



## **TOWN OF COLONIAL BEACH Planning Commission By-Laws 2016**

### **I. State Statutes**

The Planning Commission, authorized by Virginia Code §15.2-2210 shall execute its responsibility in a manner consistent with the provisions contained in state law.

### **II. Objective**

The objectives of the Planning Commission are to advise the Town Council and to carry out all duties and functions described by the Code of Virginia, as amended. This commission strives to improve public health, safety, convenience and welfare of its citizens and to plan for future development of the community.

#### **Additional Responsibilities**

1. As governed by the Code of Virginia, the Commission shall direct the preparation of the Town Comprehensive Plan for presentation to the Town Council and periodically review/update this Plan as required by the Code of Virginia.
2. The Commission shall also participate in the Capital Improvement Program and recommend Zoning Ordinances to the Town Council to assure that they are in accordance with the Comprehensive Plan as required by the Code of Virginia.
3. The Commission shall receive direction from the Town Council regarding any special programs that they desire to be managed or evaluated by the Commission within the Code of Virginia.

### **III. Members, Terms**

- A. In accordance with Virginia Code § 15.2-2212 the Colonial Beach Planning Commission shall consist of seven (7) voting members, all of whom shall be appointed by the Colonial Beach Town Council. All Planning Commission Members shall be residents of the Town of Colonial Beach, qualified by knowledge and experience to make decisions on questions of community growth and development and at least one-half of the members of the Planning Commission shall be owners of real property.

#### **B. Terms and Vacancies:**

1. All members shall be appointed terms of four (4) years.

2. Any vacancy in membership shall be filled by recommendation of the commission and formal appointment by the Town Council. Any appointed member may be removed by the Town Council for malfeasance in office.

#### **IV. Meetings**

- A. The Planning Commission shall meet in regular session on the first Thursday of each month at 5:30 p.m. at Town Center located at 22 Washington Avenue. With due and proper public notice (Virginia Code section 15.2-2214 ) the Commission may upon occasion meet elsewhere, within the boundaries of Colonial Beach.
- B. Special Meetings may be called by the Chairperson or by any two members in accordance with Virginia Code section 15.2-2214. The clerk shall mail to all members, at least five (5) days in advance of a special meeting, a written notice, fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is *not* required if the time of the special meeting has been fixed at the regular meeting. Formal rules of procedure may be suspended for work sessions.
- C. Work sessions shall be held at the adjournment of regular meetings or at the time and place set by the Commission.
- D. A majority of the total members of the planning commission shall constitute a quorum.
- E. The Commission shall keep a written record of its transactions. This record shall be available for public inspection at the Town Hall, the Department of Planning & Community Development, and the Central Rappahannock Regional Library branch in Colonial Beach. Also, copies of the minutes shall be available on the Town's website.

#### **V. Officers**

- A. The Commission shall consist of a Chairperson and Vice-Chairperson whose terms of office shall be for one year. These positions are elected by the Commission at its annual organizational meeting in January of each year. Any vacancy occurring in an office shall be filled for the unexpired term by the Commission at the regular monthly meeting following the occurrence of such vacancy.
- B. The Planning and Zoning Administrator or designee for the Town of Colonial Beach shall serve as the Clerk of the Planning Commission.

#### **VI. Duties of Officers**

- A. The Chairperson shall:
  1. Preside at all meetings.
  2. Appoint committees.
  3. Rule on all procedural questions, but subject to a reversal by a majority vote of the members present.
  4. Be informed immediately of any official communication.
  5. Report official communications referencing positive and negative opinions.
  6. Certify official documents involving the authority of the Commission.

7. Be the general spokesperson for the Commission.
8. Attend Town Council meetings or designate a liaison in lieu.

B. The Vice-Chairperson shall:

1. Act in the absence or inability of the Chairperson to act.
2. Perform such other duties as may be assigned by the Commission.

C. The Clerk shall:

1. Record attendance and minutes of all Commission meetings.
2. Notify all members of meetings.
3. Maintain a file of all official Commission records and reports.
4. Give notice and be responsible for publishing public notices of all Commission public hearings and public meetings.
5. Attend to the execution of the duties and functions of the Commission.
6. Provide Town Council reports and recommendations of the Commission

## VII. Committees

- A. The Commission may establish committees necessary to accomplish its purpose.
- B. Members of the committees shall be appointed by the Chairperson. The Chairperson may request recommendations for the Commission or committee members on committee appointments.
- C. Members of the committees may be Commission members, employees of the Town or citizen volunteers.
- D. The Chairperson and Planning Director shall be ex-officio members of every committee.
- E. All committee reports written or oral shall be official record of the Commission.
- F. The following committees and their Chair shall be appointed by the Commission Chair within thirty days after the Chair takes office:
  1. **Public Outreach Committee.** This Committee shall be composed of at least 2 members (at least 1 member shall be a Commission member) and have the following responsibilities:
    - A. Support public awareness to the matters of Public Planning and the Commission.
    - B. Provide insight and recommendations to the Commission in the field of public relations, marketing, and communication to better serve our community.
    - C. Assist the Commission in maintaining regular contact with Public Officials.
    - D. Represent to the Commission public concerns.
  2. **Policy Committee.** This Committee shall be composed of at least 4 members (at

least 2 members shall be Commission members) and shall have the following responsibilities.

- A. Address the long-range goals of the Commission and explore strategies for achieving them; and
- B. Address ways to maintain and improve working relationships between the Commission, other County organizations, as well as with surrounding jurisdictions and organizations involved in planning initiatives.
- C. Conduct the Commission's initial review of the Capital Improvement Plan.
- D. Recommend and prepare new and revised policies for the Commission.
- E. Conduct the Commission's initial review of the ordinance amendments, as directed by the Chair of the Commission.

### **VIII. Transaction of Business**

The Commission shall follow the Robert's Rules of Order, Newly Revised 10<sup>th</sup> Edition, October 2000, and more specifically, the provisions which pertain to the "conduct of business boards" at page 469 et seq., in particular, the "Procedure in Small Boards." However, failure to strictly comply with Roberts Rules of Order shall not invalidate any actions of the Commission. The Town's Attorney shall preside as parliamentarian.

#### **A. Agenda:**

1. The activities at any regular meeting of the Commission shall be in accordance with a formal agenda. Such agenda shall be distributed to the Commission and made available to the public via hard copy at Town Hall and electronically at the Town's website not less than 3 days prior to the each regular meeting.
2. Order of Business for Regular Meetings: At regular meetings of the Commission, business shall be conducted in the following manner:
  - a. Call to order.
  - b. Approval of minutes of the last meeting
  - c. Public Comment on Non-Hearing Related Planning Commission Matters
  - d. Committee Reports (if applicable)
  - e. Old Business
  - f. New Business
  - g. Adjournment
3. The order of business at special meetings shall be in accordance with the agenda prepared by the clerk for such meeting.
4. Agendas may be amended and/or items added or deleted from the agenda, by a majority concurrence of the members.

#### **B. Hearings:**

1. The Commission shall hold public hearings on all items for which hearings are

required by the Code of Virginia or by the Code of the Town of Colonial Beach. Such public hearings shall be advertised in accordance with State Code Section 15.2-2204.

2. The Chairperson may establish special rules for any public hearing at the beginning of said hearing. These rules may include limitations on the time of the Clerk, petitioner, opposition, and public comment.
3. In addition to those required by law, the Commission may hold public hearings on any matter which it deems to be in the public interest. In such cases, the public hearings shall follow all procedures described for public hearing in these bylaws.

C. Procedure:

1. Each speaker wishing to address the Commission shall clearly state his/her name and address and shall abide by the time limitations set before public hearing.
2. Written comments in addition to or in lieu of public appearance may be received by the Commission, such shall become part of the record.
3. Business items on the agenda shall be considered by a reading of the application, commentary by the Clerk and/or other Town staff, followed by presentations by the petitioner and those in favor, and then representatives of the opposition may speak without repetition. Representation of the petitioner will be allowed to rebut then the public hearing will be closed by the Chairperson. See *Protocol Specifics* for further details.
4. Commission Members shall limit their comments during public comment to ensure public participation without Commission interference. Questions for the petitioner or opposition by Commissioners for clarification or additional information will follow after public comment at the discretion of the Chair.
5. At the conclusion of the hearing the Commission shall proceed with motion and action on that item.
6. The Commission shall have the authority to postpone an agenda item for a specific period of time, stating reason.

D. Voting:

1. A majority of the total members of the planning commission shall constitute a quorum.
2. Questions submitted to the Commission shall be decided by vote with the action recorded in the minutes.
3. Members abstaining from voting on a question shall state the reason therefore, and such statement shall be made a part of the record of the meeting.

## **IX. Protocol Specifics**

### **A. Protocol for Citizen Comments**

- A. The Purpose of the citizen comment period is to allow any citizen of the Town to make statements to the Colonial Beach Planning Commission related to any matter under the auspices of the Planning Commission, which are not scheduled for discussion on the agenda.
- B. The Planning Commission will listen and consider the position and opinion of the citizens of Colonial Beach however the Commission shall not respond or ask staff to respond to issues identified by the public that may require additional research or investigation.

### **B. Public Hearing Protocol**

- 1. The purpose of a public hearing is for the Colonial Beach Planning Commission to listen carefully to the position and opinion from the citizens of Colonial Beach.
- 2. All public hearings are advertised weeks prior to the scheduled hearings and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearing.
- 3. Public hearings are not question and answer sessions or debates and all statements should be addressed to the chair.
- 4. Public hearings are intended to give citizens an opportunity to influence the public decision process based on prior research, and discussions with appropriate public officials.
- 5. When members of the public offer comment, they need to clearly state their name and address prior to making their comments.
- 6. Applicants, or representatives of the applicant, will be allowed fifteen (15) minutes to introduce information regarding the matter advertised for public hearing. All comments are to be pertinent to the issue being considered.
- 7. Where an application is complex and contains multifaceted issues and approval by the chairperson the applicant may be granted additional time.
- 8. Persons speaking at public hearings are respectfully requested to keep comments brief, not to exceed three (3) minutes, and to address only those issues pertinent to the matters advertised for public hearing.
- 9. After the public hearing has been closed, the applicant or representatives of the applicant will be allowed fifteen (15) minutes to address any issues identified by the public where the Planning Commission needs clarification.
- 10. Written copies of statements made at public hearings are requested but not required.

### C. Work Session Protocol

1. The Commission may hold work sessions at which the procedural rules of these bylaws shall not apply.
2. Notice of work sessions shall be sent to the Commissioners at least five days prior to the session.
3. The Chairperson shall lead the session and require orderly behavior and discussion.
4. No actions shall be taken or motions made at a work session.
5. Work sessions shall be open to the public. Public comment is not required at a work session.
6. The Clerk shall keep record of all work sessions and items discussed.
7. Work sessions may be joint sessions including participation by other Town employees, departments, and Town Council members.

### X. **Special Rules**

#### A. Attendance:

Commission members are encouraged to attend all meetings (regular and special), including work sessions, and to notify the Secretary or the Chairperson if they will be unable to attend a meeting. Commission members who have missed three (3) consecutive regular meetings without contacting the Chairperson or Secretary will be notified by letter of their absences. A copy will be sent to Town Council. If more than three consecutive meetings are missed without contacting the Chairperson or Secretary, this will result in recommendation to Town Council by the Planning Commission to remove the planning commissioner.

#### B. Objectivity:

Commission members shall make every attempt to remain neutral and uncommitted on issues before coming to the Commission until said issues have been presented to the Commission and the proponents and opponents concerning the same have been heard. Additionally, Commission members shall not represent any applicant before the Commission.

#### C. Conflict of Interest:

As "officers" of the Town of Colonial Beach, Commission members shall be directed by the Conflict of Interests Act.

#### D. Speaking:

All Commission members as well as staff members or the public in attendance, shall not be allowed to speak on any matter before the Commission without first gaining recognition of the Chairperson.

E. Training:

The Commission's goal is to have all of its members to attend and complete training sessions sponsored by the **Citizens Planning Education Association of Virginia (CPEAV)/Plan Virginia** in order to more effectively carry out their responsibilities to meet the objectives of the Commission. Completion of the training is encouraged within one year of appointment. Additionally, each month pending available time the Planning Director will have the Planning Manager present a topic for a mini-training session at the conclusion of other Commission business.

XI. **Modification of By-Laws:**

Modification of these By-Laws shall be approved by the Commission in regular session. Proposals for modification shall be submitted to the Commission at a regular meeting and shall be acted upon at the next regular meeting. An affirmative vote of two-thirds of the entire Commission shall be required to modify the By-Laws.

These by-laws have been adopted by the Planning Commission, all members thereof present on this fourth (4<sup>th</sup>) day of February 2016.



Chair



Clerk of the Commission