King William County, Virginia (2012)
- City of Martinsville, Virginia (2014)
- New Kent County, Virginia (2010)
- Amelia County, Virginia (2011 & 2016)
- City of Hopewell, Virginia (2016)

Environmental and Fiscal Planning

- Baylor Creek Stream Restoration Study (2007)
- Fauquier County Service Area Expansion Plan (2009)
- Cash Proffer Study | Town of Smithfield, Virginia (2008)
- Blackwater Creek Stream Assessment Study (2007)
- Martinsville Stormwater Management Ordinance (2013-14)



TODD M GORDON,
AICP

EXPERIENCE

12 Years

EDUCATION

Masters in Urban and Environmental Planning, University of Virginia, Charlottesville, VA (2004)

Bachelors in Urban and Environmental Planning, University of Virginia, Charlottesville, VA (2003)

AFFILIATIONS

American Institute of Certified Planners (AICP), 2010-present

FY 2017 CIP Projects Tracking

Project	Category	Status	Budget	Actual	Difference	Notes
Town Hall Renovations	Building Maintenance/ Town Hall Renovations	COMPLETED	\$ 34,000	\$ 33,734	\$ (266)	Upstairs interior, exterior paint
Zoning Update	Zoning/Code Update	IN PROGRESS	\$ 20,000	\$ 33,022	\$ 13,022	Includes Legal Review and Community meeting
River Mill Park	River Mill Park Maintenance/ Trash Recycling Containers	IN PROGRESS	\$ 16,000	\$ 18,665	\$ 2,665	pet waste, sign, locks, trash cans gutters LOVE sign
River Mill Park	River Mill Park Project Overage	IN PROGRESS	\$ -	\$ 60,000	\$ 60,000	Construction Overage
River Mill Park	River Mill Park Trail Improv.	NOT STARTED	\$ -	\$ 10,000	\$ 10,000	Installation of paved trail and drainage
Document Management Project	Document Management Project	IN PROGRESS	\$ 10,000	\$ 2,000	\$ (8,000)	Document Destruction
A/V Equipment Town Hall	A/V Equipment Town Hall	COMPLETED	\$ 5,000	\$ 5,993	\$ 993	
Stormwater Management	Stormwater Management	NOT STARTED	\$ 5,000	\$ 5,000	\$ -	Intern, Grant, Mapping Project
Street Maintenance	Street Maintenance	NOT STARTED	\$ 15,000	\$ 15,000	\$ -	Poplar Alley/Speed Humps, Spring 17
Intersection Improvements	Intersection Improvement	NOT STARTED	\$ 10,000	\$ 10,000	\$ -	Install Crosswalk at Ellicott/Mill Spring 17
River Mill Park - Dehumidifier	River Mill Park	NOT STARTED	\$ -	\$ 5,000	\$ 5,000	Dehumidifier for downstairs
Parking/Traffic Study	Parking Traffic Study	NOT STARTED	\$10,000	\$10,000	\$ -	

\$ 125,000

Planned CIP by 6/30/17 \$208,414

Full Budgeted FY CIP \$337,000

Difference to Budget \$128,586

Delayed Projects from FY 17 CIP

Project	Budget	Status
In-Vehicle Laptop Replacement	\$ 2,000	Delay to FY18
Body/ In-Car Camera System	\$ 7,000	Delay to new Chief
Tanyard Hill Parcel - Site Research	\$ 5,000	Delay to 18 - Working on Proffer Release
Tree Canopy Maintenance	\$ 5,000	Included as part of Landscaping Contract
Gaslight Maintenance/Conversion	\$ 18,000	
Sidewalk Maintenance	\$ 20,000	Town Hall Replacement - Delay to FY18
Canoe Kayak Ramp	\$ 140,000	Delayed to FY18 due to grant timelines
Community Planning Project	\$ 15,000	Delay to FY18
Total Available Funding	\$ 212,000	For other non budgeted CIP expenses in FY2017



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
 Agenda Communication

8. Regular Business	Meeting Date: January 3, 2017
8 B: Request to Appropriate Funding for River Mill Park Project Overage	

Explanation and Summary:

This is a request to appropriate funding for expected cost overage for the completion of River Mill Park. Prince William County provided \$1,455,000 for the construction and project management related to the development of River Mill Park. The Town has been reimbursed the full amount.

It is anticipated that the total cost for the project is \$1,504,017.08, which is \$56,185.55 over the County's final budgeted CIP amount of \$1,447,831.53. (The county withheld \$7,168.47 of the total \$1,455,000 for bond financing costs.) This amount represents 3.7% of the total projected cost, and is a 0.27% increase over the original County CIP Budget of \$1,500,000. It is recommended that the Town Council appropriate a not to exceed amount of \$60,000 from FY 2017 Capital Funds from projects that have been delayed to a future fiscal year, which are referenced in the attached worksheet.

This amount includes anticipated costs to complete and close out the project, including an estimated amount to complete the light pole installation on the footbridge. This amount does not include improvements to the trail or installation of a drainage system planned for the spring of 2017. This item will be brought separately to the Town Council for consideration.

Category	Projected Cost
Phase I Contractor	\$725,519.46
Phase II Contractor	\$301,389.60
Legal	\$13,214.31
Building Official	\$4,107.50
Engineering	\$337,362.86
Other Costs ¹	\$122,423.35
Total Projected Cost	\$1,504,017.08

¹ Includes estimate for bridge light install, installation of stone dust trail by Fairfax Water, tree removal, Verizon pole relocation, water meter

Engineer's Recommendation: Recommend approval.

Town Attorney's Recommendation: Recommend approval.

Town Manager's Recommendation: Recommend approval.

Cost and Financing: NTE \$60,000
Account Number: FY 2017 CIP

Proposed/Suggested Motion:

"I move to appropriate a not to exceed amount of \$60,000 from FY 2017 Capital Improvement Projects for the completion and close out of the River Mill Park project."

OR

Other action Council deems appropriate.

Attachments: (1) FY 2017 CIP Project Tracking

FY 2017 CIP Projects Tracking

Project	Category	Status	Budget	Actual	Difference	Notes
Town Hall Renovations	Building Maintenance/ Town Hall Renovations	COMPLETED	\$ 34,000	\$ 33,734	\$ (266)	Upstairs interior, exterior paint
Zoning Update	Zoning/Code Update	IN PROGRESS	\$ 20,000	\$ 33,022	\$ 13,022	Includes Legal Review and Community meeting
River Mill Park	River Mill Park Maintenance/ Trash Recycling Containers	IN PROGRESS	\$ 16,000	\$ 18,665	\$ 2,665	pet waste, sign, locks, trash cans gutters LOVE sign
River Mill Park	River Mill Park Project Overage	IN PROGRESS	\$ -	\$ 60,000	\$ 60,000	Construction Overage
River Mill Park	River Mill Park Trail Improv.	NOT STARTED	\$ -	\$ 10,000	\$ 10,000	Installation of paved trail and drainage
Document Management Project	Document Management Project	IN PROGRESS	\$ 10,000	\$ 2,000	\$ (8,000)	Document Destruction
A/V Equipment Town Hall	A/V Equipment Town Hall	COMPLETED	\$ 5,000	\$ 5,993	\$ 993	
Stormwater Management	Stormwater Management	NOT STARTED	\$ 5,000	\$ 5,000	\$ -	Intern, Grant, Mapping Project
Street Maintenance	Street Maintenance	NOT STARTED	\$ 15,000	\$ 15,000	\$ -	Poplar Alley/Speed Humps, Spring 17
Intersection Improvements	Intersection Improvement	NOT STARTED	\$ 10,000	\$ 10,000	\$ -	Install Crosswalk at Ellicott/Mill Spring 17
River Mill Park - Dehumidifier	River Mill Park	NOT STARTED	\$ -	\$ 5,000	\$ 5,000	Dehumidifier for downstairs
Parking/Traffic Study	Parking Traffic Study	NOT STARTED	\$10,000	\$10,000	\$ -	

\$ 125,000

Planned CIP by 6/30/17 \$208,414

Full Budgeted FY CIP \$337,000

Difference to Budget \$128,586

Delayed Projects from FY 17 CIP

Project	Budget	Status
In-Vehicle Laptop Replacement	\$ 2,000	Delay to FY18
Body/ In-Car Camera System	\$ 7,000	Delay to new Chief
Tanyard Hill Parcel - Site Research	\$ 5,000	Delay to 18 - Working on Proffer Release
Tree Canopy Maintenance	\$ 5,000	Included as part of Landscaping Contract
Gaslight Maintenance/Conversion	\$ 18,000	
Sidewalk Maintenance	\$ 20,000	Town Hall Replacement - Delay to FY18
Canoe Kayak Ramp	\$ 140,000	Delayed to FY18 due to grant timelines
Community Planning Project	\$ 15,000	Delay to FY18
Total Available Funding	\$ 212,000	For other non budgeted CIP expenses in FY2017



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

8. Regular Business	Meeting Date: January 3, 2017
8 C: Request to Approve Parking Restrictions on West Locust Street	

Explanation and Summary:

This is a continuation from the December 6, 2016 Town Council meeting. During the meeting's discussion, Town Council requested that staff utilize VDOT standards in determining the allowance of parking on West Locust Street. The attached staff report details the VDOT standards and staff recommendation.

Summary of Issue

Over time, the Town has received complaints of cars parking at the curb between 110 and 208 West Locust Street (a Town owned street) causing a narrowing of the street, which is curved with a steep slope. After review, we found that there is justifiable concern that on-street parking along this section of roadway creates an unsafe condition for emergency vehicles to readily pass along West Locust Street, for vehicles using the street during slippery conditions, or when two vehicles pass each other along the roadway.

Recommended Action

Based on VDOT standards outlined in the attached staff report, staff is recommending no parking be allowed on West Locust Street between 110 and 208 West Locust Street. A secondary option would be to permit parking on West Locust Street only on the south side of the street, and designate a ten foot "clear area" on both sides of the existing driveway to prevent parking as identified in the attached exhibit titled "Option 2".

Chief of Police Recommendation: Parking not be allowed on West Locust Street on either side of the road between 110 and 208 West Locust Street.

Town Engineer Recommendation: Parking not be allowed on West Locust Street on either side of the road between 110 and 208 West Locust Street.

Town Attorney Recommendation: Concur with Chief of Police and Town Engineer recommendations.

Town Manager Recommendation: Concur with Chief of Police and Town Engineer recommendations.

Cost and Financing: NTE \$800
Account Number: Public Safety Grant

Proposed/Suggested Motion:

“I move to prohibit on-street parking between 110 and 208 West Locust Street and direct the Chief of Police to coordinate the installation of appropriate and adequate no parking signage at a cost not to exceed \$800.”

OR

“I move to prohibit on-street parking on the north side of West Locust Street between 110 and 208 West Locust Street and designate a ten-foot clear area on both sides of the existing driveway on the south side to prohibit parking and direct the Chief of Police to coordinate the installation of appropriate and adequate no parking signage at a cost not to exceed \$800.”

Other action Council deems appropriate.

Attachments: (1) Staff Report with Exhibits



TOWN OF OCCOQUAN

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TOWN COUNCIL
Elizabeth A. C. Quist, Mayor
Patrick A. Sivigny, Vice Mayor
J. Matthew Dawson
Jim Drakes
Cindy Fithian
Joe McGuire

TOWN MANAGER
Kirstyn Barr Jovanovich

STAFF REPORT

TOWN OF OCCOQUAN

PREPARED BY: BRUCE REESE

DATE: DECEMBER 27, 2016

PART I

A. EXECUTIVE SUMMARY

Agenda item 8.C. of the regular December 6, 2016 Town Council meeting involved complaints about parking on West Locust Street and the potential conflict in allowing emergency vehicle access to the homes located along West Locust Street. During the meeting, in reviewing comments from the public, the Town Engineer was asked to evaluate the current road geometrics against the Virginia Department of Transportation (VDOT) standards for parallel parking on one or both sides of a Functional Classification (FC) GS-4, Rural Local Street. The “Rural” classification is designated for towns with a population less than 5,000.

B. DESCRIPTION OF REPORT

This staff report reviews the existing road geometrics of West Locust Street and evaluates their compatibility with VDOT’s standards for allowing parking on one or both sides of a Residential Subdivision Street.

C. APPLICABLE REGULATIONS

1. CHAPTER 54 0 SUBDIVISIONS

Definition of Street, Minor

Street, minor, means a street that is used primarily as a means of public access to abutting properties, with anticipated traffic of less than 500 vehicles per day.

Based on a review of the Prince William County Geographic Information System (GIS), at least 15 homes access West Locust Street past the existing cul de sac. This would equate to approximately 150 vehicles per day (9.52 vehicles per day from the 9th edition of the ITE Trip Generation Manual). This designation of a “minor” street with minimal traffic coincides with VDOT’s designation as a low volume street.

2. ZONING ORDINANCE, DIVISION 6, OFF-STREET PARKING STANDARDS

Definition of Off-Street Parking

Space, off-street parking, means a space adequate for the temporary storage of a motor vehicle with room for opening doors on both sides, together with properly related access to a public street and maneuvering room, all located outside the dedicated street right-of-way.

Although the proposed spaces on West Locust Street would not meet the definition of “Off-Street Parking” because they are within the right of way, the Zoning Ordinance provides guidance for parallel parking along a two-way travel aisle. In Section 66-169, the code indicates:

Parking Angle (degrees)	Stall Width (feet)	Depth of Stall Perpendicular to Aisle (feet)	One-Way Aisle (feet)	Two-Way Aisle (feet)
Parallel	9	22	11	22

As such, for parking on both sides of the travelway, off-street parking would require at least 40 feet from face of curb to face of curb.

3. VARIOUS VDOT STANDARDS FROM THE ROAD DESIGN MANUAL AND ITS APPENDICES, SPECIFICALLY APPENDICES A AND B(1)

PART II

A. ANALYSIS OF EXISTING CONDITIONS

1. West Locust Design Plans - construction plans for “West Locust Street Improvement” were prepared by Ervin Engineering, and are dated 6/8/1998. Town staff made measurements on 12/7/16 and confirmed the street was constructed in general dimensional conformance with the Ervin plans.
2. Location – West Locust Street between 110 West Locust Street and 208 West Locust Street
3. Buildings/Structures – no building structures are proposed, nor will any be impacted by the decision of the Council.
4. Access – access all properties fronting West Locust Street will remain as they exist at this time. There is no change proposed to property access.
5. VDOT Acceptance of West Locust into State System – Due to the steepness of West Locust Street, VDOT, through an email from Art Klos, Permit Manager, dated 12/8/16, has indicated West Locust in not eligible for acceptance into the State system for two reasons:

Grade Requirement

The geometric design standards for residential subdivision streets allow for a maximum percent of grade of 15 percent. The last time this came up (2007), the Town’s engineer verified that the grade of West Locust Street exceeded the maximum allowable grade. West

Locust Street is currently sloped at 18%.

Turnaround Requirement

For street acceptance, VDOT requires an adequate turnaround facility at the end of the street. A cul-de-sac, or alternative turnaround (T-type or Branch type), must be constructed at the end of West Locust Street prior to acceptance. This will require obtaining right of way or easements from the adjacent property owners and then construction of the turn-around.

B. ANALYSIS OF PROPOSED DEVELOPMENT

1. Use – no change proposed
2. Access to Site - no change proposed
3. Circulation - no change proposed
4. Traffic Count - no change proposed
5. Public Services - no change proposed
6. Environmental Issues - no change proposed
7. Amenities - no change proposed
8. Signage - no change proposed
9. Community Meeting - public hearing on 12/6/16

C. CONFORMANCE WITH TOWN COMPREHENSIVE PLAN

Assessment Survey Leading Comp Plan Concerns and Issues

Parking Management Strategy was listed as the number 3 concern.

Chapter 5, Circulation and Mobility

A traffic and parking study for the “business district,” of which West Locust Street is not a part, was recommended.

Chapter 5, Circulation and Mobility

Parking: Parking remains a challenge downtown and in residential areas. Occoquan needs to develop a parking management study and strategy focused on downtown and adjacent surrounding areas.

Chapter 5, Circulation and Mobility

Recommended Action Items for Parking:

- i. A new Town parking study should be conducted based on current and future expected growth.
- ii. Based on the study, the Town should work on an improved parking management and execution plan. Courses of action should be developed to improve commercial district and nearby residential area parking rules.

- iii. Continue to look for suitable close in sites and develop Town-owned parking lots.
- iv. Continue to require developers to provide appropriate off street parking.
- v. Encourage use of business-owned vacant land for commercial parking.

Action Item Description

Although there are recommendations for widening Commerce Street, there are no recommendations for widening West Locust Street.

Action Item Description

Item 10 - Continue to look for suitable close in sites and develop Town-owned parking lots.

Item 13 - It is recommended that the Town conduct a community planning project to identify streetscaping, sidewalk, traffic, parking and overall community development planning. Such planning shall include intersection improvements to install crosswalks and increase pedestrian safety and circulation.

PART III

STAFF CONCLUSIONS

While lack of parking plagues most areas of the Town, including West Locust Street, those needs for parking must be weighed against the need to protect public health and safety. VDOT has provided guidance for conditions in which parking on one or both sides of a street is acceptable. For that guidance, the Road Design Manual, Appendix B(1) indicates for a street carrying up to 400 vehicles per day, without a through connection, the face-of-curb to face-of-curb distance must be 26 feet to allow parking on one side of the street. As measured by Town staff, the face-of-curb to face-of-curb distance is slightly over 26 feet.

While technically, this could allow parking on one side of the street, staff felt it prudent to check another geometric of the road – minimum centerline radius. As designed, the road has two curves, both with a radius of 81 feet, which meets the VDOT road centerline radius standard for less than streets with no more than 400 vehicles per day for a rural local road in “mountainous” terrain. That radius is 77 feet (as long as the speed limit is 20 miles per hour or less). Meeting the minimum radius is, however, only part of the issue – the road needs to be able to accommodate emergency vehicles at the relatively small centerline radius.

To confirm the movement of emergency vehicles, staff modelled wheel path and bumper overhangs for a “Pumper Fire Truck Tractor” 40 feet long and 8.167 feet wide. As a result of that model, staff confirmed there is not enough room for such a pumper truck to navigate West Locust Street if parking is allowed on both sides of the street. However, parking on one side of the street only could be accommodated. That accommodation, however, would likely not allow any other vehicle to pass the pumper truck if there is parking on one side of the West Locust Street.

Furthermore, the longitudinal slope of West Locust Street is, as designed, 18%. Such a slope is generally not intended for parking and will make opening and closing vehicle doors very difficult.

Given these restrictions, Staff recommends one of two options, with the first option preferred:

1. No parking be allowed on West Locust Street
2. If parking is allowed on West Locust Street, it be allowed only on the south side of the street. In addition, a 10 foot “clear area” on both sides of the existing driveway be restricted to prevent parking (see attached exhibit).

PREPARED BY: BRUCE A. REESE, PE, LS, TOWN ENGINEER
DATE PREPARED: DECEMBER 27, 2016



CC: FILE
KIRSTYN JOVANOVIK, TOWN MANAGER, TOWN OF OCCOQUAN

Unit Name: Pumper Fire Truck Tractor
Type: Tractor (with driver controlled steering)
Body style: Fire Truck
Classification: (Unspecified)

Source: No data

Description: No data

Notes: No data

Datum: Front Primary Axle

Front Axle(s): 1 Ackerman (axles fixed, wheels turn)
Primary Front Axle Offset: 0.000ft
Effective Front Axle Offset: 0.000ft (Auto Calculated)
Maximum Wheel Angle: 45.000deg (Any Front Wheel)
Status: Active Non Self-Steered
Track Width: 8.167ft
Total Wheels: 2 (positioned at the ends of the axle)
Tire Width: 0.817ft (Auto Calculated - proportion of Track Width)
Tire Diameter: 2.858ft (Auto Calculated - proportion of Track Width)

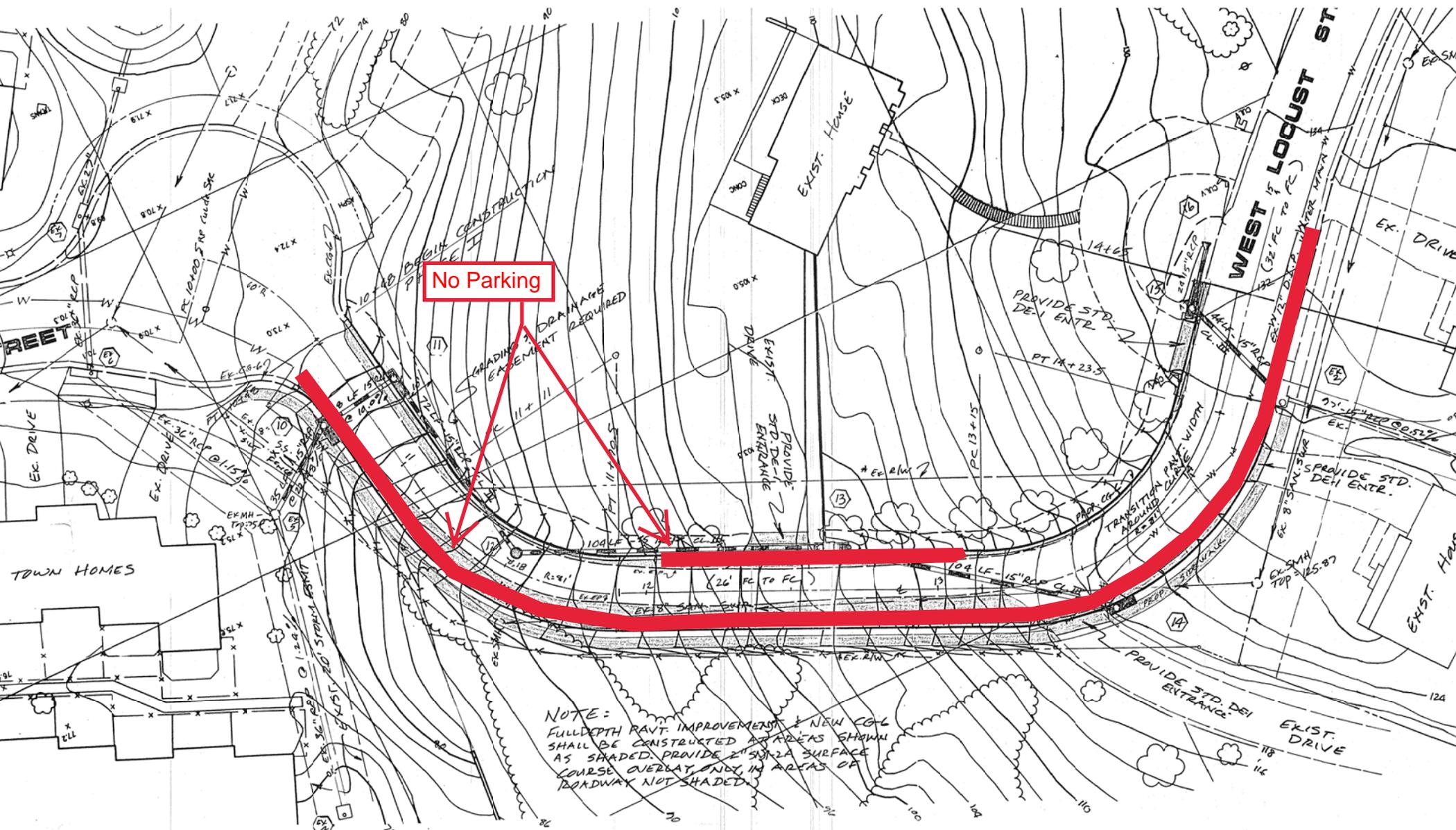
Rear Axle(s): 1 Fixed
Primary Rear Axle Offset: 22.000ft (Innermost Axle behind Front Primary Axle)
Effective Rear Axle Offset: 22.000ft (Auto Calculated)
Maximum Wheel Angle: Unlimited
Status: Active Non Self-Steered
Track Width: 8.167ft
Total Wheels: 4 (positioned at the ends of the axle)
Tire Width: 0.817ft (Auto Calculated - proportion of Track Width)
Tire Diameter: 2.858ft (Auto Calculated - proportion of Track Width)

Steering: Front Axle(s):
Maximum Wheel Angle: See Front Axles: Maximum Wheel Angle
Calculated Maximum Wheel Angle: 45.000deg
Lock-to-Lock Time (Fwd/Rev): 5.0sec / 5.0sec
Driver / Pilot
Driver Offset Longitudinally: 3.079ft (in front of Front Primary Axle)
Driver / Pilot Offset Laterally: -1.969ft (Right of Centerline)
Driver Height: 6.234ft (Above ground level)

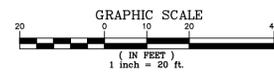
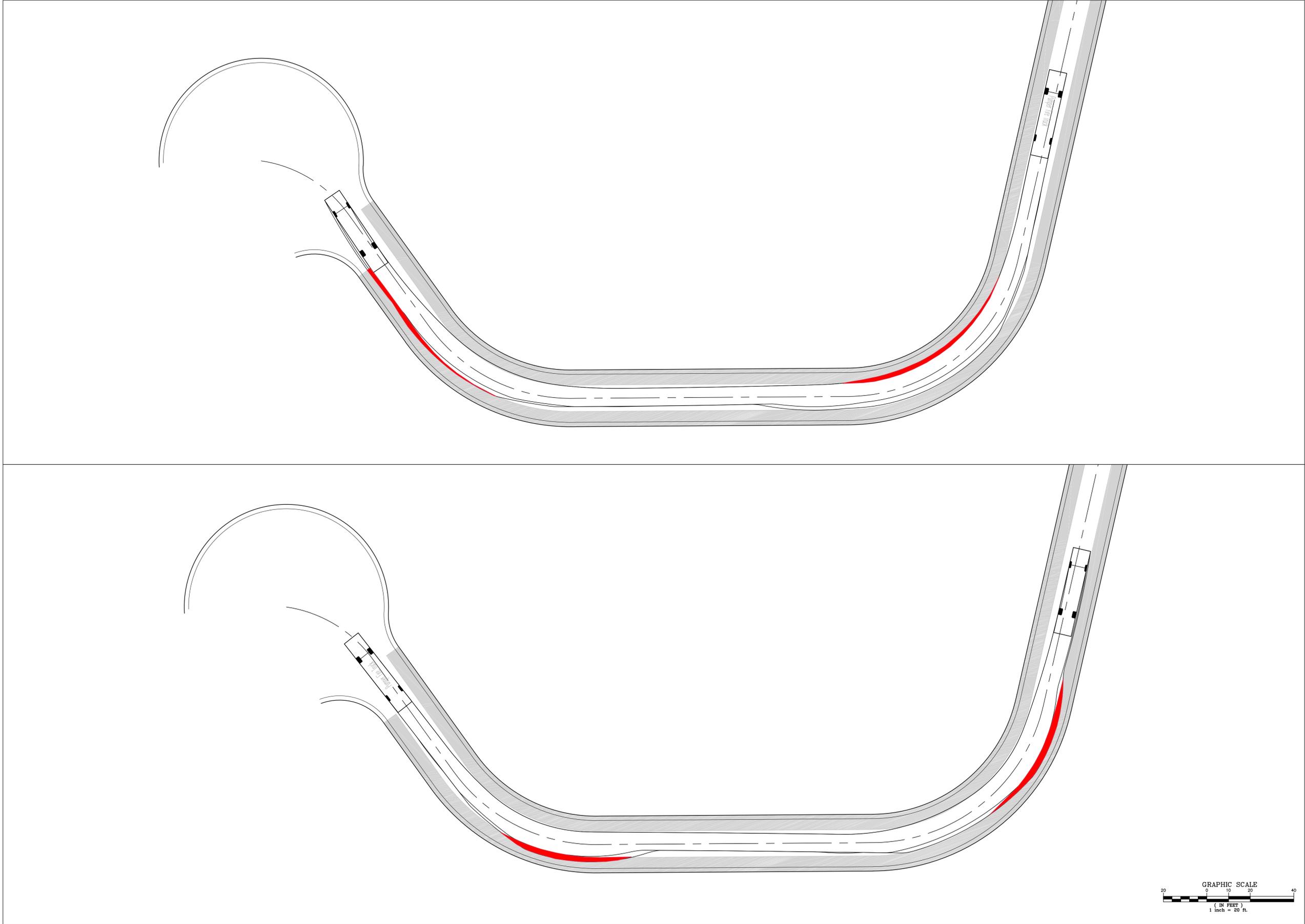
Front Coupling: None

Rear Coupling: None

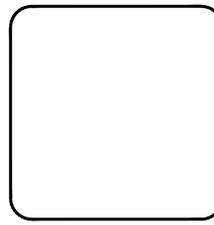
Body outline (plan):
Outline Type: Rectangle
Offset (X,Y): -8.000ft, 0.000ft
Length / Width: 40.000ft / 8.167ft



Option 2 - restricting parking to only south side of West Locust Street



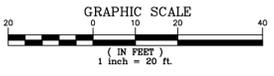
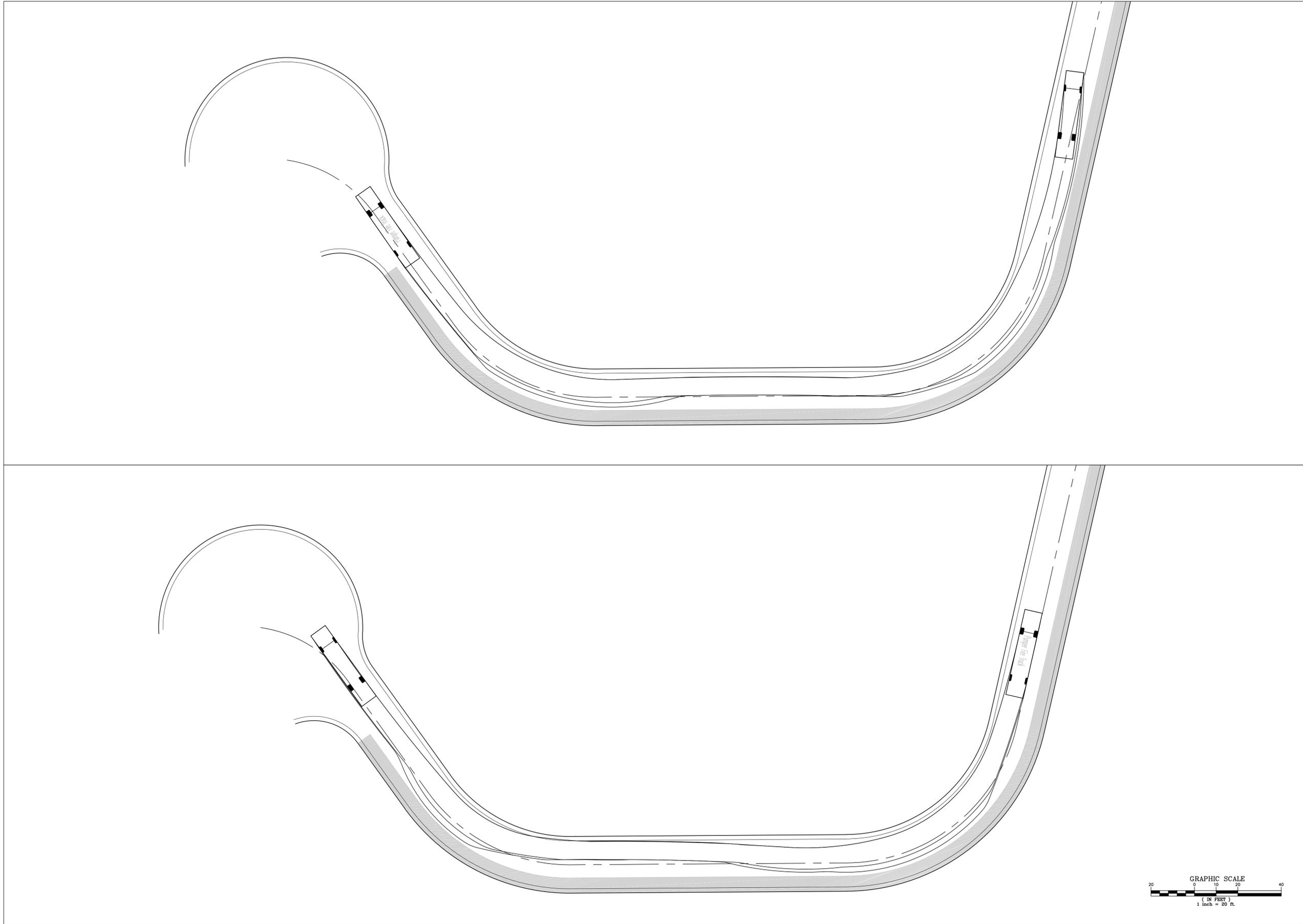
FILE NO.	SHEET
DATE 12/20/16	1 OF 1
SCALE 1"=20'	



PROJECT STATUS		NO
DATE	REVISION	

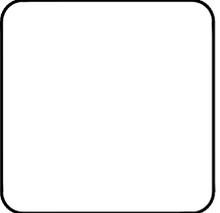
EXHIBIT FOR
WEST LOCUST STREET
FIRE TRUCK TRACKING EXHIBIT
PARKING - BOTH SIDES
 TOWN OF OCCOQUAN
 PRINCE WILLIAM COUNTY, VA


LEGACY ENGINEERING
 809 WILLIAM STREET, SUITE C
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DATE	PROJECT STATUS	NO

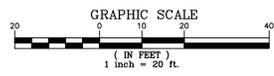
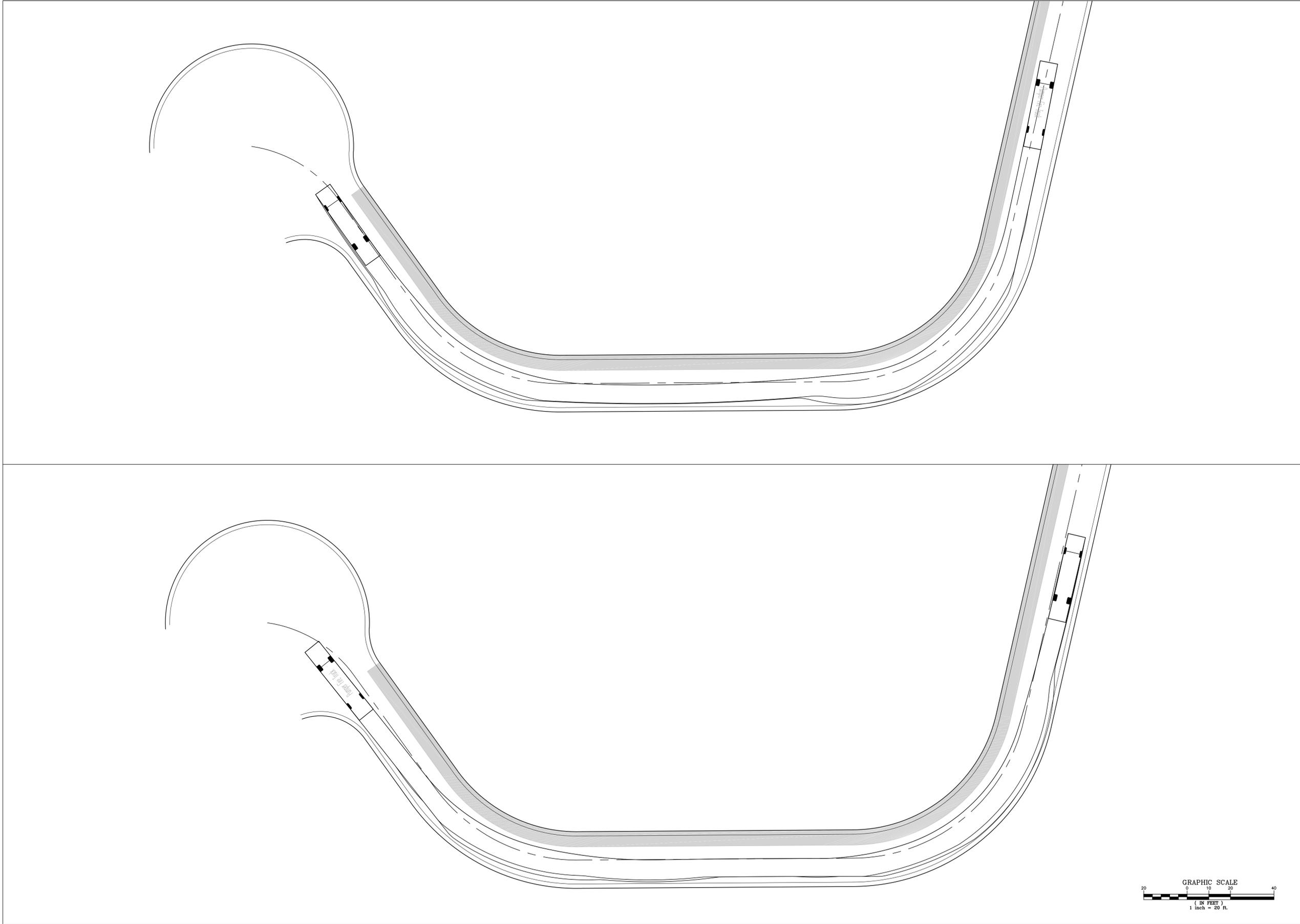
DATE	REVISION	NO



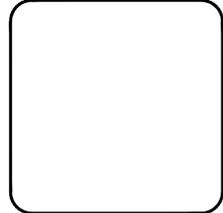
FILE NO.	SHEET
DATE 12/16/16	1 OF 1
SCALE 1"=20'	

**EXHIBIT FOR
 WEST LOCUST STREET
 FIRE TRUCK TRACKING EXHIBIT
 PARKING - NORTH SIDE**
 TOWN OF OCCOQUAN
 PRINCE WILLIAM COUNTY, VA

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FILE NO.	SHEET
DATE 12/16/16	1 OF 1
SCALE 1"=20'	



DATE	PROJECT STATUS	NO
DATE	REVISION	NO

**EXHIBIT FOR
 WEST LOCUST STREET
 FIRE TRUCK TRACKING EXHIBIT
 PARKING - SOUTH SIDE**
 TOWN OF OCCOQUAN
 PRINCE WILLIAM COUNTY, VA

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TOWN OF OCCOQUAN

TOWN COUNCIL MEETING

Agenda Communication

8. Regular Business	Meeting Date: January 3, 2017
8 D: Request to Approve Amendment to Chapter 62 of the Town Code, Prohibiting the Blocking of Intersections	

Explanation and Summary:

There is a public safety and general welfare issue in the Town created by vehicles unreasonably blocking and impeding intersections. Town staff have received several complaints over the past ten months regarding vehicles blocking the intersections of (1) Commerce Street and Gordon Boulevard, (2) Washington Street and Mill Street, and (3) Union Street and Commerce Street. During high traffic times, Town staff has observed vehicles pulling into intersections and unreasonably blocking the intersections and impeding both pedestrian and vehicular traffic. This is commonly known as “blocking the box.” This type of activity creates a public safety hazard by creating gridlock, inability for pedestrians to cross safely, hazardous situations for emergency vehicles, heightened frustration of other drivers (“road rage”), as well as other hazards. The Police Department has attempted to minimize this unreasonable and unsafe activity by posting an officer and vehicle at the intersections as a visible deterrent. However, there is not a Commonwealth of Virginia statute that directly addresses the “blocking the box.” As a result, there is very limited enforcement that can be done to address this unreasonable and dangerous activity in the Town.

The proposed ordinance will permit legal enforcement of this activity.

Chief of Police Recommendation: Recommend adoption.

Town Attorney Recommendation: Recommend adoption.

Town Manager Recommendation: Recommend adoption.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

“I move to adopt the proposed Ordinance to amend Chapter 62 of the Town Code to prohibit the blocking of intersections within the Town.”

OR

Other action Council deems appropriate.

Attachments: (1) Proposed Ordinance

AN ORDINANCE TO AMEND CHAPTER 62 OF THE TOWN CODE TO PROHIBIT THE BLOCKING OF INTERSECTIONS IN THE TOWN

WHEREAS, there have been significant complaints regarding vehicles driving into intersections within the Town and unreasonably blocking and impeding the intersections;

WHEREAS, the unreasonable blocking and impeding of the intersections in the Town create a public safety issue to pedestrians and motorists; and

WHEREAS, the Occoquan Town Council finds that the public safety, necessity, and general welfare requires amending the Town Code to prohibit the blocking of intersections within the Town.

BE IT ORDAINED by the Council of the Town of Occoquan, Virginia meeting in regular session this ____ day of _____, 2017.

- 1. That the Occoquan Town Code, is hereby amended by enacting a section, to be numbered §62-78, which said section reads as follows:

Sec. 62-78. No Blocking of Intersection.

No operator of a vehicle shall enter an intersection or marked crosswalk unless there is sufficient space beyond such intersection or crosswalk in the direction in which such vehicle is proceeding to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

MOTION:

Date:

SECOND:

Regular Meeting

Ord. No. O-2017-

ACTION:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY _____

Christopher Coon, Town Clerk



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

8. Regular Business	Meeting Date: January 3, 2017
8 E: Request to Approve Employee Health Insurance Stipend	

Explanation and Summary:

This is a request to provide a health insurance stipend for the Town Clerk position through the end of FY 2017. Currently, the Town provides no health insurance benefit to any of its employees. Previously, the Town provided a monthly health insurance stipend to its Town Clerk/Town Manager to cover the costs for a privately held premium. As of 2013, she was receiving \$467.10 on a monthly basis. It is unknown whether this was the full premium cost or a portion of the employee's cost. Since that time, no health insurance stipend has been offered to any other employee.

This request is for the Town to provide a monthly stipend to cover 80% of the monthly premium of \$405.73 from March 1, 2017 through June 30, 2017 for the Town Clerk position. The total estimated Town cost is \$324.59 per month, or \$1,298.36 for the four-month period. All other Town employees currently participate on other employee health plans.

The FY 2018 Proposed Budget will include a recommendation for employee health insurance coverage to be offered to all current and new employees. It is anticipated that this will eliminate the need to offer health insurance stipends for individual employees and instead provide one option for employees to participate in if they so choose.

Town Attorney's Recommendation: Recommend approval.

Town Manager's Recommendation: Recommend approval.

Cost and Financing: \$1,300 NTE
Account Number: 60070 - Health Insurance

Proposed/Suggested Motion:

"I move to approve and appropriate a not to exceed amount of \$1,300 to provide a monthly stipend to pay 80% of a monthly health insurance premium for the Town Clerk for the period of March 1, 2017 through June 30, 2017."

OR

Other action Council deems appropriate.

Attachments: None.



TOWN OF OCCOQUAN

TOWN COUNCIL MEETING

Agenda Communication

8. Regular Business	Meeting Date: January 3, 2017
8 F: Request to Set Policy on Police Take Home Vehicle	

Explanation and Summary:

This is a request for the Town Council to set policy on the Town's position in regards to a police take home vehicle. Over the last year and a half, the Town Council has held several discussions on the policy for a take home public safety vehicle, but has not set such a policy. The previous Chief of Police was permitted to utilize a marked take-home public safety vehicle for use only to travel to and from work, as well as respond to in-town emergencies as an on-call public safety official. The vehicle was not permitted to be utilized for personal use. No other Occoquan Police Chief/Town Sergeant has been allotted a take home vehicle; however, this has impacted their ability to report to town for emergency situations including inclement weather.

Comparison to Nearby Jurisdictions

Below is a matrix of current take home policies for Chiefs of Police in neighboring jurisdictions.

Department	Jurisdiction	Population	Chief/Sherriff	Take Home Policy
Towns				
Haymarket Police	Haymarket, Town	1,980	E. Noble	Yes
Dumfries Police	Dumfries, Town	5,217	Interim	Yes*
Quantico Police	Quantico, Town	537	J. Clair	Yes
Vienna Police	Vienna, Town	16,522	J. Morris	Yes
Herndon Police	Herndon, Town	24,568	M. DeBoard	Yes
Leesburg Police	Leesburg, Town	51,209	G. Brown	Yes
Middleburg Police	Middleburg, Town	807	A. Panebianco	Yes
Purcellville Police	Purcellville, Town	9,232	C. McAlister	Yes
Occoquan Police	Occoquan, Town	1,025	Interim	No Policy
Cities				
Manassas City Police	Manassas, City	41,764	D. Keen	Yes
Manassas Park Police	Manassas Park, City	15,726	J. Evans	Yes
Fairfax City Police	Fairfax, City	24,013	C. Pardiny	Yes
Falls Church Police	Falls Church, City	13,892	M. Gavin	Yes
Falls Church Sherriff	Falls Church, City	13,892	S. Bittle	Yes
Counties				
PWC Police	PWC	451,721	B. Barnard	Yes
PWC Sherriff's Office	PWC	451,721	G. Hill	Yes
Fairfax County Police	Fairfax County	1,142,234	E. Roessler, Jr.	Yes
Fairfax County Sherriff	Fairfax County	1,142,234	S. Kincaid	Yes
Stafford County Sherriff	Stafford County	142,003	D. Dacatur	Yes

Loudoun County Sherriff	Loudoun County	375,629	M. Chapman	Yes
Other				
George Mason Police	George Mason University	33,925 (total enrollment, 2015)	C. Rowan	Yes

**Previous Dumfries PD policy has been to permit take home vehicles for command staff.*

IRS Guidance

Per the U.S. Code Title 26 – Internal Revenue Code, clearly marked take-home law enforcement vehicles are “qualified nonpersonal use vehicles” excepted from the substantiation requirements of 26 U.S. Code §274(d)(4) that apply to listed property as defined in section 26 U.S. Code §280F(d)(4). As such, they are excluded from gross income as a working condition fringe.

A clearly marked public safety officer vehicle is a vehicle owned or leased by a governmental unit or any agency or instrumentality thereof, that is required to be used for commuting by a public safety officer, as defined in section 26 U.S. Code §402(l)(4)(c) who, when not on a regular shift, is on call at all times, provided that any personal use (other than commuting) of the vehicle outside the limit of the public safety officer’s obligation to respond to an emergency is prohibited by such governmental unit. A public safety officer vehicle is clearly marked if, through painted insignia or words, it is readily apparent that the vehicle is a public safety officer vehicle. ¹

Policy Guidance and Considerations

The practicality of vehicle take-home programs has played out in municipalities across the country, with law enforcement agencies showing faster response times to emergencies, decreased costs for vehicle maintenance and an extra layer of security through officer visibility.

The Chief/Town Sergeant in Occoquan is the chief law enforcement officer in the Town and the emergency management/law enforcement liaison with Prince William County. As such, he/she is required to respond to emergency call out for law enforcement emergencies (suicides, deaths, major crimes, accidents, etc.) and weather related emergencies including snow, flooding, etc. The prior Chief, on average, responded after hours to emergency call outs approximately twelve times per year. A take home vehicle saves time by reducing the amount of preparation work needed to prepare the vehicle (load equipment, etc.) and then respond out to an emergency site. It also offers the ability to respond code using emergency equipment. In addition, the use of a take home vehicle provides liability coverage when responding during emergency call outs. The Town may be responsible for any liability resulting from the Chief responding on Town business (worker’s compensation and liability). There is liability in responding in a personal vehicle.

With a take home vehicle, officer specific equipment and material can be kept in the vehicle and/or set up prior to arriving in Town, thus saving time in preparing for an emergency response or a scheduled shift. For security reasons, equipment and material cannot be left in an unattended vehicle. Studies have shown that on average, a non-take home vehicle takes between 28 to 40 minutes per day to check out, load, and unload the vehicle, which equates to roughly 13 nonproductive days per year. ²

Studies have also shown that the operating costs of take home vehicles are less than non-take home vehicles.³ Take home vehicles are generally cleaner than non-take homes, vehicle fluids are checked more often, and issues are addressed more frequently with take home vehicles. In addition, officers with take home vehicles tend to render a significant amount of care off duty.

For reference, all 20 adjacent law enforcement jurisdictions provide take home vehicles for their chief law enforcement officer and/or supervisors. See chart above. Several small departments in the Commonwealth provide the Chief with a take home car. Specifically, the Town of Quantico, population 537 (current Chief travels approximately 60 miles one way), Town of Middleburg, population 807 (current Chief travels approximately 46 miles one way), and the Town of Haymarket, population 1,980, all provide their Chief Law Enforcement Officer with take home vehicles.

¹Federal, State and Local Governments Public Employer Tax Guide, July 2007 and IRS FAQs for Government Entities Regarding Meal and Vehicle Expenses

² ICMA Police Vehicle "Take Home" Study

³ National FOP Take Home Cars

Town Attorney's Recommendation: Recommend setting policy to permit the use of a take home vehicle for the Chief of Police.

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

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to set a policy to permit the use of a take home vehicle for the Chief of Police."

OR

Other action Council deems appropriate.

Attachments: (4) Federal, State and Local Governments Public Employer Tax Guide, July 2007
IRS FAQs for Government Entities Regarding Meal and Vehicle Expenses
ICMA Police Vehicle "Take Home" Study
National FOP Take Home Cars

Internal Revenue Service



Federal, State and Local Governments

July 2007

**PUBLIC EMPLOYER
TAX GUIDE**

PUBLIC EMPLOYERS OUTREACH GUIDE

CONTENTS

1	SOCIAL SECURITY AND MEDICARE COVERAGE	-2-
2	PUBLIC RETIREMENT SYSTEM COVERAGE	-2-
3	SECTION 457(b) (NONQUALIFIED) PLAN	-3-
4	FEE-BASED PUBLIC OFFICIALS	-4-
5	BARTER EXCHANGES	-4-
6	GROUP-TERM LIFE INSURANCE	-5-
7	SPECIAL SITUATIONS FOR PUBLIC WORKERS	6-
8	FRINGE BENEFITS	-7-
REFERENCE MATERIAL:		
	SECTION 218 HISTORY	-11-
	SOCIAL SECURITY COVERAGE (FLOW CHART)	-12-
	MEDICARE COVERAGE (FLOW CHART)	-13-
	FORM 1099 INFORMATION	-14-
	FORM 1099 AND BACKUP WITHHOLDING FACT SHEET	-16-
	USEFUL WEB SITES	-17-
	SUMMARY TREATMENT OF NONCASH FRINGE BENEFITS	-18-
	REQUEST FOR ASSISTANCE WORKSHEET	-20-

Disclaimer:

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INTERNAL REVENUE SERVICE EMPLOYMENT TAX HIGHLIGHTS FOR PUBLIC EMPLOYERS

1. SOCIAL SECURITY AND MEDICARE COVERAGE

Public employers need to be aware of the rules that govern social security and Medicare coverage for their employees. The laws can be complicated, but if you follow the rules below you will be able to apply the tax laws correctly to your employees.

First, you must determine whether or not a Section 218 Agreement applies to services performed by the worker. A Section 218 Agreement covers positions, not individuals. If the position is covered by such an agreement, your worker is subject to social security up to the wage base (\$97,500 in 2007) and Medicare or Medicare-only taxes and you, as employer, must match these tax amounts. (There is no wage base limit for Medicare tax.) Since April 20, 1983, any public employer who had previously entered into a Section 218 Agreement to cover their employees is required to continue coverage regardless of whether or not another public retirement system is available to those employees.

These agreements have been in effect for many years and have a critical bearing on the social security and Medicare coverage of the worker. If you are not sure whether a worker's position is covered, please call your State Social Security Administrator.

If a position is not covered by a Section 218 Agreement, you then need to find out the date the worker in question was hired. This is the date the worker began his/her current employment. If a worker was terminated and re-hired, the date you use to figure the coverage would be the re-hire date. If the worker was hired after March 31, 1986, it is mandatory that both the worker and public employer pay Medicare tax.

After July 1, 1991, full-time, part-time, temporary and seasonal employees who are not participating in a qualifying retirement system made available through their employer MUST be covered by social security and Medicare. It is also possible for employees under a public retirement system to be covered for social security if a Section 218 Agreement covers them. If the worker was hired prior to April 1, 1986, Medicare coverage depends on whether the worker is currently covered by a public retirement system that meets the requirements discussed next.

2. PUBLIC RETIREMENT SYSTEM COVERAGE

A public retirement system is not required to be a qualified plan within the meaning of the Employees' Retirement Income Security Act of 1974 (ERISA). The employee may be a member of any type of retirement system, including a nonqualified system (for example, a section 457(b) plan, discussed below), as long as the plan provides a minimum level of benefits, as specified by law, under that system.

PUBLIC EMPLOYERS OUTREACH GUIDE

A public retirement system may take one of two forms: the **defined benefit retirement system**, which is based on a guaranteed minimum benefit, and the **defined contribution retirement system**, which is based on a minimum contribution relative to salary.

For a **defined benefit retirement system** to meet the requirement to be a public retirement system, it must provide a benefit comparable to social security retirement benefits. The benefit must be measured by and based on various factors, including years of service rendered by the employee, compensation earned by the employee and the age of the employee at retirement. The Service issued Revenue Procedure 91-40 to clarify the minimum retirement benefit tests, which must be met in the plan's formula. This Revenue Procedure can be found in the Appendix of [Publication 963](#), Federal-State Reference Guide.

For a **defined contribution retirement system** to meet the requirement of a public retirement system, the worker must be covered in a plan in which at least 7.5% of his/her income is placed into a retirement plan. This contribution can be any combination of employer and employee contributions, but must total a minimum of 7.5% of his pay, and cannot include any interest in the calculation. The plan may include any plan described in section 401(a), an annuity plan or contract under section 403(b) or a plan described in section 457(b) or (f) of the Internal Revenue Code.

Any person working for a public employer after July 1, 1991, who is not covered in a public retirement system plan that meets the requirements discussed above or the Defined Benefit System safe harbor rules of Revenue Procedure 91-40, must be covered by social security and Medicare under the mandatory coverage provisions of Section 210 of the Social Security Act.

For more information on determining who is a qualified participant in a public retirement system, see section 31.3121(b)(7)-2 of the Income Tax Regulations.

3. SECTION 457(b) (NONQUALIFIED) PLAN

Section 457 of the Internal Revenue Code establishes a nonqualified plan for employees of tax-exempt organizations and governments. A section 457(b) plan is "nonqualified" in that it does not qualify for the same tax-deferral treatment as "qualified plans" under Sections 401, 403, and other provisions of the Internal Revenue Code. However, it can still be a public retirement system and provide for the deferral of compensation under certain circumstances.

An employee can defer compensation up to \$15,500 per section 457(b) plan for the year 2007. The municipality owns the funds until the employee retires and withdraws the money. The employer can match the employee's contribution but is not required to. The employer's contribution usually vests immediately.

The 457(b) plan can be used either as a primary retirement plan or as a deferred compensation plan in addition to the employee's retirement system or social security.

PUBLIC EMPLOYERS OUTREACH GUIDE

When a 457(b) deferred compensation plan is used in addition to either social security or a state retirement system, an employer must be aware of the social security and Medicare (FICA) tax implications. The employees' contributions are subject to FICA tax in the same manner as the employees' regular wages. If the employees' wages are subject to social security and/or Medicare tax, so is the contribution.

Unlike qualified pension plans, the employer's contributions are subject to social security and/or Medicare tax in the same manner as the employee's wages. All contributions and deferrals are subject to social security and Medicare tax at the later of:

- a) When the services are rendered, or
- b) When the plan vests to the employee so that there is no substantial risk of forfeiture.

Please review Notice 2000-38, in [Internal Revenue Bulletin 2000-33](#), for more information on withholding and reporting requirements for Section 457(b) plans.

4. FEE-BASED PUBLIC OFFICIALS

In general, if an individual performs services as an official of a public entity (city, state, town, village, water district, library, etc.) and the remuneration received, is paid out of governmental funds, the official is an employee and the wages are subject to Federal employment taxes. Examples of public officials include, but are not limited to, the President, a governor, mayor, county commissioner, judge, justice of the peace, sheriff, constable, registrar of deeds, building and plumbing inspectors, etc. The only exception to this rule involves a public official who receives his/her remuneration in the form of fees **directly from the public** with whom he/she does business. However, if the fee service is covered by a Section 218 agreement, the services would be covered as employment, as discussed in [Publication 15](#), Employer's Tax Guide (Circular E).

If a public official receives his or her remuneration or salary directly from or through a government fund on the basis of a fixed percentage and no portion of the monies collected belongs to or can be retained by him/her as compensation, then the remuneration is not fees, but salary subject to all employment taxes.

If an individual performs services in more than one position, each position is treated separately for purposes of determining whether the compensation for the service meets the fee based or wage criteria.

For detailed information on this subject, please review the information in [Publication 963](#), Federal-State Reference Guide, and Revenue Ruling 74-608, 1974-2 C.B. 275.

5. BARTER EXCHANGES

Bartering between municipalities and individuals has a tax consequence. Examples of bartering include having a contractor demolish a building in exchange for land, or engaging an individual to perform work in exchange for relief from property taxes.

PUBLIC EMPLOYERS OUTREACH GUIDE

The relevant forms and provisions of the law are as follows:

- a) Form 1099-MISC:** Regulation 1.6041-1 Return of Information as to payments of \$600 or more.

Paragraph (e) Payment made in medium other than cash

If any payment that is required to be reported on Form 1099 is made in property other than money, the fair market value of the property at the time of payment is the amount to be included on such form.

Paragraph (f) When payment deemed made

For purposes of a return of information, an amount is deemed to have been paid when it is credited or set apart to a person without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and is made available to him so that it may be drawn at any time, and its receipt brought within his own control and disposition.

- b) Form W-2, Wage and Tax Statement:**

Regulations Section 31.3401(a)-1 Wages

(1) In General:

(a) The term "wages" means all remuneration for services performed by an employee for his employer unless specifically excepted.

(b) Generally, the medium in which the remuneration is paid is also immaterial. It may be paid in cash or in goods or services, such as, for example, stocks, bonds or other forms of property. If services are paid for in a medium other than cash, the fair market value of the thing taken in payment is the amount to be included as wages.

The cited law makes clear that a Form 1099 or W-2 is required to be filed if the exchange is between the municipality and an individual and/or partnership. The issuance of a Form 1099 is not required for exchanges between an employer and incorporated entities.

6. GROUP-TERM LIFE INSURANCE

An employer may exclude from income the cost of up to \$50,000 of group-term life insurance from an employee's wages. If the employee receives more than \$50,000 insurance, only the IRS-determined cost of the excess is includable as wages. Use the tables in [Publication 15-B](#), Employer's Tax Guide to Fringe Benefits, to calculate the includible income.

PUBLIC EMPLOYERS OUTREACH GUIDE

If the employee makes any payment toward the cost of the insurance, then the amount of coverage attributable to that payment is not considered in determining the amount of insurance provided by the employer.

Taxable employer-provided group-term life insurance is treated as wages, but is not subject to income tax withholding. It is subject to social security and Medicare tax withholding and must be included on Form W-2, in box 1, 3, 5 and 12 (code C).

The taxable portion is included on **Form 941**, Employer's Quarterly Federal Tax Return, as part of wages, tips and other compensation, and on the lines for social security and Medicare wages.

7. SPECIAL SITUATIONS FOR PUBLIC WORKERS

Elected and **appointed** officials are employees for Federal income tax withholding purposes, per Section 3401(c) of the Internal Revenue Code. For social security and Medicare purposes, all elected and most appointed officials are employees of the public entity they serve, per Section 3121(d)(2) and 3121(d)(4) of the Code. For more information, see Publication 963.

We have also included a brief analysis of a few of the issues you as the public employer may encounter during your normal work in properly classifying other types of workers:

a) Casual Laborer

Federal tax law does not recognize the term "casual laborer." If you hire a student to clean up the town dump or a day laborer to cut trees, the worker is an employee and you must withhold, report, and pay over applicable employment taxes. There are no grace periods. You must withhold with the first dollar earned by the worker.

b) Volunteer Firefighters

Volunteer firefighters are considered employees and their remuneration is generally subject to all withholding taxes. However, if the payment is a nominal reimbursement for out-of-pocket expenses actually incurred, AND the payment is accounted for according to the requirements of Reg. 1.62-2 regarding accountable plans, then the payment could be excludable from the rest of the firefighter's Form W-2. Please review the material in Publication 963 for more information on this issue.

c) Road Commissioners

The road commissioner is an elected or appointed town official, and therefore can be supervised, directed, and disciplined if necessary and a work plan and job description can be developed for the position by the appointing body.

The relationship between the town and the commissioner may also allow for a fair rental payment for the use of any large equipment owned by the commissioner. This rental fee for equipment used should be separate, agreed upon in advance, and reported to the individual

PUBLIC EMPLOYERS OUTREACH GUIDE

on Form 1099-MISC, Box 7. Fair equipment rental rates should be determined and municipalities should be guided by what a private company would charge.

Scenarios such as these, in which the road commissioner may hire a crew to perform certain services, generally have to be determined on a case-by-case basis. It is possible that these workers could be employees of the town. All remuneration that the road commissioner personally receives is wages.

d) Animal Control Officer

If an animal control officer holds an elected or appointed position, then the remuneration paid to that person should be regarded as wages.

Note: Moderators, civil emergency directors, bus drivers, harbormasters, correction officers, fire chiefs, fire and ambulance workers, airport managers, summer aides, and librarians are all considered employees.

8. FRINGE BENEFITS

a) Reimbursements Paid to Employees

For expense reimbursements to employees to be exempt from taxes, the reimbursements must be made under an accountable plan. This means that the employees must:

- (1) Incur the expenses in the performance of work;
- (2) Adequately account for the expenses within a reasonable period of time; and
- (3) Return any amounts in excess of expenses within a reasonable period of time.

Reimbursements may be made in the form of allowances for travel, tools, shoes or clothing.

Note: Reimbursement for clothing that is suitable for everyday use while not on duty is always a taxable fringe benefit.

b) Municipally-Owned Vehicles

The personal use of a municipally-owned vehicle is a taxable fringe benefit. Personal use includes the value of commuting to and from work in a municipal vehicle, even if the vehicle is taken home for the convenience of the employer. The value of the fringe benefit must be included in wages and is subject to income and employment taxes. There are three methods that can be used to determine the value of the vehicle provided to the employee: commuting value rule, cents-per-mile rule and automobile lease rule (see below). Control employees who work for a government employer includes elected officials (such as a mayor) and employees who earn at least Federal Executive Level V salary (\$136,200 for 2007), can only use the cents-per-mile rule or the automobile lease rule.

All of your employee's use of a **qualified non-personal use vehicle** qualifies as a working condition fringe. You can exclude the value of that use from your employee's income. A qualified non-personal use vehicle is any vehicle the employee is not likely to use more than

PUBLIC EMPLOYERS OUTREACH GUIDE

minimally for personal purposes because of its design. Qualified non-personal use vehicles include:

- Clearly marked police and fire vehicles.
- Unmarked vehicles used by law enforcement officers. The officer **MUST** be authorized to carry a firearm, execute search warrants and make arrests.
- An ambulance or hearse used for its specific purpose.
- Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds.
- Delivery trucks with seating for the driver only, or driver plus a folding jump seat.
- A passenger bus with a capacity of at least 20 passengers used for its specific purpose.
- School buses.
- Tractors and other special purpose farm vehicles.

c) All Other Employer-Provided Vehicles

If you have an employer-provided vehicle that does not qualify as a non-personal use vehicle, and the employee uses the vehicle for personal use, which includes commuting, the personal use of the vehicle is a non-cash taxable fringe benefit.

It is the employer's responsibility to determine the actual value of this fringe benefit and to include the taxable portion in the employee's income.

Examples:

A town-owned pickup truck has the name of the town marked on the vehicle. Usually the employee is allowed to take the vehicle home because he/she is "on call." The vehicle is not a qualified non-personal use vehicle, thus the commuting is a non-cash taxable fringe benefit.

An employee takes a city vehicle home in order to avoid exposing it to harm. The vehicle has a city seal on the door and is not to be used for personal use. If the vehicle is not a qualified non-personal use vehicle as discussed earlier, the employee would have a taxable commuting benefit if he/she takes a city vehicle home.

Special Valuation Rules

Employees may use one of the following special valuation rules to determine the value of personal use of a vehicle:

1) Automobile Lease Rule

- a) Determine the Fair Market Value of the vehicle.
- b) Use annual lease values (ALV) in the table in IRS Publication 15-B, which are based on a 4-year lease term. These values will generally stay the

PUBLIC EMPLOYERS OUTREACH GUIDE

same for each year. After four years the vehicle must be revalued and the ALV recomputed.

- c) You must add the fair market value of fuel provided; you may use 5.5 cents per mile.

2) Cents-Per-Mile Rule

The value of the personal use of a vehicle may be figured at 48.5 cents per mile for 2007 if the following conditions are met:

- a) Must have regular business use; if 50% of the total annual mileage is for your trade or business, it meets this test.
- b) Fair market value is less than threshold (check with IRS for amount).
- c) Meets the mileage rule requirement (driven at least 10,000 miles).

3) Commuting Value Rule

An amount of \$3.00 per day or \$1.50 per one-way commute (home to work or work to home) is a non-cash taxable fringe benefit to the employee, includible in gross income. You can use this rule only if you meet all of the following requirements:

- a) You own or lease the vehicle and provide it to an employee to use in your business,
- b) For bona fide noncompensatory business reasons, you require the employee to commute in the vehicle,
- c) You establish a written policy allowing no personal use other than commuting or de minimis personal use (such as stop for personal errand),
- d) Your employee does not use the vehicle for personal purposes other than commuting and de minimis personal use, and
- e) The employee is not a government control employee defined as follows:
 - i. Elected official, or
 - ii. Employee whose pay is at least Federal Government Executive Level V (\$136,200 for 2007).

Recordkeeping

To conform to the accountable plan rules, employees using a vehicle for business purposes (regardless of which special valuation rule is used) must keep track of business miles by keeping a log containing the following information:

- 1) Date
- 2) Mileage (beginning and ending)
- 3) Destination
- 4) Business purpose
- 5) Personal use mileage
- 6) Commuting

PUBLIC EMPLOYERS OUTREACH GUIDE

This information should be kept on a daily basis.

d) Clothing Provided by the Employer

Work clothing provided by the employer is not taxable to the employee if:

- 1) The employee must wear them as a condition of employment, and
- 2) The clothes are not suitable for everyday wear.

It is not enough that the employee wear distinctive clothing. The employer must specifically require the clothing. Nor is it enough that the employee does not, in fact, wear the work clothes away from work. The clothing must not be suitable for taking the place of your regular clothing.

The cost and upkeep of work clothes for firefighters, health care workers, law enforcement officers or letter carriers is nontaxable to the employee.

Similarly, the costs of buying and maintaining safety shoes or boots, safety glasses, hard hats and work gloves are not taxable if the purchases are substantiated under the accountable plan rules.

e) Clothing Allowances for Police, Fire and Public Works

If the clothing does not qualify as a deductible expense (i.e. is a uniform), then these payments must be treated as a taxable fringe benefit and are subject to all employment taxes. Thus, a police officer or firefighter uniform would qualify for exclusion from income if paid under an accountable plan and meets all the requirements of an accountable plan (qualified expense, substantiation, and return of excess). A detective's suit jacket and related clothing, since they are suitable for everyday wear, do not qualify as a uniform and are taxable to the employee.

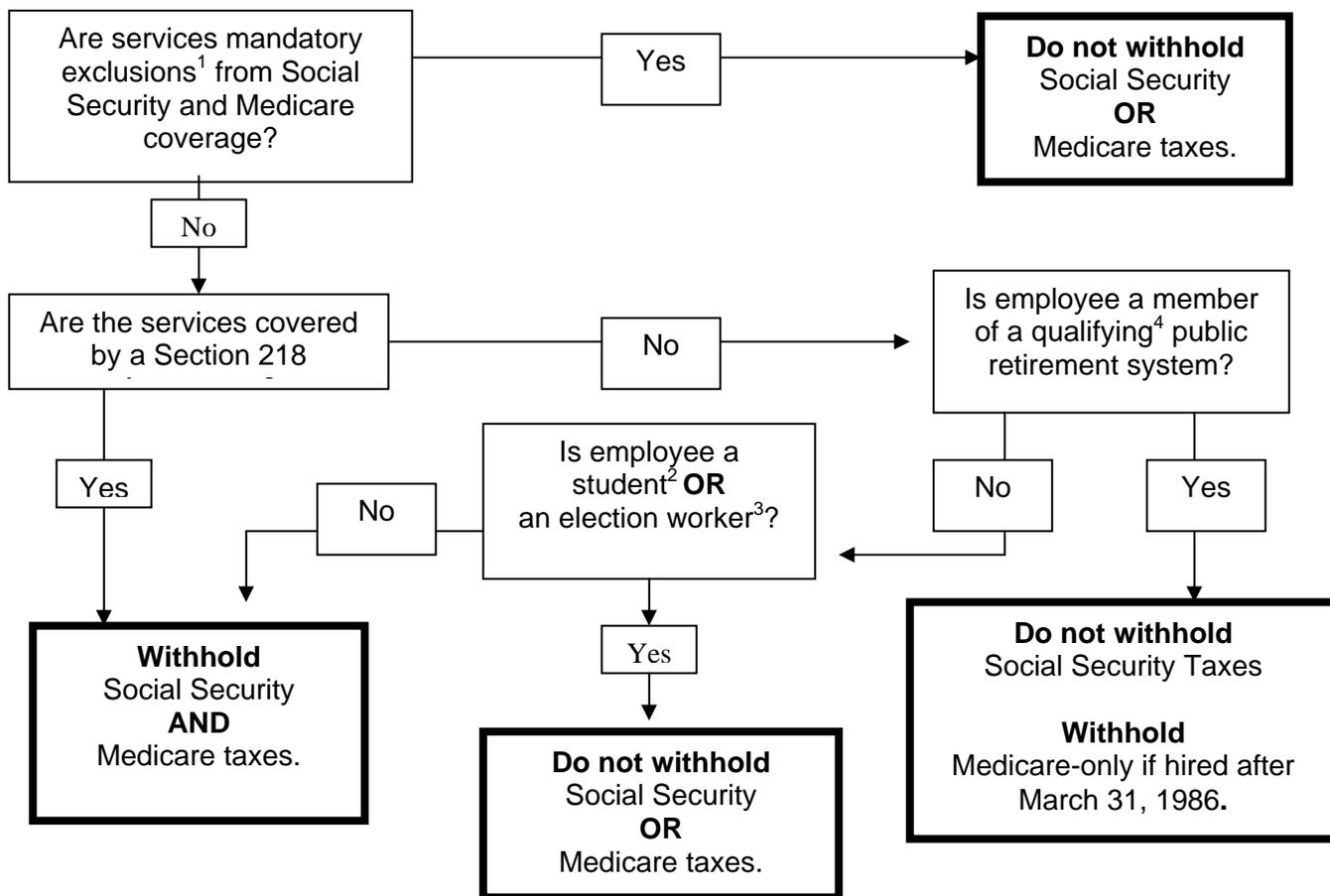
See [Publication 15-B](#), Employer's Tax Guide to Fringe Benefits, for more information.

Section 218 History

- => **Before 1951** - No social security coverage for public employees.
- => **1951** - Section 218 Added to Social Security Act; coverage became available for positions not under public retirement systems
- => **1955** - Retirement systems allowed to participate in Section 218 coverage.
- => **Beginning April 20, 1983** - Terminations of 218 agreements are prohibited.
- => **4/1/86** - Mandatory Medicare coverage for all new hires; workers hired prior to this date in continuous employment remain exempt from mandatory coverage for those positions.
- => **7/2/91** - Mandatory social security. If an employer has positions not covered under a Section 218 Agreement these positions will be covered by mandatory social security. For positions covered by a Section 218 Agreement, coverage continues regardless of whether these positions are covered by a qualifying public retirement system.

Social Security Coverage

This chart is meant as a guide only and is not a substitute for discussing difficult Section 218 coverage situations with your State Social Security Administrator or taxation issues with your IRS FSLG agent.



¹**Mandatory Exclusions from Social Security and Medicare (FICA) coverage**

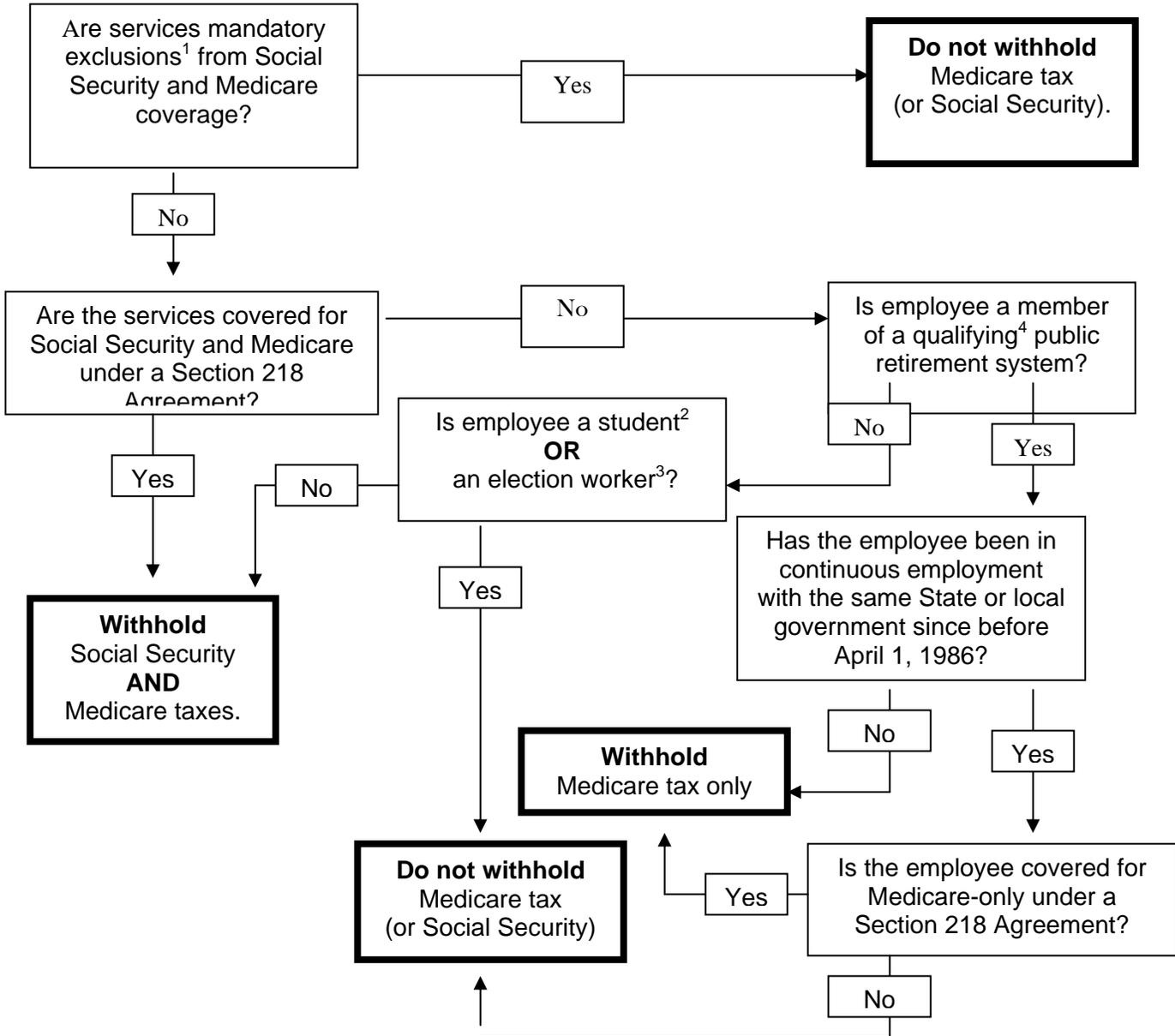
Services performed:

- by individuals hired solely to be relieved from unemployment
- in a hospital, home or other institution by a patient or inmate
- by workers hired on a temporary basis in case of fire, storm, snow, earthquake, flood, or other similar **emergency**
- by non-resident aliens with F-1, J-1, M-1 & Q-1 visas
- in positions compensated solely by fees that are subject to SECA
(NOTE: These services may be covered by a 218 Agreement and subject to FICA.)
- by students² enrolled and regularly attending classes at the school where they are working
(NOTE: These services may be covered by a 218 Agreement and subject to FICA.)
- by election workers³ paid less than the threshold amount mandated by law
(NOTE: These services may be covered by a 218 Agreement and subject to FICA.)
- that are excluded from definition of employment in Section 210 of the Social Security Act

⁴**Qualifying Public Retirement System** – See information under “Pension Coverage” in this booklet. For more information and discussion of **rehired annuitants**, see *Pub 963, Federal-State Reference Guide*.

Medicare Coverage

This chart is meant as a guide only and is not a substitute for discussing difficult Section 218 coverage situations with your State Social Security Administrator or taxation issues with your IRS FSLG agent.



¹**Mandatory Exclusions from Social Security and Medicare (FICA) coverage**

Services performed:

- by individuals hired solely to be relieved from unemployment
- in a hospital, home or other institution by a patient or inmate
- by workers hired on a temporary basis in case of fire, storm, snow, earthquake, flood, or other similar emergency
- by non-resident aliens with F-1, J-1, M-1 & Q-1 visas
- in positions compensated solely by fees that are subject to SECA
(NOTE: These services may be covered by a 218 Agreement and subject to FICA.)
- by students² enrolled and regularly attending classes at the school where they are working
(NOTE: These services may be covered by a 218 Agreement and subject to FICA.)
- by election workers³ paid less than the threshold amount mandated by law
(NOTE: These services may be covered by a 218 Agreement and subject to FICA.)
- that are excluded from definition of employment in Section 210 of the Social Security Act

⁴**Qualifying Public Retirement System** – See information under “Pension Coverage” in this booklet. For more information and discussion of

rehired annuants, see *Publication 963, Federal-State Reference Guide*.

FORM 1099 INFORMATION

Who Must File

Any entity conducting a trade or business is required to file Form 1099 if the requirements are met. Government agencies and non-profit organizations are also required to file Form 1099.

Securing Vendor Information

Information Needed

Owner's name (if sole proprietor), legal business name, mailing address, taxpayer identification number.

When To Get Information

Obtain vendor information up front: don't wait until year-end. The requirement to file Forms 1099 is met once payments total \$600 or more.

Why Get The Information?

If you vendor fails to supply an identification number, you must withhold 28% and pay it over to the IRS on Form 945. This is called **backup withholding**. If you do not backup withhold when required, you may be liable for the tax.

How To Get The Information

Use Form W-9, Request for Taxpayer Identification Number and Certification.

Due Dates for Forms 1099

Copy is sent to the Recipient by January 31st of the following year and a copy A is sent to the IRS by February 28th of the following year.

File Form 1099 for:

Payments of \$600 or more for:

Services (Form 1099-MISC)

Rents (Form 1099-MISC)

Retirement (Form 1099-R)

Payments of \$10 or more for Interest (1099-INT)

Payments of \$600 or more to:

Individuals

Partnerships

Estates

Trusts

Medical and Legal Service Providers

PUBLIC EMPLOYERS OUTREACH GUIDE

FORM 1099 INFORMATION

EXAMPLES OF REPORTABLE PAYMENTS

Non-employee (Form 1099-MISC Box 7)

Accounting services
Advertising
Appraisal services
Attorney fees
Auto repair
Construction
Consultant fees
Custodial/Maintenance
Engineering services
Landscapers, locksmiths
Photographers, printing services
Referees
Rubbish removal

Medical & Health Care Services (1099-MISC Box 6)

Ambulance services
Dentists
Doctors
For-profit hospitals
Lab services
Optometrists
Private duty nurses
Psychiatrists, psychologists
Rehabilitation centers
Therapists

Rents (Form 1099-MISC Box 1)

Office space
Parking lot space
Welfare rental assistance (to landlords)
Equipment

NOTE: Certain payments and recipients are exempt from the requirements, including:

Payments to exempt organizations and governments
Generally, payments to corporations BUT not attorneys' fees, medical and health care payments
Payments of rent to real estate agents

See the [Instructions for Form 1099-MISC](#) and [General Instructions for Forms 1099, 1098, 5498, and W-2G](#) for more information.

PUBLIC EMPLOYERS OUTREACH GUIDE

FORM 1099 AND BACKUP WITHHOLDING FACT SHEET

1. IRC 6041(a): Information at source

All persons engaged in a trade or business and making payment in the course of such trade or business to another person of rent, of \$600 or more in any taxable year shall render a true and accurate return setting forth the amount of such income and the name and address of the recipient of such payment.

2. Recipient to furnish name, address and identification number for inclusion on return

Any person with respect to whom a return or statement is required under this section shall furnish to such other person his name, address and identification number.

3. Inclusion of identification number on return

The person to whom an identification number is furnished shall include such number on any return that such person is required to file.

4. Statements required to be furnished to persons with respect to whom information is required

Every person required to make a return shall furnish to each person a written statement. The meaning of "return or statement required" is the proper Form 1099 or Form W-2.

5. Regulation 1.6041-1: Return of information as to payment of \$600 or more

Every person engaged in a trade or business shall make an information return for each calendar year with respect to payments made by him to another person: salaries, wages, commissions for services rendered, interest, rents, royalties, annuities, pensions, and other gains, profits, and income aggregating \$600 or more. The return required shall be made on Forms 1096 and 1099. The return with respect to certain payments of compensation to an employee shall be made on Forms W-2 and W-3.

6. Regulation 1.6041-3: Payments for which no return of information is required.

Information returns are not required for:

- a) Payments of income required to be reported on Forms 1042, 1120-S, 941, W-3, and W-2.
- b) Payments by a broker to his customer.
- c) Payments to a corporation, except payments to a corporation engaged in providing legal, medical AND health care services.
- d) Payments of bills for merchandise, telegrams, telephone, freight, storage and similar charges.

PUBLIC EMPLOYERS OUTREACH GUIDE

- e) Payments of rent made to real estate agents.
- f) Salaries and profits paid or distributed by a partnership to the individual partners.
- g) Payments of commissions to general agents by fire insurance companies or other companies insuring property.

Payments for services not specifically excluded ABOVE require reporting on an information return.

7. IRC 3406: Backup Withholding

Requirement to deduct and withhold: In general, in the case of any reportable payment, if the payee fails to furnish his taxpayer identification number to the payer in the manner required, then the payer shall deduct and withhold from such payment a tax equal to 28% of such payment.

Coordination with other sections: Amounts deducted and withheld under this section shall be treated as if deducted and withheld under section 3402.

8. IRC 3403: Liability for tax

The employer shall be liable for the payment of the tax required to be deducted and withheld under this chapter, and shall not be liable to any person for the amount of any such payment.

If a payer fails to deduct and withhold tax at a rate of 28% from a reportable payment, and the payee fails to furnish his TIN, the payer is then liable for the payment of the tax.

USEFUL WEB SITES

Internal Revenue Service, Federal, State and Local Governments

www.irs.gov/govts

Internal Revenue Service, Frequently Asked Questions

(Contains answers to questions on numerous Federal tax topics, including cafeteria plans)

www.irs.gov/faqs/index.html

Social Security Administration Homepage

www.socialsecurity.gov

Social Security Administration Web Site for State and Local Government Employers

www.ssa.gov/slge

National Conference of State Social Security Administrators (NCSSSA)

www.ncsssa.org

PUBLIC EMPLOYERS OUTREACH GUIDE

SUMMARY: TREATMENT OF NONCASH FRINGE BENEFITS

The following chart is for quick reference only. For complete information, see the appropriate references.

Benefit or Program	Code Section or Reference	Income Tax Withholding	Social Security and Medicare
Accident Insurance	105, 106	Exempt, except for certain long-term care benefits.	Exempt
Adoption Expenses	137	Exempt	Taxable
Athletic Facilities, on employer premises	132(j)(4)	Exempt if substantially all use is by employee, spouse or dependent children.	
Achievement Awards	74, 274, Pub. 15-B, Pub. 535	Value of noncash safety or length-of-service awards valued up to \$400 for nonqualified or \$1,600 for qualified awards. See Pub. 15-B and 535, chapter 2.	
Cafeteria Plan Benefits (see specific benefit)	125, Pub. 15-B	Generally exempt. See Pub. 15-B.	
Clothing Provided	162 Pub. 17	Exempt, if required and not suitable for ordinary use.	
Dependent Care Assistance	129, 3121(a), 3401(a)	Exempt up to \$5,000 (\$2,500 for married filing separate return) per year.	
Disability Pay	Pub. 15-A	See Pub. 15-A.	
Educational Assistance	127	Exempt for up to \$5,250 of benefits per year. May also qualify as working condition fringe benefit.	
Group Term Life Insurance	79	Exempt	Exempt up to cost of \$50,000 of insurance.
Health Insurance	105, 106	Exempt, except for certain long-term care	Exempt.

PUBLIC EMPLOYERS OUTREACH GUIDE

Benefit or Program	Code Section or Reference	Income Tax Withholding	Social Security and Medicare
		benefits.	
Lodging Provided Employer	119	Exempt if for employer's convenience as a condition of employment.	
Meals Provided	119	Exempt if furnished on employer's premises for employer's convenience, or if qualifies as de minimis.	
Membership Fees Paid	132(a)(3)	Exempt if for professional and business-related organizations and reasonable business purpose.	
Moving Expenses	217; Pub. 521	Exempt if expenses would be deductible if the employee had paid them.	
No additional cost services	132(b)	Exempt. See Pub. 15-B.	
Sick Pay	Pub. 15-A	See Pub. 15-A.	
Tuition Reduction	117	Exempt if for undergraduate education (or graduate education if the employee performs teaching or research activities).	
Travel Expenses	162, Pub 15, Pub 15-A	Exempt if paid under an accountable plan for necessary expenses. See Pub. 15-A.	
Vehicle provided by employer	280F, Pub. 15-B	Exempt if provided for business use. See Pub. 15-B.	
Working condition fringe benefit	132(d), Pub. 15-B	Exempt. See Pub. 15-B.	



FAQs for government entities regarding meal and vehicle expenses

These frequently asked questions and answers are provided for general information only and should not be cited as any type of legal authority. They are designed to provide the user with information required to respond to general inquiries. Due to the uniqueness and complexities of Federal tax law, it is imperative to ensure a full understanding of the specific question presented, and to perform the requisite research to ensure a correct response is provided.

The freely available [Adobe Acrobat Reader](#) software is required to view, print, and search the questions and answers listed below.

- [1. A county pays meal money allowances, including lunch and dinner, for its ballot clerks. They are not required to eat their meals on the premises and usually go to a local restaurant. Are these payments taxable?](#)
 - [2. A town has a public safety director who is a retired police chief. He carries a firearm and has arrest powers. He drives a regular unmarked vehicle and commutes in this vehicle from home to the office. Is he entitled to exclude the value of the use of the car from his income?](#)
 - [3. For purposes of defining a qualified nonpersonal use vehicle, what qualifies as a clearly marked police or fire vehicle?](#)
 - [4. A town provides cars which its officials and other employees use during the workday for business purposes. These employees also use the cars for commuting to and from work. Is the use of these vehicles for commuting taxable income to the employees?](#)
 - [5. Can an appointed executive or official have a portion of his salary paid to him as reimbursement for mileage, phone calls, etc., and the balance as salary subject to FICA and withholding?](#)
 - [6. A fire chief uses his own pickup truck for work. He accounts for the business use of his truck and is reimbursed for his mileage. He sometimes travels to and from the fire station outside of his regular work schedule. Is this considered commuting and would reimbursement be taxable?](#)
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A county pays meal money allowances, including lunch and dinner, for its ballot clerks. They are not required to eat their meals on the premises and usually go to a local restaurant. Are these payments taxable?

The facts indicate that the allowances are taxable. Section 62(a) of the Code provides that gross income means all income from whatever source derived, including fringe benefits. There is no exclusion that applies to a fringe benefit of this type. There is no indication that the meals are provided on the business premises for the convenience of the employer. Cash cannot be excludable, except as a de minimis benefit under very limited circumstances as outlined in Regulation 1.132-6(d)(2). Regular meal money does not qualify for the exclusion. The exclusion for meal money must meet three criteria: it is provided (1) on an occasional basis, (2) because overtime work necessitates the extension of the employee's normal work schedule, and (3) to enable the employee to work overtime.

The meal money in this case is provided on a routine basis and is not excludable from income.

[Return to List of FAQs](#)

A town has a public safety director who is a retired police chief. He carries a firearm and has arrest powers. He drives an unmarked vehicle and commutes in this vehicle from home to the office. Is he entitled to exclude the value of the use of the car from his income?

The value of a "qualified nonpersonal use vehicle" can be excluded from income as a working condition fringe if the use of the vehicle conforms to the requirements of paragraphs (k)(3) through (7) of section 1.274-5T of the regulations. An employee does not have to substantiate the business use of a qualified nonpersonal use vehicle in order to exclude its value from wages.

A qualified nonpersonal use vehicle means any vehicle that is not likely to be used more than a minimal amount for personal purposes. Common examples include a fire engine, a clearly marked police or fire vehicle, a public safety officer vehicle, a flatbed truck, school bus, ambulance, etc. There are limited circumstances under which an unmarked police car qualifies as a nonpersonal use vehicle.

First, the driver must be a "law enforcement officer." A law enforcement officer must satisfy all of the following requirements. He or she must be a full-time employee of a governmental unit that is responsible for preventing or investigating crimes involving injury to persons or property (including catching or detaining persons for these crimes). The officer must be authorized by law to carry firearms, execute search warrants, and to make arrests. The officer must regularly carry firearms, except when it is not possible to do so because of the requirements of undercover work. A "public safety director," or any employee, regardless of title, must meet these tests to qualify under this exclusion.

Second, any personal use of the vehicle must be authorized by the government agency or department that owns or leases the vehicle and employs the officer, and, third, the use must be incident to law-enforcement functions, such as being able to report directly from home to a stakeout or surveillance site, or to an emergency situation. Use of an unmarked vehicle for vacation or recreation trips cannot qualify as an authorized use.

Whether the individual's use of the vehicle is authorized by the governmental agency which employs him or is incident to law-enforcement functions depends on the facts and circumstances. If the individual is allowed to use the vehicle as a courtesy and for commuting purposes, it does not qualify as a nonpersonal use vehicle, and the commuting value is income subject to FICA and income tax withholding.

[Return to List of FAQs](#)

For purposes of defining a qualified nonpersonal use vehicle, what qualifies as a clearly marked police or fire vehicle?

A police, fire, or public safety vehicle is clearly marked if it has insignia or words which make it clear that it is a police, fire, or public safety vehicle. A marking on a license plate is not a clear marking for this purpose.

According to the regulations, the exclusion for a clearly marked police, fire, or public safety vehicle applies only to a vehicle that is required to be used for commuting by a police officer, firefighter, or public safety officer who, when not on a regular shift, is on call at all times.

Other than commuting, personal use of the vehicle, outside the limit of the police officer's arrest powers or the obligation of a firefighter or public safety officer to respond to an emergency, must be prohibited by the governmental unit.

A public safety officer is an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as described above, or a firefighter, chaplain, or member of a rescue squad or ambulance crew.

[Return to List of FAQs](#)

A town provides cars that its officials and other employees use during the workday for business purposes. These employees also use the cars for commuting to and from work. Is the use of these vehicles for commuting taxable income to the employees?

The value of noncash fringe benefits is taxable income to the recipient. Thus the commuting value of a vehicle owned or leased by a public entity usually represents taxable income to the employee.

One exception is for the qualified nonpersonal use vehicle, described above. Thus, for example, when a law enforcement officer drives a clearly marked police car to his or her residence when off duty and otherwise satisfies the requirements described above, the commuting value of that vehicle is not income to the employee.

There are several ways to value the commuting use of a car for income and FICA tax purposes; these are discussed in [Publication 15-B](#), Employer's Tax Guide to Fringe Benefits.

[Return to List of FAQs](#)

Can an appointed executive or official have a portion of his salary paid to him as reimbursement for mileage, phone calls, etc., and the balance as salary subject to FICA and withholding?

To be excluded from wages, reimbursements must be for actual documented expenses under an accountable plan, i.e., a reimbursement or other expense allowance arrangement set up by the employer. Code section 62(c) and section 1.62-2.

To qualify as a reimbursement or other expense allowance arrangement, the arrangement must require (1) that the employee substantiate all expenses to the employer, and (2) that the employee return any amount in excess of substantiated expenses. An expense should be substantiated within 60 days after it is paid. If the individual receives an advance, any money not accounted for must be returned within 120 days. See section 1.62-2(g) of the Income Tax Regulations, defining a "reasonable period" for purpose of this section.

To substantiate the expense, the employee must document the amount, time and place of travel, the business purpose, and the business relationship to the taxpayer of the people involved if the expense is for entertainment. Miscellaneous expenses must also be documented.

[Return to List of FAQs](#)

A fire chief uses his own pickup truck for work. He accounts for the business use of his truck and is reimbursed for his mileage. He sometimes travels to and from the fire station outside of his regular work schedule. Is this considered commuting and would reimbursement be taxable?

This travel is commuting and is a personal expense. It does not matter whether the fire chief is commuting outside of his regular work schedule. Any reimbursement for commuting in his own vehicle is taxable to the employee.

[Return to List of FAQs](#)

Page Last Reviewed or Updated: 28-Dec-2016

Police Vehicle “Take Home” Study

The most comprehensive study regarding take home vehicles was done by the City of Tacoma, Washington. They used the outside consulting firm of Mercury Associates. The lead analyst was a professor from the University of North Carolina. The consultant’s report compared a fleet of 30 assigned vehicles to a pool of 34 vehicles. The study covered an 8 year accounting period. In this study they found the following:

1. Operating costs per mile were 30% lower for assigned rather than pooled vehicles.
2. Pooled vehicles had to be replaced every 20 to 26 months compared to an average of 60 months for assigned vehicles.
3. Officers who take vehicles home typically render a significant amount of service while “off-duty”.
4. One of the most significant reductions for assigned vehicles was due to lower accident and damage repair costs. The City of Tacoma found that a pool vehicle averaged \$8,400 in damage, while an assigned vehicle required only \$1,375 per year. Over the 8 year period, a fully assigned vehicle fleet would generate a total of \$189,000 in accident and damage work compared to \$365,000 for a full fleet of pooled vehicles.
5. On average when using a pool car it took between 28 to 40 minutes per day to check-out, load, and/or unload their pool car. On average a pool car was unavailable 5.6 days a month due to repairs, lost keys, etc. Changing to another car averaged 25 minutes, thereby adding an additional eight minutes per day to non-productive time. This equates to approximately 13 non-productive days per year. This does not include the paid time officers may take to get into uniform once they arrive at the station.
6. The City of Tacoma found it was better for deputies to have take-home cars. The analysis showed the City saved \$200,000 a year by just not having to provide a secured parking facility for 263 police vehicles.

Additionally, the consultants provided a neighborhood questionnaire and survey to all of Tacoma’s neighborhood councils regarding take home vehicles. The responses indicated they believed the two most important benefits of an assigned take-home vehicle program were: quicker response and to deter crime. The two biggest concerns were vehicles get too much extra wear and tear and it provides incentive for officers to live outside of city.

When asked whether officers should have assigned or pooled vehicles, only 16% said they were opposed to assigned vehicles. Respondents believed that both the officers and the city benefited more or less equally with assigned cars being taken home. A subsequent study confirmed these findings that the city was better off by assigning vehicles and allowing officers to take them home.

In summarizing the Tacoma study, an assigned vehicle program is much more advantageous to the city than a pool vehicle. The main reason, in addition to less maintenance, is the time saved by each officer each day in not having to check-out and check-in pool vehicles and transfer his or her gear. The cost of officer time is relatively high compared to cost of vehicles. For example, the cost of purchasing a timing belt for replacement in a personal car is a small, as compared to

the labor cost of installing it. The same principle pertains to police vehicles. Equipment and maintenance costs of police cars are a small fraction of the salaries of the police officers who drive them. The study concludes that overall the city saves about \$1.4 million per year with the assigned vehicle program.

Other Studies

The following information is a combination of using previous studies by other police agencies and independent third parties.

- Hampton Virginia Police Department did a study that supported their take home fleet program. Their study showed that both maintenance costs and operating costs were lower for the take home cars versus pool cars. The maintenance cost of take home cars was \$0.16 per mile versus \$0.19 per mile on pool cars, a 16% savings. They also found a 15% saving in operating costs, \$0.17 per mile versus \$0.20 per mile for pool cars. This study also found fewer accidents occurred with assigned cars.
- An article in Law and Order magazine acknowledges that initial startup costs can be a concern, but net savings occur due to lower maintenance costs and extended vehicle life. It also notes that the cost of the increase in fleet size begins to be offset by lower maintenance cost by the second year. In the fourth year, vehicle replacement costs drop significantly because the take home cars accumulate fewer miles.
- In a memo to the City Commission of Stillwater, Oklahoma regarding police take home units, it was noted that take home unit cost vary from 10.4 cents per mile for the chief to 15.1 cents for a K-9 unit. The cost of a pool car was 19.9 cents per mile. The study also noted with take home units, equipment installations were less. Equipment installations cost \$1,000 per car. This cost is similar to the Manatee County Sheriff's Office installation costs.
- The Daytona Beach Police Department operates a fleet of 340 vehicles. The fleet manager faced with cost cuts believes one of his biggest successes has been implementing a Take Home fleet vehicle program. Maintenance and repair costs have gone down on the program vehicles. Officers take better care of the vehicles than pool cars, because no one else can be blamed for poor care. They also don't run the vehicles as hard, which is better for fuel mileage. He states "The user will keep the vehicle cleaner, inspect it on a regular basis, answer up to damage, and generally take more pride. "

Additional advantages to take home police units:

- Take home programs result in more police units being driven on the streets as officers go to and from work, or other approved activity. Citizens will see a more visible police presence. So will potential offenders, offering a deterrent effect.
- Creates a rapid response to emergency callouts. The officer doesn't have to go to the district to get a vehicle prior to responding. When we have a major event, rather than officers driving their personal cars to districts, where they would gather equipment, and be briefed, they leave directly

from home to handle an incident. Criminal Investigators would have to come to the department to pick up a unit and crime scene equipment before responding to major crime scenes, losing potentially valuable time. Take home cars allow for patrol officers, criminal investigators, and command staff to respond where needed, when needed. In situations such as a tornado or other major disaster, the department could activate all sworn officers in a relatively short time, and send officers directly to the assignment upon notification.

- Take home vehicles increases level of enforcement. Officers driving take-home cars off duty that observe serious violations and criminal activity are obligated to take enforcement action.
- Increases the back-up potential for officers on duty. In critical situations, while the nearest on-duty unit may be in another zone, an off-duty officer may be just around the corner from an emergency call for service, or another officer needing assistance.
- As previously noted, officers take ownership and treat vehicles as their own keeping it clean.
- Surveys note officer morale is considerably higher with assigned vehicles.

Entity	Take Home Vehicles	Do Not Take Home Vehicles	Modified Program	Comments
Miami Dade County Miami, FL	Yes			
Broward County Broward, FL			Yes	
Galloway Township Galloway, NJ	Yes			http://www.gtpd.org/lexington.html
East Peoria, IL	Yes			http://www.policedriving.com/article46.htm
Oklahoma City Tulsa, OK	Yes			
Tacoma. WA	Yes			http://www.policedriving.com/article48.htm http://www.cityoftacoma.org/Page.aspx?hid=2051
Colorado Springs, CO			Yes	http://www.government-fleet.com/News/Story/2010/03/Stricter-Policy-on-Colorado-Springs-

				Police-Take-Home-Vehicles.aspx
Fort Wayne, IN			Yes	http://www.journalgazette.net/article/20100609/LOCAL07/306099933/-1/LOCAL11
West Palm Beach, FL	Yes			http://www.wpbpolice.org/policies/downloads/-1-18TAKEHOMEVEHICLEPOLICY.pdf
Albuquerque, NM	Yes			
King County, WA	Yes			http://www.kingcounty.gov/transportation/kcdot/fleetadministration.aspx
Salt Lake City, UT			Yes	http://www.slcgov.com/council/agendas/2006reports/Jun2006/takehome%20additions.pdf
Ocean City, MD			Yes	http://www.government-fleet.com/News/Story/2009/04/Ocean-City-Tightens-Up-Take-Home-Vehicle-Policy.aspx
San Marcos, Tx	Yes			

Other Study Results

<http://www.fop.net/programs/research/takehomecars.pdf>

http://www2.hernandotoday.com/content/2008/jan/08/brooksville-police-can-take-home-patrol-cars/c_1/

<http://www.stillwater.org/cc022299/c9944.htm>

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Winner of NIGP Pareto Award 2006

Take Home Cars An Overview



by Bob Nash, National FOP Research Section
December 14, 1995

In a 1993 Survey by the Bureau of Justice Statistics¹, it was reported that of the 614 police agencies across the United States that responded, 263 (43%) allowed their police officers to drive marked vehicles for commuting purposes. Of those 263 agencies, 111 (42%) also allowed their officers to use the vehicles off-duty for private use. In another report, 90% of state police agencies used take home fleet plans. Clearly, take home car plans have become an employee benefit for many of our members, and more would like to join the ranks of officers who enjoy them. However, like any benefit improvement, one must determine exactly what costs are involved and be ready to justify them. There are a number of significant benefits to both your agency and your members in establishing a take home car program. In this overview we will try to touch on those benefits, as well as on a couple of the negative aspects of a take home car plan. We hope you will have a better overall understanding of the impact of take home car plans should you wish to initiate, or retain, such a plan in your police department.

Comparing Costs

Comparing fleet costs of departments with take home car plans to the costs of departments utilizing traditional fleet programs is a difficult job at best. There are a good number of variables that significantly impact a vehicle's cost per mile. These include such considerations as initial cost, salvage value, fuel costs, and maintenance expenses. Each of these considerations can vary greatly depending on the approach your department takes.

For instance, in a recent comparison done between a state highway patrol agency and a major city police department, the cost per mile for the state cars was determined to be \$0.27 per mile versus \$0.40 per mile for the city fleet. The Highway Patrol owns their fleet of 3,400 cars. They replace those vehicles every 95,000 miles. Their cars averaged 3,550 miles per month and had a life expectancy of 26 months. They use a pool concept and the cars are run 2 or 3 shifts a day. Before selling their vehicles, the highway patrol agency removes all the police equipment and cleans, details and paints each vehicle at a cost of \$550 to \$750 per vehicle. Their resale value is then customarily between \$6,000 and \$7,000. When they are purchased, the highway patrol pays approximately \$17,800 for the vehicles, which includes the price of an extended warranty which covers the drive train for up to 100,000 miles.

Highway Patrol Fleet Model

Cost	\$17,800
Salvage	(6,500)
Refurbish	650
Net Cost	\$11,950
Maintenance & Fuel	\$13,300
Total Cost	\$25,250
Mileage	9,500
Cost Per Mile	\$0.27

¹ "Law Enforcement Management and Administrative Statistics, 1993: Data for Individual State and Local Agencies with 100 or More Officers," U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, NCJ-148825, ©1995.

The city department leases its fleet from its department of general services. The lease rate includes all the maintenance, repairs (except accident damage), and fuel costs. When the vehicles reach between 60,000 and 80,000 miles, they undergo a major overhaul of drive components (the General Services Department spends approx. \$3,450 per vehicle for the overhaul). The vehicles are auctioned off when they reach 120,000 miles. The majority of the cars in the fleet are assigned to officers who use them on duty and for commuting to and from work.

City Model

Avg. Miles Per Month	1,459
Mileage	120,000
Life Expectancy (Months)	82
Monthly Lease Rate	\$580
Total Cost	\$47,704
Cost Per Mile	\$0.40

The analysis noted that among the city's opportunities for saving money were purchasing rather than leasing the cars and looking at selling off their cars sooner. It noted that the city was paying \$0.09 per mile (for miles between 80,000 and 120,000) by rebuilding the vehicles. At the same time, it cost highway patrol less than \$0.01 per mile to purchase the extended warranty and trade the car off earlier. Consequently, they controlled their maintenance costs and obtained a significantly higher resale value.

Again, the point of the above discussion is to raise awareness of the many issues involved in the costs of police fleets. A take home car program may become much more affordable if other costs related to fleet management can be lowered. Opponents to take home car programs are quick to point out the costs involved in purchasing the additional cars. You must be ready to counter those claims by being informed of all the issues related to fleet costs.

Advantages and Disadvantages

There are other savings to be had by initiating a take home car program. In a study reported in The Police Chief magazine², a survey of 416 Tennessee law enforcement officers found that officers assigned vehicles on a take-home basis were involved in fewer accidents than those who used fleet vehicles. One can speculate that these cars were better maintained, that officers were more familiar with their operation and also drove with more care having a "sense of ownership" in the vehicles. The obvious benefits are lower vehicle maintenance costs and lower liability claims.

The Newport News (Virginia) Police Department began phasing take-home police cars into its fleet in 1984 as part of their Community-Oriented Police Patrol. Cars were issued to officers living within the city limits. They determined that the benefits of the program included enhanced visibility and service, improved vehicle care and reduced maintenance costs, and improved officer job satisfaction. The take home car program also serves as an inducement to remain a resident of Newport News.

Another study done in 1986 by the Hampton (Virginia) Police Department further supports the benefits of take home fleet programs. The study showed that both maintenance costs and operating costs were lower for the take home car fleet vehicles than for pooled cars. The maintenance costs for take home cars was \$0.16 per mile versus \$0.19 per mile for pool vehicles, a 16% savings. Operating costs for 55 take home cars was \$0.17 per mile versus \$0.20 per mile for the 24 pool vehicles, a 15% savings. Like the Tennessee study, the Hampton Police also found a significant drop in motor vehicle accidents involving take home police vehicles. Although take home cars made up a sizable majority of the police department's fleet, out of the twenty (20) preventable accidents involving police cars, only four (4) were take home cars.

² "Police Vehicles," Police Chief, Vol. 50, No. 1, January 1983, pg. 25-27.

Take home cars also add additional police units and protection to a community. The Hampton Police study also found, in 1985, that officers participated in 1,231 service calls, 38 arrests, 21 misdemeanor summonses, and 152 traffic summonses while off-duty. This represented 3,777 off-duty hours of protection provided to citizens and which acted to supplement on-duty personnel.

This extra police presence is also noted and supported by citizens. Hampton Police also surveyed citizens to determine community satisfaction with the take home car plan. In analyzing the responses of 320 citizens surveyed, Hampton Police found that 83.8 percent felt more secure with a patrol car in their neighborhood, 84 percent wanted a car in their neighborhood, and 88 percent felt the program should be continued.

A May 1992 article in Law and Order magazine³ noted a number of other benefits. The article notes that about 90 percent of all State government law enforcement agencies use this system. Police use the vehicles for commuting and in return are responsible for keeping the vehicles clean and well maintained. The author notes that the advantages to the agency include having effectively two shifts on the road during shift changes, faster response times to emergencies, and simpler routines for call-outs. The article acknowledges that initial start-up costs can be of concern, but that net savings occur due to lower maintenance costs and extended vehicle life. It also notes that the costs of the increase in fleet size begin to be offset by lower maintenance costs by the second year of the policy. In the fourth year, vehicle replacement costs drop significantly because the take home cars accumulate fewer miles, extending their service time.

Take home car plans have their down sides, too. From a political standpoint, they give your chief, city manager, mayor, city council members, state representative and the like a very powerful bargaining chip that many use shamelessly. The threat of abolishing a take home car plan, where one has been in effect, can cause members to lose a good deal of enthusiasm when your organization is involved in a contract fight. A take home plan also can undermine officer camaraderie to a degree. Officers who might have once met after work at the station and gone out socializing no longer meet at the station. Instead, they are driving directly home with their patrol cars. Also, you will have small groups of citizens and politicians who will constantly be harping about this rich benefit that other workers do not enjoy. These are not insurmountable problems by any means and most would agree that the benefits of a take home car program far outweigh such concerns. However, it is important that you be ready to address the benefits to the community when these and other issues arise.

Clearly, take home car plans have a number of very attractive features. It also has some components which cause concern and some, like costs, which are complex. We are attempting to gather some more detailed cost analyses from departments which currently have take home car plans. We are also looking for a good analysis of take home car costs versus pool cars. In the meantime, I hope we have been able to give you a good start in your assessment of take home car plans and whether they make sense for you and your department.

³ "Take Home Cars: After the First Shock There Are Benefits," Law and Order, Vol. 40, No. 5, (May 1992), pg. 88-91.



TOWN OF OCCOQUAN

TOWN COUNCIL MEETING

Agenda Communication

8. Regular Business	Meeting Date: January 3, 2017
8 G: Request to Appoint Representative to the Bull Run ASAP Policy Board	

Explanation and Summary:

The Town adopted a Resolution in 2012 to participate in the establishment of the Policy Board for the Bull Run Alcohol Safety Action Program (ASAP). The Bull Run ASAP is a state-certified agency in Prince William and Loudoun Counties which provides probationary services to persons who have been convicted of Driving Under the Influence of Alcohol and/or Drugs. The program is totally self-funded by fees paid by the offenders referred from the Court.

In July 2012, Chief Sheldon Levi, retired, was appointed as the Occoquan representative to the Bull Run ASAP policy board. He attended quarterly meetings, during which state and local policies relating to ASAP were discussed, and voted on its annual budget. The term of the appointment of Chief Levi, retired, has expired. Interim Chief Linn attended the quarterly Bull Run ASAP meeting in December; however, he does not recommend that the Town Council appoint him as the Town's representative to the Bull Run ASAP. The Director of the Bull Run ASAP has spoken with Interim Chief Linn and Chief Levi, retired, and has requested that the Town reappoint Chief Levi, retired, to the ASAP Policy Board. Chief Levi, retired, is a sworn auxiliary police officer with the Town and has agreed to the appointment if the Council agrees. There is no liability to the Town for a Board Member's participation. The ASAP program, including all Board members, are fully insured by the Virginia Municipal League.

Chief of Police Recommendation: Recommend approval.

Town Attorney Recommendation: Recommend approval.

Town Manager Recommendation: Recommend approval.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to reappoint auxiliary police officer Sheldon Levi to the Bull Run ASAP Policy Board until such time as his appointment expires or the Council deems otherwise."

OR

Other action Council deems appropriate.

Attachments: (1) Bull Run ASAP Reappointment Request Letter

BULL RUN



Alcohol Safety Action Program

Jaime Moran
DIRECTOR

Prince William County

9108-D Manassas Drive
Manassas Park, Virginia 20111
703-369-7979
FAX 703-369-5011

Loudoun County

9 Loudoun Street, S.E.
Leesburg, Virginia 20175
703-771-4702
FAX 703-771-4713

12/20/16

Mayor and Town Council Members
Town Manager
Town of Occoquan, Va.

RE: Appointment of Sheldon Levi to Bull Run ASAP Policy Board

Dear Town Manager,

The Bull Run ASAP program is the state-certified agency in Prince William and Loudoun County which provides probationary services to persons who have been convicted of Driving Under the Influence of Alcohol/Drugs. The program is totally self-funded by the fees paid by the offenders referred from Court.

Each of the statewide 24 local ASAP programs are operated by an independent Policy Board, as authorized by Virginia Code Section 15.1-21. Bull Run ASAP's Policy Board is comprised of appointed representatives from the 11 jurisdictions in Prince William and Loudoun with law enforcement agencies.

On 3/6/2012, the Town Council of Occoquan adopted a resolution to participate in the establishment of a Policy Board for Bull Run ASAP. In July 2012, Chief Sheldon Levi was appointed as the Occoquan representative to the Bull Run ASAP policy board. Since his term as expired, the Bull Run ASAP policy board request his reappointment for another term.

The City of Manassas Park serves as a contracted fiscal agent for Bull Run ASAP, providing personnel services and benefits. All ASAP programs statewide are regulated and certified by the Commission on VASAP in Richmond. The ASAP program, including all Board members, is fully insured by the Virginia Municipal League. There is no liability to the Town for a Board Member's participation.

After speaking with Sheldon Levi, he indicated an interest in continuing to serve on the ASAP Board for the Town of Occoquan if permitted by the Town.

I am requesting that Sheldon Levi be reappointed to the ASAP Policy Board. The resolution does not need addressing as it remains sound. Please contact me if you have any questions. Thank you for your cooperation on this matter.

Sincerely,

Jaime Moran, Director
jmoran@brasap.org

cc: Sheldon Levi