



TOWN OF OCCOQUAN

Town Hall, 314 Mill Street, Occoquan, VA 22125
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PLANNING COMMISSION MEETING

Tuesday, March 13, 2018

7:00 PM

TOWN HALL - 314 MILL STREET

There will be a Planning Commission Meeting to Discuss the Following:

1. Approval of Minutes of February 13, 2018
2. By-law Discussion

Eliot Perkins
Planning Commission Chair



TOWN OF OCCOQUAN
Town Hall - 314 Mill Street, Occoquan, VA 22125
MEETING DATE: 2018-02-13

MEETING TIME: 7:00 PM

Staff Present: Dan Braswell, Ann Kisling, Joe McGuire, Heather Ozuna, Eliot Perkins, Ryan Somma

1. Call to Order

The Planning Commission Public Hearing was called to order by Eliot Perkins, on 2018-02-13, at 7:00 p.m.

2. Secretary for Meeting

Ryan Somma took minutes for the meeting.

3. Approval of Minutes of January 9, 2018

Ryan Somma moved to approve the Planning Commission meeting minutes of 2018-01-09. Anne Kisling seconded the motion. The motion carried by poll vote, unanimously.

4. Approve 2017 Annual Report

Chris Coon noted additional action items added to the report from the previous commission meeting. Dan Braswell asked about definition changes and was satisfied that Chris Coon said they were consistent.

Heather Ozuna moved to Approve the 2017 Annual Report. Ann Kisling seconded the motion. The motion carried by poll vote, unanimously.

5. By-law Discussion

Chris Coon reminded the commission that the bylaws had not been updated since 1981.

Eliot Perkins said his plan was to go article by article through the proposed bylaws to allow thorough discussion:

Page 2, Item #4: budget in February

Discussion around this item revolved around what timeline would best benefit the Town Council in informing budget decisions. Joe McGuire said the report would need to be ready for the November Town Council meeting; therefore, a draft should be ready for the October Planning Commission meeting to be finalized in time for the November meeting. Dan Braswell suggested the commission could have a work session in October to continue work on the draft. The document could then be

presented at a joint-session at the Town Council's regular meeting in November to inform their work session the third week of November.

Kirstyn Jovanovich noted that the Planning Commission would own this document and be responsible for preparing and presenting it, and that Chris Coon's preparing the document for this year was not the standard procedure.

Joe McGuire asked about process for preparing the draft by-laws document under discussion. Chris Coon said the template came from the Michigan Association of Planning with guidance from Mike Chandler who oversaw the update to the Town's Comprehensive Plan.

Heather Ozuna requested the proposed edit of item #2 changing "environs" to "neighborhoods" should be restored to "environs" as the term "neighborhoods" was too specific and would exclude parts of the town.

Article 4: Expenditures, Gifts and Donations

Chris Coon noted that this section, copied from the existing by-laws, would need review by the Town Attorney, Town Manager, and Treasurer for relevancy and accuracy.

Section 4.2 Certified Commissioners' Training

Heather Ozuna noted that the proposed "16 months" was a little odd in a respect to calendar years and recommended making it something more logical such as a year-and-a-half or two years. After discussion, it was agreed to modify the timespan to 24 months, which was one-half a Commissioner's term.

Article 5 Officers

Chris Coon noted that Mike Chandler recommended we articulate member's roles and responsibilities, such as being on time for meetings and being familiarized with the agenda beforehand.

5.4 Minutes Vice 6.6 Minutes Definition

Chris Coon noted that the Town Attorney found the two definitions of Minutes in the proposed by-laws somewhat contradictory.

Section 5.8 Terms

Joe McGuire said there was no need for terms, and that there is a need for institutional knowledge on the Planning Commission. Heather Ozuna said that term limits created an unnecessary burden in a small town with few volunteers. It was agreed among members to eliminate term limits from the proposed by-laws.

Section 5.6 (second 5.6) Duties of the Board of Zoning Appeals Representative

Joe McGuire said that people on BZA do not want to meet often and requiring a member of the BZA to attend regular Planning Commission meetings could be a problem. However, members agreed there

could be Planning Commission meetings where BZA input was important. It was agreed among members to change the language of this section to "If required."

Section 6.1 Regular Meetings

Under discussion was the specific requirement, carried over from the existing by-laws, for the Planning Commission to "meet at least every two months." Eliot Perkins recommended this be edited to quarterly meetings. Joe McGuire said there was not much for the Planning Commission to do to justify a minimum meeting requirement. Heather Ozuna brought up the issue of what to do if there were no quorum at mandatory meeting. Joe McGuire said locking in dates would help establish a quorum.

Kirstyn Jovanovich said that it would be helpful to staff to meet as required. Members agreed that the requirement to meet at least every two months would be eliminated and that maintaining regular meetings would be at the discretion of the commission.

The by-laws discussion was tabled to be resumed at the next meeting of the Planning Commission.

4. Adjournment

The meeting was adjourned at 7:35 p.m.

Eliot Perkins
Chair, Planning Commission

Submitted by Ryan Somma, Planning Commission Member

Town of Occoquan

Planning Commission ByLaws

ARTICLE 1: ESTABLISHMENT

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

ARTICLE 2: PURPOSE

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

ARTICLE 3: DUTIES OF THE COMMISSION

The Commission shall perform the following duties:

- (1) Draft, conduct hearings, and recommend a Zoning Ordinance, and subsequent amendments thereto, to the town council.
- (2) Assist the Town Council in the adoption of a Comprehensive Plan, 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. The plan shall be reviewed regularly, and necessary updates made as required.

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

(4) Prepare an Annual Report in October and present to the town council in November concerning the operation of the commission and the status of planning within its jurisdiction.

(5) Review and take action or recommend appropriate actions to town council on site plan, special land use, and planned unit development requests.

(6) Review Subdivisions proposals and recommend appropriate actions to the town council.

(7) Review and comment to the town council on all proposed zoning changes.

(8) Prepare, publish, and distribute special studies and plans, as deemed necessary by the Commission or town council and for which appropriations of funds have been approved by the town council, as needed.

(9) Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of commissioner, and for which appropriations of funds have been approved by the town council, as needed.

(10) Perform other duties and responsibilities as may be requested by the town council.

(11) Members of the commission may conduct such site visits as deemed necessary to evaluate the application and supporting material. Site visits shall be conducted individually unless otherwise scheduled by the commission, obeying all requirements of the Code of Virginia.

ARTICLE 4: EXPENDITURES; GIFTS AND DONATIONS

The commission may expend, under regular town procedure as provided by law, sums appropriated to it for its purposes and activities. The town may accept gifts and donations for commission purposes. Any moneys so accepted shall be deposited with the 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 chairman and the secretary of the commission.

ARTICLE 4: MEMBERSHIP

Section 4.1 Membership Requirements. Membership of the commission shall consist of not less than five nor more than 15 members appointed by town council. Members of the commission shall be residents of the town, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that **at least half the members so appointed shall be owners of real property**. One member of the commission may be a member of the town council and one member may be a member of the administrative branch of government of the town, the term of each of these two members shall be coextensive with the term of office to which they have been elected or appointed unless the council, at the first regular meeting each year, appoints others to server as their representatives.

Section 4.2 Terms. Each member shall be appointed to hold office for four (4) year term. Vacancies shall be filled by the town council for the unexpired term within 60 days.

Section 4.3 Certified Planning Commissioners' Training. The Planning Commission recognizes that all members should understand their roles and responsibilities as defined by the Code of Virginia. It is resolved by the Commission that all newly appointed members to the Planning Commission are expected to complete a Certified Planning Commissioners Program and become certified within 24 months of appointment. The town council may waive this training requirement.

ARTICLE 5: OFFICERS

Section 5.1 Officers. The officers of the commission are appointed members of the commission and shall consist of a chairperson, vice-chairperson, and secretary.

Section 5.2 Duties of the Chairperson. The chair shall preside at all meetings, appoint committees; and perform such duties as may be delegated by the commission or town council. The commission chairperson shall have the right to appoint new committee members at any time to fill a vacancy.

Section 5.3 Duties of the Vice-Chairperson. The vice-chairperson shall act in the capacity of the chairperson in his/her absence.

Section 5.4 Duties of the Secretary. The secretary shall serve as the liaison between the commission and the designated town staff who is responsible for the execution of documents in the name of the commission, performing the duties hereinafter listed below, and performing such other duties as the commission may determine.

(1) Minutes. The designated town staff shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records.

(2) Correspondence. The designated town staff shall be responsible for the issuance of formal written correspondence with other groups or persons, as directed by the Commission. All communications, petitions, reports, or other written materials received by the designated town staff shall be brought to the attention of the Commission.

(3) Attendance. The designated town staff shall be responsible for maintaining an attendance record for each Commission member and report those records annually to the Commission for inclusion in the Annual Report to the town council.

Notices/Agendas. The designated town staff shall issue such notices and prepare the agendas for all meetings, as may be required by the Commission.

Section 5.5 Duties of the Town Council Representative. The town council representative to the commission shall report the actions of the town council to the commission and update the commission on actions by the town council that relate to the functions and duties of the commission

Section 5.6 Duties of the Architectural Review Board Representative. The Architectural Review Board (ARB) representative to the commission shall report the actions of the ARB to the commission and update the commission on actions by the ARB that relate to the functions and duties of the commission.

Section 5.6 Duties of the Board of Zoning Appeals Representative. If applicable, the Board of Zoning Appeals (BZA) representative to the commission shall report the

actions of the BZA to the commission and update the commission on actions by the BZA that relate to the functions and duties of the commission.

Section 5.7 Elections.

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

Section 5.8 Terms. All officers shall serve a term of one (1) year, or until their successors are selected and assume office. Officers may be re-elected to consecutive terms in any office.

Section 5.9 Vacancies. Vacancies in offices shall be filled immediately by regular election procedure with the term expiring in accordance with (1) above.

ARTICLE 6: MEETINGS

Section 6.1 Regular Meetings. Regular meetings of the commission shall be held monthly in the town hall on the second Tuesday of each month. **The commission shall meet at least every two months.** The dates and times shall be posted at the town hall and a notice should be published in accordance with the Code of Virginia. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the commission shall select suitable alternate dates in the same month, in accordance with the Code of Virginia.

Section 6.2 Meeting Notices. All meetings shall be posted at the town hall according to the Code of Virginia. The notice shall include the date, time and place of the meeting.

Section 6.3 Special Meetings. A special meeting may be called by two members of the commission upon written request to the secretary or by the chairperson. The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with the Code of Virginia. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Code of Virginia, and the secretary shall send written notice of a special meeting to commission members not less than 48 hours in advance of the meeting.

Section 6.4. Open Meetings. All meetings of the commission shall be opened to the public and held in a place available to the general public. All deliberations and decisions of the commission shall be made at a meeting open to the public. A person shall be permitted to address a hearing of the commission under the rules established in Section 6.11, and to address the commission concerning non-hearing matters under the public comment portion of the agenda, as established in Section 6.9 to the extent that they are applicable. A person shall not be excluded from a meeting of the commission except for breach of the peace, committed at the meeting.

Section 6.5 Public Record. All meetings, minutes, records, documents, correspondence, and other materials of the commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

Section 6.6 Minutes. Commission minutes shall be prepared by the secretary of the commission. The minutes shall contain a brief synopsis of the meeting, complete statement of the conditions or recommendations made on any action; and recording of

attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be annually deposited with the township; municipal, or county Clerk.

Section 6.7 Quorum. In order for the commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the commission shall be present. When a quorum is not present, no official action, except for closing of the meeting, may occur. The members of the commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time, and place is announced at the meeting.

Section 6.8 Voting. An affirmative vote of the majority of the commission (*if desired, insert "members present"*) shall be required for the approval of any requested action or motion placed before the commission. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any commission member or directed by the chairperson. All commission members shall vote on every motion placed on the floor unless there is a conflict of interest, as established in ARTICLE 7. Any member abstaining from a vote shall not participate in the discussion of that item.

Section 6.9 Agenda. A written agenda for all regular meetings shall be prepared as followed. The agenda for all regular meetings shall be:

- (1) Call to Order
- (2) Roll Call
- (3) Approval of Minutes
- (4) Approval of Agenda

- (5) Public Comments and Communications Concerning Items Not on the Agenda
- (6) Scheduled Public Hearings
- (7) Unfinished Business
- (8) New Business
- (9) Other Matters to be Reviewed by the Commission
- (10) Administrative Items
- (11) Adjournment

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

Section 6.10 Rules of Order. All meetings of the commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Order.”

Section 6.11 Public Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in ARTICLE1. Public hearings conducted by the commission shall be run in an orderly and timely fashion. This shall be accomplished by the establishing hearing procedures.

When to allow members to declare conflicts of interest?

1. Open Public Hearing
2. Read Chairman's Statement
3. Applicant Presentation and Staff Presentation (order shall be determined by the Commission at the meeting)
4. Public Testimony/Comments

5. Applicant Rebuttal
6. Planning Commission Questions
7. Close Public Hearing
8. Planning Commission discussion
9. Planning Commission Action
10. Advise Public of Next Step in the Process

Section 6.12 Notice of Decision. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request.

ARTICLE 7: CONFLICT OF INTEREST

Section 7.1 Declaration of Conflict. Commission members shall declare a conflict of interest when any one (1) or more of the following occur:

- (1) A relative or other family member is involved in any request for which the commission is asked to make a decision.
- (2) The commission member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency, or association.
- (3) The commission member owns or has a financial interest in neighboring property. For purposes of this Section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance, or other applicable Ordinance. The commission shall make a determination regarding the presence of a conflict of interest.
- (4) There is a reasonable appearance of a conflict of interest, as determined by the commission member declaring such conflict.

Section 7.2 Requirements. When declaring a conflict, the commission member shall do all of the following:

- (1) Announce a conflict of interest and state its general nature.
- (2) Abstain from any discussion or votes relative to the matter which is the subject of the conflict.
- (3) Absent himself/herself from the room in which the discussion takes place.

ARTICLE 8: ABSENCES, REMOVALS, AND RESIGNATIONS

Section 8.1 Absences. In order to be excused from a meeting, members of the commission shall notify the commission chairperson when they intend to be absent from the meeting. Failure to make this notification at least twenty-four (24) hours prior to the meeting shall result in an unexcused absence. More than four (4) consecutive, unexcused absences or absences at twenty-five (25%) percent of all meetings in any one (1) fiscal year shall be considered nonperformance of duty and cause of removal from the commission.

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

Section 8.3 Resignation. A member may resign from the commission by sending a written notice of resignation to the town council or commission chairperson.

ARTICLE 9: AMENDMENTS

These rules may be amended by the commission by a concurring vote pursuant to subsection 3.7, during any regular meeting, provided that all members have received an

advanced copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.

Oath of office?

Onboarding procedure for new members.