

TOWN OF WACHAPREAGUE
Planning Commission ByLaws 2022

I. State Statutes

The Planning Commission, authorized by Virginia Code S15.2-2210, 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.

A. 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 participate in the Capital Improvement Program and Zoning Ordinances 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 S15.2-2212 the Wachapreague Planning Commission shall consist of six (6) voting members, all of whom shall be appointed by the Wachapreague Town Council. All Planning Commission Members shall be residents of the Town of Wachapreague, 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.

TOWN OF WACHAPREAGUE
Planning Commission ByLaws 2022

IV. Meetings

- A. The Planning Commission shall meet in regular session on the first Tuesday of each month at 6:30 p.m. at Seaside Hall (VIMS) located at 40 Atlantic Avenue Wachapreague, VA. With due and proper public notice (Virginia Code section 15.2-2214) the Commission may upon occasion meet elsewhere, within the boundaries of Wachapreague.
- 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. Also, copies of the minutes shall be available on the Town's website.
- F. The Commission may conduct meetings electronically during a State of Emergency declared by the Governor. Public notice shall be given within 3 days of the meeting. Arrangements for public access to the meeting shall be made. The type of electronic communication, electronic communication means and the reason for an electronic meeting shall be included in the minutes.

If a member is unable to attend a meeting due to medical or personal matters, the member may appear electronically, upon approval by the Chairperson. There is a two-meeting limit per calendar year for each member to electronically participate due to personal matters. The remote location of the member, and the reason for attendance through electronic communication means shall be recorded in the minutes. If the member's request is disapproved by the Chairperson, the reason for disapproval of the request shall be recorded in the minutes with specificity.

This shall act as the written policy allowing participation of members by electronic communication means, pursuant to VA Code 52.2-3708.2 (C). All participation by electronic communication shall be audible to all persons at the meeting.

TOWN OF WACHAPREAGUE
Planning Commission ByLaws 2022

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. These positions are limited to two consecutive full terms in their respective positions.

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. Share Commission communications and actions with the Town Council
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 Town Clerk shall:

1. Maintain a file of all official Commission records and reports.
2. Give notice and be responsible for publishing public notices of all Commission public hearings and public meetings.
3. Forward 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.

TOWN OF WACHAPREAGUE
Planning Commission ByLaws 2022

- C. Members of the committees may be Commission members, employees of the Town or citizen volunteers.
- D. The Chairperson shall be an ex-officio member of every committee.
- E. All committee reports written or oral shall be the official record of the Commission.

VIII. Transaction of Business

The Commission shall follow the Robert's Rules of Order, Newly Revised 10th 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.

A. Meetings

1. The activities at any regular meeting of the Commission shall be in accordance with VA Code section 2.2-3707. 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 each regular meeting.
2. **Order of Business for Regular Meetings:** At regular meetings of the Commission, business shall be conducted in the following order unless modified by the Planning Commission:
 - a) Call to order
 - b) Approve Agenda
 - c) Public Comment on Non-Hearing Related Planning Commission Matters
 - d) Approval of minutes of the last meeting
 - e) Committee Reports (if applicable)
 - f) Old Business
 - g) New Business
 - h) Adjournment
3. The order of business at special meetings shall be in accordance with the agenda prepared by the Chairperson for such meetings.
4. Agendas may be amended and/or items added or deleted from the agenda, by a majority concurrence of the members.

B. Hearings

TOWN OF WACHAPREAGUE
Planning Commission ByLaws 2022

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 Wachapreague. 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 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, 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 public comment at the discretion of the Chairperson.
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.

TOWN OF WACHAPREAGUE
Planning Commission ByLaws 2022

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

1. The Purpose of the citizen comment period is to allow any citizen of the Town to make statements to the Wachapreague Planning Commission related to any matter under the auspices of the Planning Commission, which are not scheduled for discussion on the agenda.
2. The Planning Commission will listen and consider the position and opinion of the citizens of Wachapreague 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 Wachapreague Planning Commission to listen carefully to the position and opinion from the citizens of Wachapreague.
2. All public hearings are advertised 2 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 Chairperson.
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 comments, they need to clearly state their name and address prior to making their comments.
6. Applicants, or representatives of the applicant, will be allowed ten (10) minutes to introduce information regarding the matter advertised for public hearing. All comments are to be pertinent to the issue being considered.

TOWN OF WACHAPREAGUE
Planning Commission ByLaws 2022

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 ten (10) 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 posted for the public at least seven 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 Commission Secretary 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 the Town Council. If

TOWN OF WACHAPREAGUE
Planning Commission ByLaws 2022

more than three consecutive meetings are missed without contacting the Chairperson or Secretary, this will result in recommendation to the 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 Wachapreague, Commission members shall be directed by the Conflict of Interests Act - Virginia Code Section 2.2-3100.

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 members attend the Certified Planning Commissioner Program sponsored by the Virginia's Land Use Education Program in order to more effectively carry out their responsibilities to meet the objectives of the Commission.

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; therefore present on this 20th day of July 2022.



Chairperson, Planning Commission



Secretary of the Commission