

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 1, as amended, of Article IV of Chapter 634 of the Acts of Assembly of 1976,*
 3 *which provided a charter for the City of Poquoson, relating to powers of city council; removing certain*
 4 *appointed members of board or commission.*

5 [S 836]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That § 1, as amended, of Article IV of Chapter 634 of the Acts of Assembly of 1976 is amended and**
 9 **reenacted as follows:**

10 Article IV. Powers of the Council.

11 § 1. Generally.

12 All powers of the city and the determination of all matters of policy shall be vested in the council. Except
 13 as otherwise provided in this charter, the council shall:

14 A. Appoint the city manager, the city clerk, and the city attorney.

15 B. Adopt a city budget.

16 C. Inquire into the conduct of any office, department, or agency of the city and make investigations as to
 17 municipal affairs.

18 D. Appoint the trustees of the city school division and fill any vacancies thereon.

19 E. Appoint the members of the Planning Commission, the Board of Zoning Appeals, and the Recreation
 20 Commission, and fill any vacancies thereon.

21 F. Provide, if it so desires, for the creation of a housing authority.

22 G. Adopt and modify the official map of the city.

23 H. Pass all ordinances relating to its municipal affairs, subject to the Constitution and general laws of the
 24 Commonwealth and of this charter and may from time to time amend, reamend, or repeal any or all of its
 25 ordinances for the proper regulation, management, and government of the city and impose fines and penalties
 26 for the violation or nonobservance thereof.

27 I. Compel the attendance of its members and ~~expel~~ *remove* its members for improper behavior and by vote
 28 of four-sevenths of the whole council, ~~expel~~ *remove* a member. *Notwithstanding any other provision of*
 29 *general law, any person appointed to a city board or commission by the city council may be removed for*
 30 *improper behavior from such board or commission by a vote of four-sevenths of the whole city council.*

31 J. Fix salaries and wages of all officers and employees of the city, unless otherwise provided by this
 32 charter or by the general laws of the Commonwealth.

33 K. Require and secure such bonds for any of the city employees as it may deem necessary.

34 L. Keep a journal of its proceedings, which shall be open to public inspection.

35 M. Appoint a Board of Architectural Review and designate Architectural Control Districts within
 36 commercial, industrial or research/development zoning districts in order to protect and promote the general
 37 welfare and to prevent deterioration of the appearance of the city which would tend to create hazards to
 38 public health, safety and morals and destroy economic opportunity for the development of business and
 39 industry within the city. Such Architectural Control Districts may also be created to include any lot, parcel or
 40 area of land which is used for other than single family, detached residences or which is the subject of an
 41 application for a use permit or building permit involving any such other use, without regard to its zoning
 42 classification. No structure shall be erected, reconstructed, altered or restored within such Architectural
 43 Control Districts until approved by the Board of Architectural Review.

44 The Board of Architectural Review shall consist of five members appointed by majority vote of the city
 45 council for terms not to exceed three years. At least one member of the board shall be an architect registered
 46 in Virginia, and at least one shall be a member of the Virginia State Bar. All members of the board shall be
 47 residents of the city of Poquoson except one architect member who may or may not be a resident of the city
 48 of Poquoson. In the event that the one architect member is not a resident of the city of Poquoson, that
 49 appointment shall be for a period of one year. The city council shall prepare and publish appropriate
 50 standards, rules, regulations and procedures for the operation of the board and to carry out the purposes and
 51 objectives herein set forth; however, the city council shall not adopt as part of any such standards a specific
 52 architectural style; it shall provide for appeals to the city council from any final decision of the board, which
 53 appeal shall stay the board's decision pending the outcome of the appeal before the city council. The city
 54 council, on appeal, shall apply the same standards as those established for the board and may affirm, reverse,
 55 or modify the decision of the board, in whole or in part. Parties aggrieved by the decision of the city council
 56 shall have the right to appeal to the Circuit Court for York County and the City of Poquoson for review by

57 filing a petition within thirty days after the final decision is rendered by the city council. The filing of the said
58 petition shall stay the city council's decision pending the outcome of the appeal to the court. The court may
59 reverse or modify the decision of the city council, in whole or in part, if it finds upon review that the decision
60 of the city council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion.

61 The purpose of the Board of Architectural Review shall be to assure that all buildings, structures and
62 landscaping erected in the designated Architectural Control Districts conform to accepted architectural
63 standards for permanent buildings, as contrasted with engineering standards designed to satisfy safety
64 requirements only, and exhibit external characteristics as to material, texture, color, lighting, dimensions, line
65 and mass of demonstrated architectural and aesthetic durability; and to prevent the erection in such district of
66 buildings the external characteristics of which are designed to serve as advertisements or commercial displays
67 or buildings which in terms of human sensibilities or otherwise constitute a reasonably foreseeable detriment
68 to the community.

69 N. Request, by a resolution duly adopted by an affirmative vote of five members of city council, that the
70 Circuit Court for York County and the City of Poquoson order a referendum election to be held on any
71 question or group of questions as may be stated in the resolution. Such resolution shall state whether the
72 results of the referendum shall be final and binding on the council or be for advisory purposes only. The
73 referendum election shall be conducted and the results ascertained in accordance with general law, but there
74 shall be no right of appeal from or recount of the results of an advisory referendum.