



TOWN OF OCCOQUAN

Town Hall, 314 Mill Street, Occoquan, VA 22125
www.occoquanva.gov | info@occoquanva.gov | (703) 491-1918

PLANNING COMMISSION MEETING

Tuesday, February 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 January 9, 2018
2. Approve 2017 Annual Report
3. By-law Discussion

Eliot Perkins
Planning Commission Chair



TOWN OF OCCOQUAN
Town Hall - 314 Mill Street, Occoquan, VA 22125
MEETING DATE: 2018-01-09

MEETING TIME: 7:00pm

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

Staff Present: Kirstyn Jovanovich, Town Manager; Chris Coon, Town Clerk

1. Call to Order

The Planning Commission Public Hearing was called to order by Joe McGuire, on 2018-01-09, at 6:59 p.m.

2. Appointment of Secretary for Meeting

Ryan Somma volunteered to take minutes for the meeting.

3. Approval of Minutes

Ann Kisling moved to approve the Planning Commission meeting minutes of 2017-10-10. Ryan Somma seconded the motion. The motion carried by poll vote, unanimously.

4. Election of Chairman, Vice-Chairman, & Secretary

Ryan Somma nominated himself for Secretary and Eliot Perkins for Chair. Ann Kisling nominated herself for Vice Chair. All nominations were approved through unanimous vote.

5. Kiely Court Final Subdivision Plat Revision

Zoning Administrator Ned A. Marshall was in attendance to answer any questions. There were no questions.

Ryan Somma moved to reapprove the Final Subdivision Plat with Zoning Administrator Ned A. Marshall's contingencies. Dan Braswell seconded the motion. The motion carried by poll vote, unanimously.

6. CIP Budget Discussion

Kirstyn Jovanovich presented recommendations for the Capital Improvement Plan and fielded questions from the Planning Commission members. Among the items she covered were:

1. The CIP is informed by the Comprehensive Plan, previous plans, and conversations with the Town Council and community.
2. A review of accomplishments from the action items in the Comprehensive Plan, with a significant number of items having been achieved, including the Parking and Traffic study.
3. The importance of Occoquan Craft Show funds in the CIP, which allows the Town to keep real estate taxes low, to pay for capital improvements.
4. Highlighted the “Community Planning Project” for FY2020, which she believes will help the Town tackle remaining action items from the Comprehensive Plan by balancing budget and revenue constraints against what we need to achieve. It will do so by identifying grants that can take the town beyond the \$120,000 of annual Craft Show income.
5. Highlighted the “Stormwater Management” line item, explaining that the town is currently responsible for the management of its Stormwater management program. As this management is out of date, the budget includes money to map the Town’s stormwater management and plan accordingly.
6. Highlighted the “Gaslight Conversion to Electric” for FY2021, which will replace the Town’s currently gas-powered streetlights, which are costly to maintain, with aesthetically appealing electric lighting.
7. Highlighted the “Tanyard Hill Parcel,” which ties into the Town gateway improvements and scenic byway goal. Funding does not cover the full cost for a desired connection to the Occoquan Greenway Trail, which would be very expensive; however, she noted that the Town is working closely with the County to identify funding options as part of the County’s Greenway trail plan.

Members of the Planning Commission agreed they would review the items and express any concerns or ask any questions as needed before the next Town Council meeting.

7. 2017 Annual Report Draft

Chris Coons presented a draft report on 2017 accomplishments for the Planning Commission in keeping with the Town Code requirements for an annual report to Town Council. Members of the Planning Commission did not express any concerns about the document and approved of it. Ryan Somma requested that action items 20, 37, and 40 be added to the Secondary priorities for 2018. Chris Coons said that he would finalize the document and present it to the Planning Commission at the February 2018 meeting for approval.

8. By-law Discussion

A brief discussion was held concerning the possibility of moving the Planning Commission’s regularly scheduled meeting. Ryan Somma proposed the last Tuesday of the month so that Planning Commission site plan approvals would take place the week before Town Council meetings. This would provide more timely processing of applications for residents, a one-week period between the two meetings, rather than the three to four-week delay currently in the process. Kirstyn Jovanovich noted that the scheduling difference emerged when the Town Council moved it’s regular meeting to the first Tuesday of the Month from the third Tuesday to accommodate the Town Attorney’s availability. Dan Braswell

noted that this would be inconvenient for him as he serves on the Architectural Review Board, which is scheduled to meet at 7:30pm on the second Tuesday of each month and would need to move their meeting as well.

Joe McGuire expressed concerns about the need to meet every two months, regardless of whether there were any items on the agenda. Ryan Somma noted that this is what the Town Code currently requires of the Planning Commission, which is why the Planning Commission needed to address its by-laws. Chris Coons noted that the current by-laws had not been updated since 1981.

Joe McGuire requested that the Town Attorney review the matter and provide guidance. Additionally, Planning Commission members would be given more time to review possible By-laws and provide comment.

The subject was tabled and to be resumed on the February, 2018 meeting.

4. Adjournment

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

Eliot Perkins
Chair, Planning Commission

Submitted by Ryan Somma, Planning Commission Member



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Meet the Planning Commission

The Planning Commission is a board of town residents appointed by the Town Council to advise the Council in all planning and land use matters; to review and make recommendations regarding the Comprehensive Plan, subdivision and zoning ordinances, and other land use regulations; and to conduct public hearings related to planning matters in the town. Sections 2-241 through 2-249 of the Town Code address the activities of the Planning Commission.

Eliot Perkins	Chairman	Appointment: 5/2/2017 - 2/2/2019
Ann Kisling	Vice-Chairman	Appointment: 5/4/2016 - 5/3/2020
Ryan Somma	Secretary	Appointment: 5/2/2017 - 4/10/2018
Dan Braswell		Appointment: 7/7/2015- 3/31/2018
Joe McGuire		Appointment: 7/1/2014- 6/30/2018
Heather Ozuna		Appointment: 5/4/2016 - 5/3/2020

Meeting Dates and Time

The Occoquan Planning Commission meets at 7:00 p.m. on the second Tuesday of each month at the Occoquan Town Hall when it has business to conduct. Notices of meetings are posed in advance at the Occoquan Town Hall and the Occoquan Post Office. To reach the Planning commission, contact the Town Clerk by telephone at (703 491-1918, or at info@occoquanva.gov.



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Zoning and Subdivision Ordinance Update

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

The amendments to the Zoning Ordinance consisted of major changes to the previous Zoning Ordinance. The modification that were made have been broken down into different Articles of the document.

Article I modifications include:

- Adding a statement indicating the location of the Zoning Map and modifications to the definitions.
- Definitions modifications include:
 - o Updating definition of Alley to be consistent with other portions of the Town Code
 - o Adding definition of Bed and Breakfast
 - o Modifying the definition of Hotel to separate uses o Adding definition of a Food Truck
 - o Adding definition of Homestay
 - o Modifying definition of Person to be consistent with other portions of the Town Code
 - o Modifying definition of Sign to reference Article VIII
 - o Modifying definition of Street to be consistent with other portions of the Town Code
 - o Modifying definition of church and places of assembly
- Removing application portion of the Home Occupation Certificate section. Standards for Home Occupation remain.
- Updated Extension for Zoning Approvals section to reference the Code of Virginia.

Article II modifications include:



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- R-1:
 - o Dividing uses by those permitted by-right and those permitted by Special Exception
 - o Removing Home Business Occupation standards and referencing Section 66-10
 - o Adding Homestay and Temporary Seasonal Display as accessory uses
 - o Adding Bed & Breakfast to uses permitted by Special Exception
 - o Remove sign regulations to reference Article VIII
- R-2:
 - o Dividing uses by those permitted by-right and those permitted by Special Exception
 - o Removing Home Business Occupation standards and referencing Section 66-10
 - o Adding Homestay and Temporary Seasonal Display as accessory uses
 - o Adding Bed & Breakfast to uses permitted by Special Exception
 - o Remove sign regulations to reference Article VIII
- R-3:
 - o Dividing uses by those permitted by-right and those permitted by Special Exception
 - o Removing Home Business Occupation standards and referencing Section 66-10
 - o Adding Homestay and Temporary Seasonal Display as accessory uses
 - o Adding Bed & Breakfast to uses permitted by Special Exception
 - o Remove sign regulations to reference Article VIII
- R-4:
 - o Dividing uses by those permitted by-right and those permitted by Special Exception
 - o Removing Home Business Occupation standards and referencing Section 66-10
 - o Adding Temporary Seasonal Display as an accessory use
 - o Adding Garden and high-rise apartment projects to uses permitted by Special Exception
 - o Remove sign regulations to reference Article VIII
- B-1:
 - o Dividing uses by those permitted by-right and those permitted by Special Exception
 - o Certain uses that are inconsistent with the intent of the B-1 district moved from being permitted by-right to being permitted with by special exception permit - including residential uses with conditions
 - o Adding Festivals, Town Sponsored as a use permitted by-right
 - o Adding Temporary Seasonal Display as an accessory use
 - o Adding Bed & Breakfast to uses permitted by-right
 - o Remove sign regulations to reference Article VIII



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Article III-VII modifications include:

- Formatting
- Updating code references
- Updating figures

The amendments to the Subdivision Ordinance consisted of major changes to the previous Subdivision Ordinance. The modification throughout in order to be consistent in the document as a whole and to be consistent with the Zoning Ordinance there were made have been broken down into different Articles of the document.

Article I modifications include:

- Formatting
- Updating definitions to be consistent with other sections of the Town Code and Code of Virginia
- Removing Plan Sketch and Used from definitions

Article II modifications include:

- Formatting

Article III modifications include:

- Formatting
- Updating references of Town Council to be Planning Commission

Article IV modifications include:

- Formatting

Article V modifications include:

- Formatting
- Removing elements that are not used in the Subdivision process

Article VI modifications include:

- Formatting
- Including note that preliminary plat process pertains to those subdivisions with more than 51 lots
- Removing elements that are not used in the Subdivision process



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- Updating final plat process to more accurately reflect what is required
- Updating the extension of the subdivision plat approval to address the housing crisis to mirror the Zoning Ordinance and reference the Code of Virginia

Comprehensive Plan Action Item Tracking

Since the adoption of the Comprehensive Plan the Town Council, Boards and Commissions, and Staff have addressed several of the Action Items illustrated within the Comprehensive Plan.

Status:	Action Item #'s
Started:	2, 9, 10, 11, 13, 19, 25, 39, 42
Completed:	1, 3, 8

For the Annual Report the Planning Commission discussed what Action Items would be a priority for 2018.

Priority:	Action Item #'s
Primary:	12, 21, 37, 38, 55, 57, 58
Secondary:	19, 40, 42

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

environsneighborhoods 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 to the town council in February^[RS1] 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[CC2][RS3]

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[CC4]

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^[RS5]. 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^[CC6]^[RS7] **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 ~~the Virginia~~ Certified Planning Commissioners Program ~~sponsored by the Citizens Planning Education Association of Virginia and~~ become certified within **16** months^[RS8] 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^[RS9] Duties of the Board of Zoning Appeals Representative^[RS10]. 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, with no officer serving for more than *(insert designated number of terms)* [RS11] consecutive terms in any office.

Section 5.9 Vacancies [CC12][RS13]. Vacancies in offices shall be filled immediately by regular election procedure with the term expiring in accordance with (13) 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. [RS14] 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"*)^[RS15] 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 onetwo (12) weeks 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.

[RS17] 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^[CC18] 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^{[CC19][RS20]}.

Oath of office?

Onboarding procedure for new members.