



TOWN OF OCCOQUAN

Circa 1734 • Chartered 1804 • Incorporated 1874

314 Mill Street
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Occoquan, VA 22125
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Occoquan Town Council Swearing In Ceremony 6:45 p.m.

1. Presentations

- a. Swearing In Ceremony of Newly Elected Mayor and Town Councilmembers
Michele McQuigg, Clerk of Circuit Court, Prince William County
- b. Presentation of Mayor and Council Election Certificates
Keith Scarborough, Chair, Electoral Board

Occoquan Town Council Regular Meeting Tuesday, July 1, 2014 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. June 3, 2014 Regular Meeting Minutes

5. Councilmember Reports

6. Mayor's Report

7. Staff Reports

- a. Town Attorney

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.

- b. Town Engineer
- c. Town Manager
- d. Chief of Police
- e. Boards and Commissions

8. Regular Business

- a. Appointment of Vice Mayor
- b. Appointment of Town Council Representatives to the Architectural Review Board and Planning Commission
- c. Request to Purchase New HVAC Unit for Town's Annex

9. Closed Session

10. Adjournment

OCCOQUAN TOWN COUNCIL
Regular Meeting Minutes - DRAFT
Town Hall – 314 Mill Street, Occoquan, VA 22125
Tuesday, June 3, 2014

Present: Mayor Porta, Vice Mayor Quist, Council members Bush, McGuire, Sivigny and Walbert
Staff: Mr. Crim, Mr. Reese, Ms. Barr, Ms. Breeding, Ms. Blackwell, Ms. Best, Mr. Brill and Chief Levi

1. Call to Order

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

2. Pledge of Allegiance

3. Citizen's Time

Mr. Barry Dean (456 Overlook) spoke on the status of the Occoquan River Communities (ORC) "Friend of the Occoquan" license plate and said between now and mid-January they must have 450 paid license plate applications in order for it to be approved, which he thinks is achievable. He asked if an update on the status of the license plate project could be included in the Town's July newsletter.

4. Approval of Minutes

Vice Mayor Quist moved to approve the minutes of the May 7, Regular Meeting with minor revisions; Dr. Walbert seconded. Ayes: All, by voice vote.

5. Staff Reports

Report of Town Engineer: Mr. Reese reported there were five land disturbance reports – Occoquan Heights, Vistas of Occoquan, Rivertown, Gaslight Landing and 124 Poplar Alley.

Mr. Reese reported that Fairfax County Board of Supervisors Vulcan Quarry Comprehensive Plan Amendment vote is taking place late afternoon on this date.

Mr. Reese reported zoning approvals at 303 Commerce Street for change of use, and Occoquan Heights 8 through 14 for occupancy permits. He also reported a real estate sign violation at Berrywood and a tentative approval of a deck and fence at 1427 Occoquan Heights.

Report of Town Attorney: Mr. Crim reported the NRA property acquisition will be discussed in closed session and that the due diligence period has expired. With regard to the River Park, he reported that he has been in contact with the attorney at Fairfax Water Authority on the draft comments. He also reported that he has reviewed the Rivertown Overlook's by-laws and they are adequate. Rivertown Overlook still needs to address the sidewalk maintenance agreement issue and the ball is in their court now.

Mr. Crim reported he has consulted with the Town Treasurer regarding sending a letter to the new owner of Pink Bicycle Tea Room for the meals tax money still owed.

Mr. Crim reported that the Virginia Grill's site plan remains valid until June 30, 2017. He also announced that Christopher Hardy has been reappointed to the Board of Zoning Appeals for another five year term ending January 30, 2019.

Mr. Sivigny asked about the status of the hazardous trees at Occoquan Heights and if there is anything else the Town can do. Mr. Crim reported the Town is holding the Landscape Bond. It was agreed that litigation discussion will be in closed session.

In response to a question regarding the noise ordinance, Mr. Crim responded that violations are Class 1 misdemeanors. This issue will also be discussed in closed session.

Report of Town Manager: Ms. Barr reported the banners in the historic district will be removed before the Spring Arts and Crafts Show to make room for vendor tents. She said all banners, including banners on Commerce Street, will be back up the week following the craft show.

Ms. Barr noted that the website is fully functioning and we are in the process of changing all business cards, signage, etc. to reflect www.OccoquanVA.gov. She also noted new welcome signs at Mom's Apple Pie and at Mamie Davis Park will be installed the next day.

Ms. Barr said all merchants have been provided a letter regarding Fox 5 ZipTrip's live broadcast on Friday, June 6. She said Fox 5 will begin set up at 4:30 a.m. and encouraged everyone to come out and support this event.

Ms. Barr said that curb painting will be discussed at the July work session meeting.

Report of Chief of Police: Chief Levi reported that he sent his report out earlier under separate cover.

Report of the Treasurer: Ms. Breeding reported Cash has increased \$12,200 over last year and Total Assets has increased \$20,400 over last year. She also reported Total Income has increased \$34,700 relative to last year. She noted the Craft Show transfer is included in the increase. She noted Total Expense has increased by \$36,900 relative to last year. She said the variance includes the new signs and banners.

She reported Coffee House is one month behind in Meals Tax and Pink Bicycle Tea Room is seven months behind.

Craft Show Report: Ms. Thomas reported as of June 3, there were 31 merchants, 16 food vendors, 42 commercial vendors and 227 crafters signed up for the Spring Show.

Ms. Thomas said total expenses to date was \$39,166, but she still is waiting on the invoice from *Washington Post*. She also said a deposit was made that day in the amount of \$13,087. A total of 337 spaces were sold for this show to date.

6. Council Member Reports

Mr. Sivigny, Mr. McGuire, Ms. Bush, Dr. Walbert and Vice Mayor Quist had no reports.

Architectural Review Board Report: Ms. Seefeldt reported that at their last meeting on May 13, one sign was approved (12525 Gordon Blvd. – Woodlee Terrace). She also noted a Special Meeting was held on May 28, to approve a sign for 301-C Commerce (Peony Lane).

7. Mayor’s Report

Mayor Porta reported the following activities during the month of May:

- 5/9 – Prince William Area on Aging Annual Picnic
- 5/9 – Attended Discover Prince William & Manassas Travel and Tourism Week Event
- 5/15 – Attended Boys & Girls Club Dinner
- 5/17 – Attended OMRA Blessing of the Fleet
- 5/24 – Met with Town Resident regarding Bed & Breakfast
- 5/24 – Attended Skip Pearson Jazz Foundation Event at Westminster
- 5/26 – Provided Bus Transportation for Wounded Warrior “Ride 2 Recovery” Event
- 5/29 – Attended Leadership Prince William Runway Reception Event
- 5/29 – Attended PW Soil and Water Conservation District Award Event

8. Regular Business

8A. Kieley Court Preliminary Site Plan

Mr. Reese said a preliminary site plan for two single family detached units at 430 Mill has been submitted and reviewed by staff and the appropriate outside agencies. He said since the preliminary site plan meets current Town Code, he recommends approval.

Dr. Walbert said the Planning Commission reluctantly recommends approval to the Town Council and stated that this plan has no regard for the Town.

Vice Mayor moved to approve the Preliminary Site Plan, dated March 26, 2014, prepared by Freeland Engineering, PC, last signed by Todd Philipp on March 28, 2014, seconded by Mr. McGuire. Ayes: Sivigny, McGuire, and Vice Mayor Quist. Nays: Dr. Walbert and Ms. Bush by roll call. **Approved 3-2.**

Mayor Porta explained that he wished to note for everyone in attendance at the Town Council meeting that it is his personal belief that all the Town Council members are likely conflicted about the preliminary site plan. It is his belief that they all would prefer not to

see houses erected that block the view of Rockledge Mansion, but that at this stage of the land use process all of those who voted for approval of the Preliminary Site Plan likely did so out of the belief that there is no legal basis for denying approval at this time. He reminded those in attendance that a number of additional requirements will need to be met for the project to consummate completed – this is only the Preliminary Site Plan stage.

8 B. Virginia Stormwater Management Program (VSMP) – Zoning Text Amendment and Fee Schedule

Mr. Crim said that in order to remain in compliance with state and federal laws requiring reductions in nutrient pollution to the Chesapeake Bay, the Town needs to adopt a new ordinance regulating non-point source pollution from site runoff. His recommendation is to initiate a Zoning Text Amendment by referring the issue to the Planning Commission for drafting, public hearing and adoption of an ordinance based on the model ordinance form the Virginia Department of Conservation and Recreation (DCR). He said, in addition, the Town will need to modify its fee schedule to incorporate fees, a portion of which must be transferred to DCR, to offset the expense of plan review under the new ordinance.

Mr. Reese said he concurs with the Town Attorney’s recommendation to initiate a Zoning Text Amendment, but also recommends Council appoint the Town Manager as the Town’s VSMP Administrative Officer for interaction with DEQ as necessary, allowing the Manager to appoint a second person responsible in the Manager’s absence. He said, in addition, he recommends the Town collect the entire fee for VSMP review and inspections, and then provide the state mandated fee to DEQ.

Vice Mayor Quist moved to refer the adoption of a VSMP ordinance and associated fee schedule to the Planning Commission for consideration and drafting, and request that the Planning Commission schedule a joint public hearing with the Town Council for adoption of the VSMP ordinance and fee schedule; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

Vice Mayor Quist moved to have the Town Manager be appointed as the VSMP Administrative Officer, to carry out those duties as assigned by the state and as needed by the Town to fulfill the requirements for the VSMP; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

Vice Mayor moved that the Town Manger be given the authority to appoint a second person to act as the VSMP Administrative Officer, in the absence of the Town Manager; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

Vice Mayor moved to allow the Town to collect the full VSMP review fee and forward that portion required by the State to DEQ, in accordance with policies set by DEQ; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

8 C. Town Fee Schedule

Mr. Reese said the Town Council last reviewed and updated the Town’s Engineering Fee Schedule in August of 2006. The proposed fee schedule reflects more accurate costs

associated with each activity, eliminates items that are no longer required and adds new categories and associated fees.

Vice Mayor Quist moved to approve the proposed revised fee schedule as presented; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

8 D. Fence Request – 1421 Occoquan Heights Court

Mr. Iwan, homeowner, requested a fence be approved over the drainage easement on his property located at 1421 Occoquan Heights Court. The house has a drainage easement on the side that requires the Town Council approval to erect a fence. The Town Code states that a fence may be erected, upon approval from the Town, as long as the Town is not responsible for repairs due to access or maintenance requirements.

Mr. McGuire moved to grant permission for the homeowner at 1421 Occoquan Heights Court to erect a fence as shown on the sketch provided by the homeowner that meets Town Code requirements on the condition that the Town will have necessary access to the easement and that the Town may remove or demolish all or part of the fence at any time that it determines, in its sole and absolute discretion, that doing so is necessary or beneficial to the Town, and under no circumstances will the Town be responsible for replacement, repair or maintenance of the fence; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

8 E. Entry Sign Replacement for Tanyard Hill Road and Gordon Boulevard

The Town Manager said the Town has been working with Signarama to replace and update Town of Occoquan signage throughout the Town. The second phase includes replacement of signage at the corner of Gordon Boulevard and Commerce Street and at the intersection of Tanyard Hill and Old Bridge Roads in the amount of \$8,505.40. The signs are proposed to be in a “v” style, allowing a more visual presence for vehicles approaching from either direction.

Vice Mayor Quist moved to approve the purchase of two “v” signs from Signarama including all materials and installation in the amount of \$8,505.40; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

8 F. Holiday Wreath Replacement

The Town Manager said the Town hangs lighted holiday wreaths on Dominion poles throughout the Town. The current wreaths were originally purchased between 1992 and 1994 and due to age and exposure, the condition of the wreaths have deteriorated beyond repair. She said the wreaths have a life expectancy of 10 to 15 years. She recommends the purchase of 40 replacement lighted holidays wreaths from Mosca Designs.

Vice Mayor Quist moved to approve the purchase of 40 replacement lighted holiday wreaths from Mosca Designs and approve the vinyl bow option in an amount not to exceed \$14,000; seconded by Dr. Walbert. Ayes: All, by voice vote. **Approved 5-0.**

8 G. Organizational Structure

Mayor Porta said that in an effort to encourage organizational efficiency, this resolution confirms the Town Manager’s supervisory role as it relates to the Town staff and establishes an organizational structure that supports the Town Manager’s oversight and responsibility of all Town activities.

This resolution does not impact the Town Sergeant’s ability to exercise operational discretion in the performance of his duties associated with law enforcement.

Dr. Walbert moved to adopt the Resolution confirming the position of Town Manager as supervisor of Town Staff and also move to accept the proposed organizational structure as presented; seconded by Mr. McGuire. Ayes: Sivigny, McGuire, Bush, Walbert and Quist by roll call. **Approved 5-0.**

9. Closed Session

Vice Mayor Quist moved that the Council convene in closed session to discuss as permitted by Virginia Code Section 2.2-3711(A)(3), a matter involving acquisition of real property for a public purpose, and as permitted by Virginia Code Secion 2.2-3711(A)(7) intellectual property and enforcement matters requiring advice of counsel. Dr. Walbert seconded. Ayes: all by voice vote.

The Council came out of closed session at 9:11 p.m. Ms. Quist 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. Dr. Walbert seconded. Ayes: Sivigny, McGuire, Bush, Walbert and Quist by roll call.

10. Adjournment

The meeting adjourned at 9:12 p.m.

Kirstyn Barr, Town Manager



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

8. Regular Business	Meeting Date: July 1, 2014
8 A: Appointment of Vice Mayor	

Explanation and Summary:

In accordance with the Town Charter, Section 7, the Town Council must appoint one of its members as Vice Mayor at its first regular meeting following a municipal election. In the absence of the Mayor, the Vice Mayor serves in the Mayor's capacity.

Town Manager's Recommendation: N/A

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to appoint _____ as Vice Mayor for the Town of Occoquan Town Council, effective July 1, 2014 through June 30, 2016."

OR

Other action Council deems appropriate.

Attachments: (1) Town Charter

PART I
CHARTER*

- Sec. 1. [Continuation of town.]
- Sec. 2. [Town boundaries.]
- Sec. 3. [Town council.]
- Sec. 4. [Continuation of officers.]
- Sec. 5. [Appointment of clerk, sergeant.]
- Sec. 6. [Mayor.]
- Sec. 7. [Vice-mayor.]
- Sec. 8. [Filling vacancy in office of mayor.]
- Sec. 9. [Election of pro tempore.]
- Sec. 10. [Emergency powers of mayor.]
- Sec. 11. [Enactment of ordinances.]
- Sec. 12. [Duty of clerk to keep record of council proceedings.]
- Sec. 13. [Town treasurer.]
- Sec. 14. [Town sergeant.]
- Sec. 15. [Council control over clerk, treasurer, officer.]
- Sec. 16. [Council meetings.]
- Sec. 17. [Ordinances, bylaws.]
- Secs. 18, 19. [Reserved.]
- Sec. 20. [Right of council regarding sidewalks.]
- Sec. 21. [Right of council to regulate building construction.]
- Sec. 22. [Reserved.]
- Sec. 23. [General powers, authority of town council.]
- Sec. 24. [Retention of existing ordinances.]
- Sec. 25. [Separability.]
- Sec. 26. [Repeal of conflicting acts.]

***Editor's note**—Printed herein is the town Charter, as adopted by the Virginia General Assembly and signed by Governor L. Douglas Wilder, to be effective on March 28, 1993. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets. Sections 18, 18a, 19 and 22 of the Charter have been repealed by the act that adopted the current Charter.

Sec. 1. [Continuation of town.]

The Town of Occoquan, in the County of Prince William, shall continue to be a town corporate, in the name style of the Town of Occoquan, and as such shall have and exercise all the powers conferred upon towns in this Commonwealth by the general laws of this Commonwealth concerning towns now in force, or that may hereafter be enacted for the government of towns.

Sec. 2. [Town boundaries.]

The following are hereby declared to be the bounds of the town: Beginning at a prominent stone, marked X on the south bank of Occoquan River, one hundred fifty feet above the northwest corner of the old cotton factory building, and running thence in a direct line through Janney's land, in a southeast direction to a forked white oak and stone marked X, on Janney's land and on the north side of a small branch; running thence in a direct line southeasterly, to the corner of Janney and Selecman, on the west side of the Deep Hole Road; thence running with Janney and Selecman's lines to Occoquan River; and thence with Occoquan River to place of beginning. The corporation shall embrace all of Occoquan River opposite to the bounds above named.

Sec. 3. [Town council.]

The government of the town shall be vested in a town council which shall be composed of the mayor and five councilmen, each of whom shall be a qualified voter within the town.

Sec. 4. [Continuation of officers.]

Those councilmen and mayor in office on April 1, 1972, shall continue in office until July 1 of the year following termination of their respective terms or until their respective successors shall have been duly elected and qualified. On the first Tuesday in May of even-numbered years, there shall be elected by the qualified voters of the town, five councilmen and a mayor who shall be electors of the town and who shall hold office for terms of two years, each beginning on July 1 following the date of their election and thereafter until their respective successors have been duly elected and qualified.

Sec. 5. [Appointment of clerk, sergeant.]

The council shall appoint a clerk and town sergeant, and if they deem it advisable a deputy town sergeant, a town treasurer and such other officers as the council may deem necessary and proper, all of whom shall hold office at and during the pleasure of the council, and said officers shall qualify and execute bonds in the manner prescribed by resolution of the council; and the council shall have power to fill vacancies in any of these offices created by death, resignation, removal or otherwise. The council shall not appoint any officer for a term extending beyond the council's term in office.

Sec. 6. [Mayor.]

The mayor shall be the chief executive officer of the town and shall preside over the meetings of the council. The mayor shall be a member of the council but shall have no right to vote in the council except that, in every case of a tie vote of council, the mayor shall be entitled to vote. The mayor's vote in case of a tie does not increase the number of votes required for a majority of all members elected to the council, which is three affirmative votes, as required by Section 7 of Article VII of the Constitution of Virginia, or for any other purpose, and the mayor's vote does not increase the number of votes required for a three-fourths majority of all members elected to the council, which is four affirmative votes, as required by Section 9 of Article VII of the Constitution of Virginia.

Sec. 7. [Vice-mayor.]

At its first meeting following the regular municipal election for members of the council, the council shall elect one of its members as vice-mayor. In the absence of the mayor or during vacancy in his office, the vice-mayor shall have and exercise the same jurisdiction and authority, including presiding at council meetings, and shall continue to have the right to vote in the council.

Sec. 8. [Filling vacancy in office of mayor.]

In case a vacancy shall occur in the office of the mayor the same shall be filled by appointment of the council of any one eligible to such office.

Sec. 9. [Election of pro tempore.]

If the mayor and vice-mayor are absent during any meeting of the council it shall elect one of its members as president pro tempore to preside at such meeting, which member shall continue to have the right to vote in council.

Sec. 10. [Emergency powers of mayor.]

If at any time the mayor shall believe that an emergency exists or that it is necessary for the good order and preservation of the laws that additional police be provided, the mayor shall have the power to furnish and qualify such additional police, their compensation to be fixed by the council.

Sec. 11. [Enactment of ordinances.]

All ordinances, appointments or resolutions of the Town, including ordinances or resolutions appropriating money exceeding the sum of \$500.00, imposing taxes, or authorizing the borrowing of money, shall become effective only upon the affirmative vote of a majority (three) of all members elected to the council. Notwithstanding the above, all ordinances or resolutions enacted pursuant to Section 9 of Article VII of the Constitution of Virginia, including authorizing the sale of the rights to public property or a public utility system, shall become effective only upon the affirmative vote of three-fourths (four) of all of the members elected to

the council. No penalty shall be imposed under any ordinance enacted by the council until such ordinance shall have been posted for a period of thirty days in one or more conspicuous places in the said town.

Sec. 12. [Duty of clerk to keep record of council proceedings.]

It shall be the duty of the town clerk to keep a correct and proper record of the proceedings of the council and to publish in such manner as the council may indicate the bylaws, ordinances and resolutions that may from time to time be adopted. The clerk shall issue licenses to all persons engaged in a pursuit, business, occupation, or profession for which a license shall be required, shall prepare the tax tickets and shall perform such other duties as may be required by the council and by the provisions of this Charter, for which services the clerk shall receive such compensation as the council may determine.

Sec. 13. [Town treasurer.]

The treasurer of the town shall be the disbursing agent of the town and have the custody of all monies and securities belonging thereto; he shall collect all taxes and assessments, light bills, water bills, and other charges payable to the town, and for that purpose he is hereby vested with all powers which are now or may hereafter be vested in county and city treasurers for the collection of county, city and state taxes under general law. The treasurer shall keep an accurate account of all receipts from all sources and of expenditures of all departments of the town government.

- a. No money shall be paid out by the treasurer except by order of the council and upon a warrant of the clerk of the council countersigned by the mayor.
- b. The treasurer shall annually at the end of each fiscal year publish, either in a newspaper published in Prince William County or by posting in front of his office, a statement showing all receipts and income of the town and from what source derived, and all disbursements made and for what purpose.
- c. The treasurer shall make such other reports from time to time as may be required by ordinance or by resolution of the council.
- d. The treasurer's compensation shall be fixed by the council, but in no case shall it exceed five per centum of all monies collected from all sources; provided the treasurer shall receive no commission or compensation on bonds issued or money borrowed by the town.

Sec. 14. [Town sergeant.]

The town sergeant shall be a conservator of the peace and [sic] in civil cases that may arise within the corporate limits of the town and shall be invested with all the powers which the general laws of this state confer upon sheriffs. The sergeant shall possess the like right of

distress and power in collecting municipal taxes possessed by sheriffs in the collection of state and county taxes. He shall receive the same fees as a sheriff, and such other compensation as may be prescribed by the council.

Sec. 15. [Council control over clerk, treasurer, officer.]

The clerk, treasurer and sergeant shall be under direct control of the council and in addition to the duties required of them under this Charter they shall perform such other duties as may be required by the council. They shall be subject to removal for incompetence, misconduct or negligence of duty by the affirmative vote of a majority (three) of all members elected to the council. If required by the council, they shall execute bond in such penalty as may be prescribed by the council, surety to be approved by the mayor. The town council shall have the right to pay the premiums of the official bonds of its officers.

Sec. 16. [Council meetings.]

The council shall hold regular or stated meetings once a month at such time as shall be fixed by their body. Extra or special meetings may be called by the mayor or by three members of the council; but the purpose for which a special meeting is called shall be stated in writing. Three councilmen and the mayor, or in the absence of the mayor, three councilmen shall constitute a quorum for the transaction of business. If any member of the council shall be voluntarily absent from three regular meetings of the council consecutively, his seat may be deemed vacant by resolution approved by a majority vote (three) of all members elected to the council, and thereupon his unexpired term shall be filled according to the provisions of this Charter.

- a. The council shall have the power to fill all vacancies in its own body and in any other office of the town. It may elect such committees for the various departments of the town as it may desire.

Sec. 17. [Ordinances, bylaws.]

The town council may make ordinances and bylaws for carrying into effect the provisions of this Charter; may prescribe fines and other punishment for the violation of any of the ordinances of the town; may levy and collect privilege and other kinds of taxes not prohibited by general law; may prevent animals and fowl from running at large on the streets of the town; may prohibit cruelty to animals; may restrain and punish beggars, peddlers and vagrants; may prevent and disperse riots, disturbances and unlawful or disorderly assemblages; may suppress houses of ill fame and bawdy houses; may abate as a nuisance any house or other place upon evidence of general reputation that the same is being used for the purpose of lewdness; may prohibit and punish gaming and betting, regardless of the amount won or lost; may prevent indecent or lewd conduct, pictures and exhibitions; may prevent and prohibit immoral and lewd picture shows, or motion pictures calculated to injure the morals of the town; may prohibit the coming into town of persons having no ostensible means of support and of persons who may be dangerous to the peace and safety of the town; may offer rewards for the apprehension of persons committing felonies in the town; may prescribe rules and regulations

for the orderly building of blacksmith shops, garages and other shops and structures; may control or prevent the storage of firecrackers, gunpowder and other works manufactured or prepared therefrom, kerosene oil, gasoline or other combustible materials.

The council may compel the abatement and removal of nuisances within the town, at the expense of the person or persons causing the same, or at the expense of the owner or occupant of the ground or premises wherein the same may be found; may require all lands and lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filthy and unsightly deposits; may regulate or prevent slaughterhouses or other noisome and offensive business within the town, and may generally prohibit, abate and suppress and prevent all things detrimental to the health, morals, safety, convenience and welfare of the inhabitants of the town.

The council shall also have the right to license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and similar shows or fairs and to prohibit the holding of the same, or any of them, within the town. The council may require a license tax for anything for which a state license tax is required, and for which under the general laws of the Commonwealth a license tax may be required by a town, and in addition thereto may impose a license tax on any business or thing carried on or done in the town, for which under the general laws of the Commonwealth a license tax may be required by a town, whether a license tax is required therefor by the Commonwealth or not.

Secs. 18, 19. [Reserved.]

Sec. 20. [Right of council regarding sidewalks.]

The council shall have the right to require the owners of real estate abutting upon paved or other improved sidewalks to remove the snow therefrom, and the council shall also have the right to prohibit skating and riding of bicycles thereon and of all other improper uses thereof, and to enforce the regulations and ordinances with reference thereto by fine.

Sec. 21. [Right of council to regulate building construction.]

The council may prohibit the erection of frame buildings in any part of the town designated by it as the fire area; may prescribe and locate building lines and regulate the height and construction of buildings; may require building permits and may make reasonable rules and regulations regarding the building and construction of houses in the town.

Editor's note—Certain powers in this section are limited by building regulations under Code of Virginia, § 36-97 et seq.

Sec. 22. [Reserved.]

Sec. 23. [General powers, authority of town council.]

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of this Commonwealth, and the recital of

special powers and authority herein shall not be taken to exclude the exercise of any power granted by the general laws of the Commonwealth of Virginia to town councils, but not herein specified.

Sec. 24. [Retention of existing ordinances.]

All ordinances now in force in the town of Occoquan not inconsistent with this Charter shall be and remain in force until amended or repealed by the town council.

Sec. 25. [Separability.]

If any clause, sentence, paragraph or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid[,] that judgment shall not affect, impair or invalidate the remainder of the Charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Sec. 26. [Repeal of conflicting acts.]

All acts or parts of acts in conflict with the provisions of this Charter are hereby repealed; provided that the officers of the town of Occoquan shall continue in office until their successors have been elected and qualified.



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

8. Regular Business	Meeting Date: July 1, 2014
8 B: Appointment of Town Council Representatives to the Architectural Review Board and Planning Commission	

Explanation and Summary:

The Town Council appoints Councilmembers to serve as a Council representative to the Town's Architectural Review Board and Planning Commission.

Town Manager's Recommendation: N/A

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to appoint _____ as the Council representative for the Town of Occoquan Architectural Review Board, effective July 1, 2014 through June 30, 2016."

"I further move to appoint _____ as the Council representative for the Town of Occoquan Planning Commission, effective July 1, 2014 through June 30, 2016."

OR

Other action Council deems appropriate.

Attachments: (1) Town Code, Chapter 2, Article IV: Boards and Commissions

- (10) Investigate alleged violations of chapter 66 and take such steps as are authorized under the state code to prevent or abate violations that are found to exist.

(d) The council may appoint a deputy zoning administrator whose qualifications and duties shall be set by the council.

(Code 1981, § 2-8; Ord. O-2004-11, § 2-188)

Sec. 2-189. Duties, powers and functions of building/code official. (Repealed)

(Code 1981, § 2-9; Ord. of 5-13-1997, ch. 2, § 9(a))
Repealed Ord. 2-2004-13, §2-189

Secs. 2-190—2-220. Reserved.

ARTICLE IV. BOARDS AND COMMISSIONS

DIVISION 1. GENERALLY

Secs. 2-221—2-240. Reserved.

DIVISION 2. PLANNING COMMISSION

Sec. 2-241. Definitions.

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

Commission means the town planning commission.

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

Sec. 2-242. Establishment.

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

(Code 1981, § 2-38.1)

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

The commission shall consist of not less than five nor more than 15 members, appointed by the council, all of whom shall be residents of the town, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least half the

members so appointed shall be owners of real property. They must have certification within one year. The town council may waive the certification requirement. The town may require each member of the commission to take an oath of office. One member of the commission may be a member of the town council and one member may be a member of the administrative branch of government of the town, the term of each of these two members shall be coextensive with the term of office to which he has been elected or appointed unless the council, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the commission shall serve for staggered terms of four years each. Vacancies shall be filled by appointment within 60 days for the unexpired term only. Members may be removed for malfeasance in office. The council may provide for:

- (1) Reimbursement of actual expenses incurred by members of the commission;
- (2) Compensation to such members, or any of them, for their services; or
- (3) Both.

(Code 1981, § 2-38.2; Ord. of 5-13-1997, ch. 2, § 38.2; Ord. O-2002-2, § 2-243)

Sec. 2-244. Meetings.

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

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

Sec. 2-245. Quorum; majority vote.

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

(Code 1981, § 2-38.4)

Sec. 2-246. Facilities for holding of meetings and preservation of documents.

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

(Code 1981, § 2-38.5)

Sec. 2-247. Officers.

The commission shall elect from the appointed members a chairman, vice-chairman and secretary, whose terms shall be for one year. The commission may create and fill such other offices as it deems necessary with approval of the town council. The planning commission may contract with consultants for such services as it requires with the approval of the town council.

(Code 1981, § 2-38.6)

Sec. 2-248. Duties.

The commission shall:

- (1) Exercise general supervision of and make regulations for the administration of its affairs;
- (2) Prescribe rules pertaining to its investigations and hearings;
- (3) Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the town council;
- (4) Keep a complete record of its proceedings and be responsible for the custody and preservation of its papers and documents;
- (5) Make recommendations and an annual report to the town council concerning the operation of the commission and the status of planning within its jurisdiction;
- (6) Prepare, publish and distribute reports, ordinances and other material relating to its activities;
- (7) Prepare and submit an annual budget in the manner prescribed by the town council;
- (8) If deemed advisable, establish an advisory committee;
- (9) Make, and recommend to the council for adoption, a comprehensive plan, which, with accompanying maps, plats, charts and descriptive matter, shall show the commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan, the commission shall make careful and comprehensive surveys and studies of existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town and its environs that will, in accordance with present and probable future needs and resources, best promote health, safety, morals, order,

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

- (10) Promote public interest in and an understanding of the comprehensive plan, and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine;
- (11) Authorize members of the commission to attend planning conferences or meetings of planning institutes or to attend hearings upon pending planning legislation or to visit other communities, and the commission may request that the town treasurer pay the reasonable traveling expenses incident to such attendance or visit from funds appropriated for such use;
- (12) Review and comment to the town council on proposed development documents as required by town ordinances;
- (13) Review and comment to the town council on all proposed zoning changes;
- (14) Review all proposed amendments to the town ordinances relating to the building and development process and make recommendations to the town council;
- (15) Conduct such studies as requested by the town council;
- (16) Perform special duties as prescribed by the town council; and
- (17) Make an annual report in July to the town council concerning commission activities.

(Code 1981, § 2-38.7)

Sec. 2-249. Expenditures; gifts and donations.

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

(Code 1981, § 2-38.8)

Secs. 2-250—2-270. Reserved.

DIVISION 3. BOARD OF ZONING APPEALS*

Sec. 2-271. Establishment.

The board of zoning appeals created pursuant to authority contained in the Code of Virginia shall continue in force under the provisions of this division.

(Code 1981, § 2-39.1)

Sec. 2-272. Membership.

The board of zoning appeals shall consist of five residents of the town, who shall be appointed by the circuit court of the county for a five-year term. Appointments shall be made for such terms that the term of one member shall expire each year. An appointment to fill a vacancy shall be only for the unexpired portion of that term. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until his successor is appointed and qualifies.

(Code 1981, § 2-39.2)

Sec. 2-273. Conditions of tenure, conflict of interest, removal from office.

Members of the board of zoning appeals shall hold no other public office in the town, except that one member may be a member of the planning commission. They must have certification within one year. Any member of the board having an interest in property related to an appeal to the board shall be disqualified to vote on that matter. Any board member may be removed for just cause by the court that appointed him, upon written charges and after a public hearing.

(Code 1981, § 2-39.3; Ord. of 5-13-1997, ch. 2, § 39.3)

Sec. 2-274. Vacancies.

The secretary of the board of zoning appeals shall notify the circuit court whenever a vacancy occurs and shall also provide the court notice at least 30 days in advance of the expiration of any term of office. Concurrently with any notice to the court, the secretary shall transmit to the mayor and council any recommendation the board may have with respect to a replacement. The council shall forward its recommendation to the circuit court.

(Code 1981, § 2-39.4)

Sec. 2-275. Organization.

The board of zoning appeals shall conduct an annual organizational meeting in the month of January, if possible, to elect a chairman, vice-chairman, secretary and such other officers as it deems

***Cross Reference**—Zoning, ch. 66

necessary for the remainder of that calendar year. Officers may be reelected to succeed themselves. An officer vacancy may be filled by special election. Meetings of the board shall be held at the call of its chairman or acting chairman and at such times as the majority of the board may determine. When a regular or special meeting cannot be held at the scheduled time due to inclement weather, the chairman shall fix a date and time for the meeting to occur. Matters advertised for a meeting rescheduled due to inclement weather need not be readvertised if the advertisement stated that the meeting may be rescheduled in the event of inclement weather.

(Code 1981, § 2-39.5; Ord. O-2004-12, § 2-275)

Sec. 2-276. Quorum.

A quorum shall be at least three members unless as otherwise provided for by the State and Local Government Conflict of Interests Act (Code of Virginia, § 2.1-639.1 et seq.).

(Code 1981, § 2-39.6)

Sec. 2-277. Rules and regulations.

(a) The board of zoning appeals may make, alter or rescind such rules, regulations and forms as it may consider necessary, consistent with the ordinances of the town and general laws of the commonwealth.

(b) Except for deliberating an appeal, all meetings of the board and voting shall be open to the public and shall otherwise conform to The Virginia Freedom of Information Act (Code of Virginia, § 2.1-340 et seq.).

(c) The board shall keep minutes of its proceedings, which shall reflect the vote of each member upon each question, or if absent or failing to vote, indicating such fact.

(d) The board shall keep records of its examinations, minutes of its proceedings, public hearings, public advertising and other official actions, all of which will be immediately filed with the town clerk and shall constitute a public record.

(e) All advertisements for public hearings and other notices shall conform to the requirements of the Code of Virginia.

(f) Except as otherwise provided in the State and Local Government Conflict of Interests Act (Code of Virginia, § 2.1-639.1 et seq.), a favorable vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to act.

(Code 1981, § 2-39.7)

Sec. 2-278. Records and reports.

In addition to records required by section 2-277, the board of zoning appeals shall submit, each January, an annual report of its activities to the mayor and town council.

(Code 1981, § 2-39.8)

Sec. 2-279. Compensation and support services.

Board of zoning appeals members may be compensated for their services at the discretion of and in such amounts as the town council may determine. Within the limits of funds appropriated by the council, the board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services when such services are not provided by or available from the town.

(Code 1981, § 2-39.9)

Sec. 2-280. Powers and duties.

The board of zoning appeals shall have the following powers and duties:

- (1) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this division or of chapter 66.
- (2) To authorize upon appeal or original application in specific cases such variance as defined in Code of Virginia, § 15.2-2201, from the terms of chapter 66 as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of chapter 66 shall be observed and substantial justice done, as follows:
 - a. When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of chapter 66, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the condition, situation or development of property immediately adjacent thereto, the strict application of the terms of chapter 66 would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of chapter 66.
 - b. No such variance shall be authorized by the board unless it finds that:
 1. The strict application of chapter 66 would produce undue hardship.

2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 3. The authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
- c. No such variance shall be authorized except after notice and hearing as required by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.
 - d. No variance shall be authorized unless the board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to chapter 66.
 - e. In authorizing a variance, the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- (3) To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail. No such appeal shall be heard except after notice and hearing as provided by Code of Virginia, § 15.2-2204.
 - (4) To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by Code of Virginia, § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of chapter 66 for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance. No provision of this section shall be construed as granting to the board the power to rezone property.
 - (5) To hear and decide applications for such special exceptions as may be authorized in chapter 66. The board may impose such conditions relating to the use provided for in the authorized special exceptions for which a permit is granted as it may deem necessary in the public

interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. No such special exception may be granted except after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

- (6) To revoke a special exception if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

(Code 1981, § 2-39.10)

Sec. 2-281. Appeals to board.

(a) *Generally.* An appeal to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the town affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of Code of Virginia, § 15.2-2280 et seq., or chapter 66. Notwithstanding any Charter provision to the contrary, any written notice of a zoning violation or a written order of the zoning administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given.

(b) *Application and fees.* An appeal must be taken within 30 days after the decision appealed from by filing, on the form provided, a notice of appeal with the zoning administrator and the board of zoning appeals, which appeal shall specify the grounds of the appeal, together with the fees as established in the current fee schedule. The application and accompanying maps, plans and other documentation constituting the record upon which the action appealed from was taken shall be transmitted promptly to the secretary of the board, who shall place the matter on the docket. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

(c) *Notice and hearing required; planning commission recommendation.* After entering the appeal on the docket, the secretary of the board shall advertise a public hearing, give written notice to the parties in interest, and request the zoning administrator to transmit a copy of the application and

his staff report to the planning commission; the planning commission may send a written recommendation to the board to appear as a party at the public hearing.

(d) *Burden of proof.* The applicant for a variance has the burden of proving that denial of a variance will result in unnecessary hardship, of proving that his hardship is due to chapter 66 itself, and of proving, to the satisfaction of the board, requirements for a variance stipulated in the Code of Virginia.

(e) *Findings required.* The board shall fix a reasonable time for the hearing of an application or appeal, give public notice as well as due notice to the parties in interest, and make its decision within 90 days of the filing of the application or appeal. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under chapter 66 or to effect any variance from chapter 66. The decision of the board must be based on the evidence adduced at a public hearing and must include findings of fact disclosing the evidence relied upon by the board and otherwise state the business and grounds for its decision to assure that the provisions of the Code of Virginia and this division have been met.

(f) *Board to issue order.* Whenever the board shall grant a variance, the secretary of the board shall cause an order to be issued evidencing the grant and furnish copies of the order to the applicant, to the zoning administrator, to the town clerk, and to such other parties as deemed necessary.

(g) *Limitation on change.* In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by any zoning administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the town attorney, modification is required to correct clerical or other nondiscretionary errors.

(Code 1981, §§ 2-39.11, 2-39.12)

Sec. 2-282. Judicial review and relief.

(a) *Certiorari to review decision of board.* Any person aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the town may present to the circuit court of the county a petition specifying the grounds on which aggrieved within 30 days after the filing of a decision in the office of the board.

(b) *Parties aggrieved entitled to writ.* Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board and shall prescribe the time within which a return must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from; but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

(c) *Other parties to suit.* If the petition is presented by the town council, the council shall be party to the suit. The court may, likewise, admit as a party to the suit any person who, if the decision had been adverse, would have been authorized under this division to present a petition in the first instance.

(d) *Board to make return.* The board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies of the papers or of such portions of the papers as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(e) *Costs not allowed.* Costs shall not be allowed against the board unless it shall appear to the court that the board acted in bad faith or with malice in making the decision appealed from.

(Code 1981, § 2-39.13)

Secs. 2-283--2-400. Reserved.

DIVISION 4. ARCHITECTURAL REVIEW BOARD

Sec. 2-401. Establishment.

The architectural review board heretofore created shall continue in force under the provisions of this division.

(Code 1981, § 2-40.1)

Sec. 2-402. Membership.

The architectural review board shall consist of seven residents of the town appointed by the town council, and two alternate members to serve on the ARB who shall vote in the absence of any regular member. One board member shall be appointed from the town council and one from the planning commission. Other members shall be appointed primarily on the basis of a knowledge and demonstrated interest in the historical heritage and architecture of the town.

(Code 1981, § 2-40.2; Ord. of 5-13-1997, ch. 2, § 40.2; Ord. O-2003-03, § 2-402)

Sec. 2-403. Term of office; removal; vacancies.

The term of office of the members of the architectural review board shall be for three years except that the terms of the councilmember and planning commission member shall correspond to their official tenure of office. Any appointed member of the board may be removed from office by the council, after public hearing, for inefficiency, neglect of duty, malfeasance, or other just cause, after charges made in writing. Appointments to fill vacancies shall be only for the unexpired portion of the term and shall be done within 60 days. Members may be reappointed to succeed themselves. Recommendations to fill vacancies may be made by the board to the mayor and approved by the council.

(Code 1981, § 2-40.3)

Sec. 2-404. Officers.

The architectural review board shall elect its chairman, vice-chairman and secretary from its membership.

(Code 1981, § 2-40.4)

Sec. 2-405. Procedure for meetings.

(a) The chairman shall conduct the meetings of the architectural review board and report action taken at the regular monthly meeting of the town council. In the absence of the chairman, the vice-chairman shall preside.

(b) The secretary shall keep the minutes of the meetings and a permanent record of all resolutions, motions, transactions and determinations.

(c) All members of the board, with the exception of nonvoting consultants, shall be entitled to vote; and the decision of the board shall be determined by a majority vote.

(d) A quorum of four members present is required before the board can take any official action. When serving in the absence of a regular member, an alternate counts toward the quorum.

(e) Meetings shall be conducted according to Robert's Rules of Order, Newly Revised.

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

(g) The meetings of the board shall be open to the public, and a full and impartial hearing shall be granted.

(h) When voting on any question, no proxy shall be allowed.

(i) The board shall vote and announce its decision on any matter properly before it not later than 14 days after the conclusion of the hearing on the matter unless the time is extended by mutual agreement between the board and the applicant.

(j) The board shall not reconsider any decision made by it except in cases where an applicant appears within 90 days with an amended application as hereinafter provided.

(k) In case of disapproval of the erection, reconstruction, alteration, restoration or razing of a building or structure, the board shall briefly state its reasons in writing and may make recommendations to the applicant with respect to the appropriateness of design, arrangement, texture, material, color, location, etc., of the building or structure involved. In case of disapproval accompanied by recommendations, the applicant may be heard before the board if, within 90 days, the applicant comes before the board with an amended application so as to comply with the recommendations of the board.

(l) In matters regarding the procedure for meetings not covered by this section, the board may establish its own rules, provided they are not contrary to the spirit of this chapter and are consistent with the ordinances of the town and the Code of Virginia.

(Code 1981, § 2-40.5; Ord. O-2003-03, § 2-405; Ord. O-2004-12, § 2-405; Ord. O-2011-06, §2-405)

Sec. 2-406. Duties.

The duties of the architectural review board shall be to:

- (1) Administer chapter 66, article II, division 8, and chapter 66, article VIII.
- (2) Prescribe rules pertaining to the administration of its affairs.
- (3) Keep a complete record of its proceedings and make provisions for the custody and preservation of its papers and documents in the town hall.
- (4) Assist and advise the town council, planning commission and other town departments, agencies and property owners in matters involving historically significant sites and buildings, such as appropriate land usage, parking facilities and signs.
- (5) Formulate recommendations to the town council regarding the old and historic district and signage.

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(6) Prepare and recommend for adoption a design manual based upon the criteria set forth in chapter 66, article II, division 8, and chapter 66, article VIII.

(7) Promote public interest in and an understanding of the history of the town.

(Code 1981, § 2-40.6; Ord. O-2004-05, § 2-406; Ord. O-2012-01, §2-406)



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

8. Regular Business	Meeting Date: July 1, 2014
8 C: HVAC Replacement at Town Annex	

Explanation and Summary:

The current HVAC system at the Town's annex on Commerce Street was installed in 2005 and is not functional and is out of warranty. The Annex serves as the Town's main storage facility and requires a controlled environment in order to ensure the preservation of Town records, historic materials and equipment. Town staff obtained two quotes to replace the system, as well as investigated the ability to repair the current unit.

Unit Replacement Quotes

H&Z Heating and Air Ameristar 2 Ton Heat Pump \$4,000
H&Z Heating and Air Trane 2 Ton Heat Pump \$4,650
(2 Year Labor Warranty, 5 Year Manufacturer Warranty)

Brennan's Heating & Air 2 Ton Heat Pump/ Air Handler \$4,825
(1 Year Labor Warranty, 5 Year Manufacturer Warranty)

H&Z Heating and Air evaluated the condition of the current system and recommended that it be replaced due to that the system has a faulty compressor and significant refrigerant leak. The cost to replace the compressor is approximately \$1,600. In addition, since the system utilizes an older type of refrigerant, the maintenance costs will be higher than with a new system in the long run.

The Town Council approved the replacement of the HVAC system at the Annex as part of the FY 2015 Capital Improvement Plan in the amount of \$5,000. All three replacement options are under budget. Annual maintenance costs will be included in the Town's maintenance budget.

Town Manager's Recommendation: Approve a contract with H&Z Heating and Air to replace the HVAC unit at the Town's annex.

Cost and Financing: \$4,000
Account Number: FY 2015 Capital Improvement Plan, Annex HVAC

Proposed/Suggested Motion:

"I move to award a contract to H&Z Heating and Air for the replacement of the Town Annex HVAC unit in the amount of \$4,000 to be funded from the Town's Fiscal Year 2015 Capital Improvement Plan."

OR

Other action Council deems appropriate.

Attachments: (3) H&Z Heating and Air Quote
Brennan's Heating and Air Quote
Fiscal Year 2015 Capital Improvement Plan

PROPOSAL

H & Z HEATING AND AIR
2009 QUIET CREEK CT
WOODBIDGE, VA 22192
PH 703 338-2611

PROPOSAL NO.
SHEET NO.
DATE <u>6/4/14</u>

PROPOSAL SUBMITTED TO:

NAME <u>Town Hall</u>
ADDRESS <u>Occoquan VA</u>
PHONE NO.

WORK TO BE PERFORMED AT:

ADDRESS <u>Maintenance Building (Annex) Occoquan, VA</u>
DATE OF PLANS
ARCHITECT

We hereby propose to furnish materials and perform the labor necessary for the completion of _____

- (A) Trane 2 Ton Heat Pump System: \$4650.00
 - (B) Ameristar 2 Ton Heat Pump System: \$4000.00
- * Both systems 5 year manufacturer warranty

Reason for replacement: our service history (previous calls) show faulty compressor and ~~the~~ large refrigerant leak. Due to price of compressor replacement \$1,600.00 and rising cost of old type refrigerant R-22; ~~which~~ which will cost \$400 to \$700 to recharge system in future H&Z strongly suggest system replacement.

* H&Z agrees to provide 2 year warranty

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications

submitted for above work, and completed in a substantial workmanlike manner for the sum of see above

option A or B

with payments to be made as follows: _____ Dollars (\$ _____)

~~Deposit~~ Deposit — \$1,000.00

Upon Completion — ~~the~~ balance of system price

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted: Mike Zombro

Per _____

Note—this proposal may be withdrawn by us if not accepted within 30 days.

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature _____

Date _____

Signature _____

JOB INVOICE

H & Z HEATING AND AIR
 2009 QUIET CREEK CT
 WOODBRIDGE, VA 22192
 PH 703 338-2611

TO Town Hall
 ADDRESS (Maintenance Building)
Occoquan
 ATTENTION _____

DATE ORDERED _____ ORDER TAKEN BY _____
 PHONE NO. _____ CUSTOMER ORDER # _____
 JOB LOCATION _____
 JOB PHONE _____ STARTING DATE _____
 TERMS _____

QTY.	MATERIAL	UNIT	AMOUNT
	Upon arrival found unit running but not cooling. Checked filter, a little dirty. Checked R-22 charge - very low. Re Re-charged system + checked operation. Running normal now.		
	Diagnostic		70 ⁰⁰
	Recharge 3.5 lbs R-22		160 ⁰⁰
	total		230⁰⁰
	If you want a thorough leak check cost is \$200.00		

DESCRIPTION OF WORK
No A/C
Nordyne
M# FT3BA-024
S# FTA041101180

MISCELLANEOUS CHARGES

RECEIVED
JUN 08 2010
 OCCOQUAN TOWN HALL

LABOR	HRS.	RATE	AMOUNT

WORK ORDERED BY Claudia
 DATE ORDERED 6/7/10
 DATE COMPLETED _____

CUSTOMER APPROVAL SIGNATURE [Signature]
 AUTHORIZED SIGNATURE _____

TOTAL LABOR		
TOTAL MATERIALS		
TOTAL MISCELLANEOUS		
SUBTOTAL		
TAX		
GRAND TOTAL	<u>230</u>	<u>00</u>

2808 Murph Lane
Woodbridge, Va. 22192
Email - DW@HVAC@aol.com
Web - www.BrennansHVAC.com



(703) 491-2771
(703) 690-3828 metro
(703) 491-9420 fax
Lic. # 2705 020470A HVAC,GFC

PROPOSAL

CUSTOMER INFORMATION

NAME OCCOQUAN Town Hall HOME PHONE 703-491-1818 DATE 4-28-14
STREET 314 Mill St WORK PHONE _____ JOB SITE Small
CITY OCCOQUAN STATE VA ZIP 22125 EMAIL _____ JOB PHONE Small

SCOPE OF WORK TO BE PERFORMED

Thank you for your interest in our service. After careful inspection of the work to be performed, we are pleased to submit this proposal for your consideration.

MANUFACTURER	<u>CARRIER</u>	<u>COMFORT</u>	SERIES	SERIES	SERIES
<input type="checkbox"/>	Air Conditioner	_____ Ton	_____ Model #	_____ Model #	_____ Model #
<input type="checkbox"/>	Evaporator Coil	_____	_____ Model #	_____ Model #	_____ Model #
<input checked="" type="checkbox"/>	Heat Pump	<u>2</u> Ton	<u>25HCD32U</u> Model #	_____ Model #	_____ Model #
<input checked="" type="checkbox"/>	Air Handler	<u>10</u> Mr Pk	<u>EB4CNF04</u> Model #	_____ Model #	_____ Model #
<input type="checkbox"/>	Gas Furnace	_____ AFUE	_____ Model #	_____ Model #	_____ Model #
<input type="checkbox"/>	Gas Boiler	_____ AFUE	_____ Model #	_____ Model #	_____ Model #
<input checked="" type="checkbox"/>	Thermostat	<u>TAN HP</u>	_____ Model #	_____ Model #	_____ Model #
EQUIPMENT PRICE		\$ <u>5125.00</u>	\$ _____	\$ _____	\$ _____
LESS DISCOUNTS		<u>- 300.00</u>	_____	_____	_____
FINAL INSTALL PRICE		\$ <u>4825.00</u>	\$ _____	\$ _____	\$ _____
SEER RATING		<u>13</u>	_____	_____	_____
CUSTOMER ACCEPTANCE		_____	_____	_____	_____

Deposit paid \$ _____

- Condensate Pump _____
 - Reconnect/Modify Supply/Return to existing duct work.
 - Condensing unit will be set on a new reinforced base.
 - Install refrigerant piping between the evaporator coil and condensing unit.
 - Electrical disconnect box mounted on the wall in proximity of condensing unit.
 - Reconnect existing electrical power wiring to new equipment.
 - Other Need drain pan + wet switch for drain pan
 - Other _____
- Condensate Drain Hookup.
 - Removal and proper disposal of existing equipment.
 - Use existing base Pump ups included
 - Use existing refrigerant piping.

This proposal includes all labor, tax and materials. A deposit of one third (1/3) is required prior to scheduling. The final payment is due upon completion of the work. Financing is available with prior approval. Prices are valid for 30 days from date listed above.

STANDARD WARRANTY FROM DATE OF INSTALLATION

1 Year labor warranty. 5 Year warranty on CARRIER coil and parts (original homeowner only.) 10 Year manufacturer warranty on compressor. Year manufacturer warranty on heat exchanger. Year warranty on all other external parts.

OPTIONS (NOT INCLUDED IN ABOVE PRICE)

1. Air Cleaner - Type: _____	Model: _____	Price \$ _____	Customer Payment _____
2. Humidifier - Type: _____	Model: _____	Price \$ _____	_____
3. Thermostat - Type: _____	Model: _____	Price \$ _____	_____
4. Duct Cleaning _____	_____	Price \$ _____	_____
5. Annual Maintenance Contract <u>Plaza #</u>	_____	Price \$ <u>159.00</u>	_____
6. Other _____	_____	Price \$ _____	_____
7. Labor Extended Warranty - _____ years.	_____	Price \$ _____	_____

TOTAL AMOUNT DUE WITH OPTIONS \$ _____

REMARKS OR SPECIAL INSTRUCTIONS

Price includes all discounts + coupons

ACCEPTANCE OF PROPOSAL - See terms and conditions on reverse side.

Brennan's Authorized Signature Joe English

The above prices, specifications and conditions are satisfactorily and hereby accepted. I have the authority to accept this proposal and you are authorized to do the work as specified. Payment will be made as outlined above and Contractor agrees to pay 2.0% finance charge per month on any balance which remains unpaid for 30 days. The Contractor who signs this proposal does so for themselves and as Agent for their spouse or Contractor/Establishment and both parties shall be liable for any liabilities of this proposal. Contractor agrees to pay thirty dollars (\$30.00) for any check not honored when presented. All Controversies or claims or any deficiencies in workmanship or material resolved by arbitration under the rules of the American Arbitration Association, Construction Industry arbitration rules.

Signature _____ Date _____ Approximate Start Date: _____ Approximate Number of days: _____

TOWN OF OCCOQUAN APPROVED CAPITAL PLAN - FY 2015

Funding Sources

	Project					Funding Sources				
	2015	2016	2017	2018	Pending	Total	Debt	Existing Reserves	Gifts/Grants & Other	To Be Determined
Near Term (1-2 years)										
Canoe/Kayak Ramp	36,000					36,000				
McKenzie Drive		70,000				70,000				
Washington Street Sidewalks		150,000				150,000				
Mill Street Retrofit Remediation	23,000					23,000				
Document Management		25,000				25,000				
Occoquan Riverfront Park (Fairfax Water)	1,500,000					1,500,000				
River Road	10,000					10,000				
Reserve Study	10,000					10,000				
Annex HVAC	5,000					5,000				
Water Quality Improvement Sumps		50,000				50,000				
Replacement Holiday Wreaths	16,000					16,000				
Town Hall A/V Equipment/Sound System		15,000				15,000				
Reserve Projects	40,000	40,000				80,000				
Subtotal Near Term	1,640,000	350,000	-	-	-	1,990,000	-	311,500	1,678,500	-
Mid Term (3-5 years)										
Historic Boardwalk (West)			500,000			500,000				
Computer Upgrades			20,000			20,000				
Reserve Study Projects			40,000			40,000				
Subtotal Mid Term	-	-	60,000	540,000	-	600,000	-	200,000	400,000	-
Long Term (6-10 years)										
Historic District Parking Facility										
Historic District Underground Power Lines										
Town Hall Renovation/Restoration										
Reserve Study Projects										
Subtotal Long Term	-	-	-	-	-	-	-	-	-	-
Funding Sources										
Debt										
Existing Reserves	111,500	200,000	60,000	140,000		511,500				
Gifts, Grants & Other	1,528,500	150,000	-	400,000		2,078,500				
To Be Determined										
Total Sources	1,640,000	350,000	60,000	540,000	-	2,590,000	-	200,000	400,000	-