

# **BYLAWS**

Town of Haymarket, Virginia

Planning Commission



Adopted and Effective December 14, 2015

## ARTICLE I – AUTHORIZATION

- 1-1. This Planning Commission is established in conformance with a resolution adopted by the Haymarket Town Council ~~on~~ in March 2004; and in accordance with the provisions of Section 15.2-2210, Code of Virginia (1997), as amended.
- 1-2. The official title of this Planning Commission shall be the “Town of Haymarket Planning Commission,” hereinafter referred to as the “Commission.”
- 1-3. These bylaws shall be interpreted to be consistent with state law; to the extent there is a conflict between these bylaws and state law, the provisions of state law shall govern.

## ARTICLE II – PURPOSE

- 2-1. The purpose of the Commission is primarily to advise the Town Council with respect to anticipating and guiding future development and change by preparing plans, ordinances, capital improvements programs, studies, reports, and other documents for consideration by the Town Council.

## ARTICLE III – MEMBERSHIP

- 3-1. As of the effective date of these Bylaws, Town Council has approved a seven-member Commission. The Commission shall consist of not less than five nor no more than fifteen members appointed by the Town Council, all of whom shall be residents of the Town of Haymarket and qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least one-half of the members so appointed shall be owners of real property. One member may be a member of the Town Council and one member may be an administrative official of the Town government.
- 3-2. The terms of office for the member who is a member of the Town Council and the member who is an administrative official shall be coextensive with the term of office to which he or she has been elected or appointed, unless the Town Council, at the first regular meeting each year, appoints others to serve as their representatives. As to the remaining members of the Commission, upon expiration of the statutorily mandated staggered terms of the members first appointed, subsequent appointments shall be for terms of four (4) years each or such other terms as established by the Town Council.
- 3-3. Any vacancy in membership shall be filled by appointment of the Town Council and shall be for the unexpired portion of the term only.
- 3-4. Any member of the Commission shall be eligible for reappointment.

- 3-5. Any member of the Commission may be removed by the Town Council for malfeasance in office or other grounds permitted by law. In either such event, a successor shall be appointed by the Town Council for the unexpired portion of the term of the member who has been removed.
- 3-6. The term of a Commission member shall expire upon the swearing in of his or her successor or if the Commission member is re-appointed, then his or her prior term expires upon such reappointment to another term.
- 3-7. The Town Council may provide for the payment of expenses incurred by Commission members in the performance of their official duties and compensation for services.
- 3-8. If a member misses more than three (3) consecutive meetings for any reason with exception of conflict with their professional work or unforeseen emergencies, they shall resign from the Commission.

## ARTICLE IV – SELECTION OF OFFICERS

- 4-1. The Commission shall elect from the appointed members a Chairman and a Vice-Chairman, whose terms shall be for one (1) year. A clerk shall serve at the request of the Commission and shall be an employee of the Town government. The Clerk shall be deemed “secretary” for the purposes of complying with Va. Code § 15.2-2214.
- 4-2. Nomination for the offices of Chairman and Vice-Chairman shall be made from the floor with the election to immediately follow at the regular July meeting each year or if a quorum is not present, or if no one is elected, then the nomination and election of officers shall be held as reasonably close in time as possible to such regularly scheduled meeting. A candidate receiving a majority vote of those present and voting shall be declared elected.
- 4-3. Said officers shall serve until the expiration of their terms of office or until a successor takes office.
- 4-4. Any vacancy in office of Chairman or Vice-Chairman shall be filled for the unexpired portion of the term in the same manner as such officers are originally chosen, with the election taking place as reasonably close in time as possible to when the vacancy occurs.

## ARTICLE V – DUTIES OF OFFICERS

- 5-1. The Chairman shall be a member of the Commission and shall:
- 5-1-1. Preside at all meetings.
- 5-1-2. Appoint all committees.
- 5-1-3. Rule on all procedural questions (subject to a reversal by a majority vote by the

members present and voting).

5-1-4. When informed immediately of any official communication, report same at the next regular Commission meeting.

5-1-5. Certify all official documents involving the authority of the Commission.

5-1-6. Certify all minutes as true and correct copies.

5-1-7. Carry out other duties as assigned by the Commission.

5-2. The Vice-Chairman shall be a member of the Commission and shall:

5-2-1. Act in the absence or inability of the Chairman to act, with the full powers of the Chairman.

5-3. The Clerk shall:

5-3-1. Record attendance at all meetings.

5-3-2. Record the minutes of the Commission meetings.

5-3-3. Notify all members of all meetings.

5-3-4. Maintain a file of all official Commission records and reports.

5-3-5. Certify all maps, records, and reports of the Commission.

5-3-6. Give notice and be responsible for publishing public notices of all Commission public hearings and public meetings.

5-3-7. Attend to the correspondence necessary for the execution of the duties and functions of the Commission.

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## ARTICLE VI – COMMITTEES

6-1. Committees, standing or special, may be appointed by the Chairman, to serve as needed. Such committees shall be subject to the approval of the Commission by a vote in accordance with Article VIII hereof.

## ARTICLE VII – MEETINGS

7-1. Regular meetings of the Commission shall be held at least once a month. If the Commission has no pending business, the Chairman may cancel the meeting by notice through the Clerk; provided, however, that the Commission shall meet at least once every two months. Special meetings shall be called as needed in accordance with § 7-2 of these bylaws. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the Commission.

7-2. Special meetings may be called by the Chairman or by two (2) members upon written request to the Clerk. The Clerk shall mail and email to all members, at least five (5) days before a special meeting, a written notice giving the time, place and purpose of the meeting.

- 7-3. All meetings of the Commission shall be open to the public unless closed in accordance with the Virginia Freedom of Information Act.

## ARTICLE VIII – VOTING

- 8-1. The presence of a quorum is necessary for a vote on any matter.
- 8-2. A majority of the currently serving members shall constitute a quorum. Vacant seats are not counted as “currently serving members.” Notwithstanding the foregoing, for a quorum to exist, there must be at least three currently serving members present.
- 8-3. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

## ARTICLE IX – ORDER OF BUSINESS

- 9-1. The order of business for a regular meeting shall be:
- ~~9-1-1. Call to order by Chairman.~~
  - ~~9-1-2. Roll call.~~
  - ~~9-1-3. Determination of a quorum.~~
  - ~~9-1-4. Public expression. Citizens Time – this time is for those who do not have an active application~~
  - ~~9-1-5. Reading of minutes. Minute Approval~~
  - ~~9-1-6. Report of standing committees. Agenda Items~~
  - ~~9-1-7. Report of special committees. Old Business: Report from Town Planner or Zoning Administrator on items that were brought before the Planning Commission~~
  - ~~9-1-8. Unfinished business. New Business: Report from Town Planner or Zoning Administrator on items that will be addressed at future meetings~~
  - ~~9-1-9. New business. Architectural Review Board Updates: A report from the Planning Commission member who serves on the Architectural Review Board as the liaison~~
  - ~~9-1.10 Town Council Updates: A report from the Town Council liaison on recent actions taken by Council~~
  - ~~9-1-110.~~ Adjournment.
- 9-2. Parliamentary procedure in Commission meetings shall be governed by Robert’s Rules of Order applicable to small boards.
- 9-3. The Commission shall keep a set of minutes of each meeting, and these minutes shall become a public record.
- 9-4. The Clerk and Chairman shall sign all minutes and, at the end of the year, shall certify that the minutes of the preceding year are a true and correct copy.

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## ARTICLE X – PUBLIC HEARING

10-1. The procedures normally followed for a public hearing involving a rezoning application, a special use permit, etc., amendment of the Zoning or Subdivision Ordinance, or matter other than the consideration of the comprehensive plan or part thereof, shall be:

\_\_\_\_\_ 10-1-1. Call to order; determination of quorum.

\_\_\_\_\_ 10-1-2. ~~Description of properties in issue.~~Pledge of Allegiance

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10.1-3 Staff Report on Public Hearing: a short description of the application without recommendation at this time

10.1-4 Citizen Comment on the subject of the Public Hearing

10-1-53. Applicant's presentation ~~including witnesses in support of application~~ (fifteen minutes).

~~10-1-4. Interested witnesses' presentation in opposition to application (twenty minutes);~~ Town Planner or Zoning Administrator's presentation with recommendations (twenty minutes)

10-1-5. Applicant's rebuttal (five minutes).

10-1-6. The normal time limitations are set forth in parentheses, but may be shortened or extended as determined by the Planning Commission.

10-1-7. Planning Commission discussion and action.

10-1-8. An applicant may appear in his own behalf, or be represented by an attorney or agent at the hearing.

10-1-9. In the absence of a personal appearance by the applicant or his agent, the Planning Commission may proceed to vote on the application on the record before it.

10-2. The Planning Commission shall publish a notice of public hearing in accordance with state law.

10-3. The procedures normally followed for a hearing involving consideration of the comprehensive plan or a part thereof shall be:

10-3-1. Call to order, determination of a quorum.

10-3-2. Description of area under study, together with presentation, by the Planning Commission or its representative of recommendations for development of the area.

10-3-3. Call by Chairman for names of interested parties who wish to speak to the proposed plan.

10-3-4. Presentation by interested parties to the proposed plan. (Time limitations as announced by the Chairman.)

10-3-5. Planning Commission – staff discussion of the proposed plan.

10-3-6. Planning Commission discussion and action.

10-4. The Planning Commission shall keep a set of minutes of all meetings, including the names and addresses of all witnesses giving testimony before the Planning Commission.

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## ARTICLE XI – CORRESPONDENCE

- 11-1. All official papers and plans involving the authority of the Planning Commission shall bear the signature of the Chairman, together with the certification signed by the Clerk.

## ARTICLE XII – AMENDMENTS

- 12-1. These Bylaws may be amended by a vote of the Commission in accordance with Article VIII hereof after thirty (30) days' prior notice.

Done and originally adopted this 14th day of December, 2015, to be effective as of the date of adoption.

BY:

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~~Matthew Caudle, Chairman of the Planning Commission~~

ATTEST:

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~~Sherrie Wilson, Clerk of the Planning Commission~~