



**SUPPLEMENTAL AGENDA
PLANNING COMMISSION
REGULAR MEETING AGENDA**

May 17, 2018

7:00 p.m.

1) Additional Information for Discussion Items

7a. Review of Bylaws and Code of Conduct

- Staff Report Attachment 8: Town Attorney Explanation of Changes to Bylaws
- Staff Report Attachment 9: Resolution Setting Schedule for Planning Commission Meetings and Rescheduled Meetings (Bylaw Exhibit C)

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BY-LAWS

TOWN OF PURCELLVILLE, VIRGINIA

PLANNING COMMISSION

ARTICLE 1 - OBJECTIVES

- 1-1. The official title of this Commission shall be the “Town of Purcellville Planning Commission” (“Commission”).
- 1-2. The Commission is established in conformance with the ordinance adopted by the Town Council of Purcellville, Virginia, on the 14th day of April, 1959, and in conformance with Town Code Chapter 2, Article IV, Division 2.
- 1-3. The Commission has all powers and duties set forth under Town Code Chapter 2, Article IV, Division 2, and under Virginia Code Chapter 22, Title 15.2, Article 2, as amended.

Commented [HS1]: Relocated this section from 1-2 to 1-1, in order to get the definition (“Commission”) into first section, since it is utilized in the second section.

Commented [HS2]: Added Town Code reference.

Commented [HS3]: Updated state code reference.

ARTICLE 2 – MEMBERS

- 2-1. The Town of Purcellville Planning Commission shall consist of seven (7) members, appointed by the Town Council and deemed to be qualified by knowledge and experience to make decisions on questions of community growth and development.
- 2-2. Terms of Commission members shall be for four (4) years with terms staggered so that terms do not expire simultaneously. Their successors shall be appointed for terms of four (4) years. Any vacancy in membership shall be filled by appointment by the Town Council. It shall be for an unexpired term only. Any appointed member may be removed by the Town Council for inefficiency, neglect of duty or malfeasance in office.
- 2-3. Members of the Commission must be residents of the Town of Purcellville and at least one-half of the members shall be owners of real property located within the Town limits.
- 2-4. Each member of the Commission shall, before entering upon the duties of his office, take the oath of office prescribed by the laws of the state. Such oath shall be taken before any person duly qualified to administer it under the laws of the state, and a certificate that such oath has been taken shall be filed with the Town Clerk, who shall keep such certificate on record for the duration of the Commissioner’s term. If any Commissioner neglects to take such oath for thirty days after receiving notice of his appointment, his office shall be deemed vacant.
- 2-5. Prior to beginning service, each member of the Commission shall review the Town’s Code of Conduct and shall sign a statement that the Code of Conduct was reviewed and that violation of the Code of Conduct may constitute malfeasance in office.

Commented [HS4]: No changes. This language tracks Va. Code. 15.2-2212

Commented [HS5]: This sentence should be deleted from this section and relocated to a different section, or should be amended, because “inefficiency” and “neglect of duty” are not reasons allowed for removal from office under Va. Code. Va. Code 15.2-2212 states: “Members may be removed for malfeasance in office. Notwithstanding the foregoing provision, a member of a local planning commission may be removed from office by the local governing body without limitation in the event that the commission member is absent from any three consecutive meetings of the commission, or is absent from any four meetings of the commission within any 12-month period. In either such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.”

Commented [HS6]: Va Code 15.2-2212 requires that at least one-half the PC members be owners of real property. It does not require, though, that the real property be located in the same jurisdiction. I am ok, though, with adding that requirement to our By Laws if that is the desire of the PC.

Commented [HS7]: Added detail to the oath requirement, and described the effect of failure to take the oath within a prescribed time (office deemed vacant after 30 days).

Commented [HS8]: The original language required the member to sign a statement that he “agrees” with the Town’s Code of Conduct. The Town cannot control whether someone personally agrees with the Code, but the Town can prescribe consequences for failure to comply with the Code of Conduct. I reworded this section for that reason. Also, because “malfeasance in office” is a reason for removal of a member from his office, I defined “malfeasance” to include violations of the Code of Conduct.

- 2-6. The Commission may approve members to serve as liaisons to other Town commissions and committees.
- 2-7. Newly appointed members of the Commission shall complete the Virginia Certified Planning Commissioners Program sponsored by the Citizens Planning Education Association of Virginia and become certified within twelve (12) months of appointment.

Commented [HS9]: I changed "expected to" to "shall" to make it mandatory. If this is not the intent, then consider using the phrase "encouraged but not required to complete..." I checked with Va Tech and the course is offered three times in a 12-month period, so 12 months should be ample time.

ARTICLE 3 – OFFICERS AND THEIR SELECTION

- 3-1. The Commission shall elect from the appointed members a chairman and a vice-chairman.
- 3-2. Nomination of such officers shall be made from the floor at the first regular meeting each fiscal year. Election of such officers shall follow immediately or as soon as possible thereafter.
- 3-3. A candidate receiving a majority vote of the membership of the Commission shall be declared elected. The candidate shall take office immediately and serve for one (1) year or until his/her successor shall take office.
- 3-4. Resignation or vacancy in the office of chair or vice-chair shall be filled immediately by regular election procedures, for the remainder of the term.

Commented [HS10]: I changed this from a passive voice to an active voice, thereby obligating the commission to elect officers.

Commented [HS11]: The original stated that election was to occur at the first regular meeting in November each calendar year. I changed it, but on further consideration think it should remain. My initial thought was that the officer terms should track with Mayor/Vice-Mayor terms and PC Liaison term. But, November is fine and tracks with the timing of TC's appointments to the PC.

ARTICLE 4 – POWERS AND DUTIES OF COMMISSION, OFFICERS AND STAFF

- 4-1. The chairman shall:
 - 4-1-1. Preside at all meetings.
 - 4-1-2. Appoint committees, special and/or standing.
 - 4-1-3. Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote of the members present).
 - 4-1-4. Receive any official communication to the Commission from either the Town Council or administrative staff, and report same at the next meeting.
 - 4-1-5. Perform other duties as assigned by the Commission.
 - 4-1-6. Certify all maps, records and reports of the Commission.
 - 4-1-7. Attend to the correspondence of the Commission.
- 4-2. The vice-chairman shall:

Commented [HS12]: Changed from just "duties" to "powers and duties"

Commented [HS13]: I removed the requirement here that the Chair shall be a member of the Commission because that is covered in Article 3.

Commented [HS14]: I removed the requirement here that the Vice Chair shall be a member of the Commission because that is covered in Article 3.

4-2-1. Act in the absence or inability of the chairman to act.

4-2-2. Have the power to function in the same capacity as the chairman in cases of the chairman's inability to act.

4-3. The Town Council shall provide the Commission with a Clerk, who shall:

4-3-1. Keep a written record of all business transacted by the Commission.

4-3-2. Notify all members of all meetings.

4-3-3. Keep a file of all official records and reports of the Commission.

4-3-4. Give notice of all hearings and public meetings.

4-3-5. Keep a set of minutes.

4-3-6. Prepare and be responsible for advertisements and notices that the Town is required to provide, relating to public hearings and public meetings of the Commission.

4-4. The Commission shall have the power to task staff with work necessary to the support of the Commission.

4-5. The Commission shall have the power to hire and direct outside consultants subject to the appropriation of funds for such purpose from the Town Council.

4-6. The Commission shall make recommendations and an annual report to the governing body concerning the operation of the Commission and the status of planning within the Town.

4-7. The Commission shall publish and distribute reports, ordinances, and other materials relating to its activities.

4-8. The Commission shall prepare and recommend a Comprehensive Plan for the physical development of the Town. In so doing, the Commission shall make careful and comprehensive studies of the existing conditions, the trends of growth, and the probable future requirements of the Town and its inhabitants.

4-9. The Commission may, and at the direction of the governing body shall, prepare and revise annually a capital improvement program based on the Comprehensive Plan of the Town for a period not to exceed the ensuing 5 years.

4-10. The Commission shall prepare and recommend the Subdivision Ordinance and transmit it to the governing body for approval.

Commented [HS15]: Current by-laws use the term "recorder" which is not a term used in Va. Code and, by its terms, seems limited in function. Va. Code anticipates that the PC will have a "secretary." However, the Town tends to refer to the person who is administratively responsible to a public body as a "clerk." For that reason, I have changed "recorder" to "clerk" throughout.

Commented [HS16]: I added these powers, which are customarily exercised by the PC and track with the duties of a PC as set forth under Va. Code.

ARTICLE 5 – STANDING AND SPECIAL COMMITTEES

- 5-1. The following standing committees may be appointed by the chairman as necessary.
 - 5-1-1. A Comprehensive Plan committee shall be composed of at least three (3) members. They shall coordinate preparation of the Comprehensive Plan and any significant amendments thereto; they shall keep the Comprehensive Plan developing in a realistic and reasonable manner.
 - 5-1-2. The Land Use committee shall be composed of at least (3) members. They shall initially determine, and then continue to maintain an inventory of land uses. This committee shall also be responsible for the preparation of land use maps.
 - 5-1-3. A Subdivision committee shall be composed of at least three (3) members. Initially, this committee should draft subdivision regulations and any subsequent amendments. They shall examine all applications for subdivisions, receive the views of the staff pertaining to them, and make recommendations to the Commission as a whole.
 - 5-1-4. A Zoning committee shall be composed of at least three (3) members. This committee shall draft the zoning ordinance and any subsequent amendments. The committee shall review all applications for rezoning or for special use permits. When authorized by a law they shall hold public or private hearings, receive the views of the staff pertaining to his issue, and make its recommendations to the Commission as a whole.
 - 5-1-5. A Street, Traffic and Parking committee shall be composed of at least three (3) members. They shall study the location, relocation, opening, closing or widening of streets, alleys, expressways and limited access thoroughfares. The control and expediting of traffic and provision for adequate parking are also areas for study. This committee shall initiate pertinent action, receive the views of the staff pertaining to the issues and make its recommendations to the Commission as a whole. Public and private hearings may also be conducted.
 - 5-1-6. A Schools, Parks and Playgrounds committee shall be composed of at least three (3) members. They shall review and study applications for the location of or use of land for schools, parks and playgrounds, relating it to the comprehensive plan, and shall hold public or private hearings in considering such matters. They shall consider the views of the staff and public and private interests relative to the issue and make any recommendations deemed pertinent to the Commission.
 - 5-1-7. A Capital Improvements committee shall be composed of at least five (5) members. They shall study the economics of capital improvements as it relates to the development of land within the Town. This may be done independently or in

Commented [HS17]: I removed the requirement that the Chair always be a member of any standing committee because that seems impractical and unnecessary. An ex officio member is a full member of a committee, so it seems overly burdensome for the Chair to be required to attend all such meetings. This is allowed, though, at the discretion of the PC.

Commented [HS18]: I removed the requirement that the Comp Plan committee coordinate the work of "all the other committees" because I did not fully understand the rationale.

Commented [HS19]: I added "As a whole" to emphasize that the committee recommendations go to the Commission, not to Town Council. Only the Commission as a whole can recommend something to TC.

conjunction with affected governmental agencies. Such study shall include need, priority of need, cost financing, joint use and participation, location and relative status either within or without the comprehensive plan of the Town. To initiate or review applications, receive the views of staff relative to the issues and make any recommendations deemed pertinent to the Commission are further duties of the committee.

- 5-2. Standing committees shall be appointed for one year. Vacancies shall be filled immediately by the Commission chairman.
- 5-3. Special committees may be appointed by the chairman for purposes and terms approved by the Commission.

ARTICLE 6 – MEETINGS

- 6-1. Regular meetings of the Commission shall be held on the first Thursday of each month and the third Thursday of each month at the Town Hall or other location as specified by the chairman. When a meeting date falls on a legal holiday or for some other reason cannot be held on the first or third Thursday of the month, the Chair may continue the meeting as prescribed by Resolution.
- 6-2. Special meetings may be called at the request of the chairman or by two members upon written request to the Clerk. Notice of a special meeting shall be provided to all members at least five (5) days in advance of the meeting, including the time and date of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time and purpose of the meeting have been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.
- 6-3. Work Sessions may be held following the adjournment of the regular meetings or at times called by the chairman. Work sessions need not follow the procedural rules of these bylaws. Notice of work sessions called by the chairman shall be as required for special meetings in Section 6-2.
- 6-4. Closed Meetings may be held as allowed by and in accordance with the requirements of the Virginia Freedom of Information Act, 1950 Code of Virginia, as amended.
- 6-5. All regular meetings, hearings, special meetings, work sessions and their corresponding records and accounts shall be open to the public, unless properly closed or exempt.
- 6-6. A majority of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a majority of the membership present and voting. Voting may be by roll call, in which case a record shall be kept as a part of the minutes.

Commented [HS20]: I provided a Resolution for adoption by the PC which establishes the regular meeting dates and also the dates to which meetings will be continued without the need for additional advertising. This section needed to be amended because Va. Code does not allow the rescheduling of a public hearing without all the same required notices, unless a Resolution has first been published in the newspaper that alerts everyone to when a meeting will be rescheduled in the event of inclement weather, etc. The Resolution, once adopted, should be published in the same newspaper used for all public hearing advertisements.

Commented [HS21]: I changed this to track Va Code 15.2-2214.

Commented [HS22]: I added this exception.

Commented [HS23]: I added this to track with Va Code 15.2-2214. Abstentions do not count in the denominator when calculating the "majority" vote.

ARTICLE 7 – ORDER AND CONDUCT OF BUSINESS

- 7-1. The order of business for a regular meeting shall be:
 - 7-1-1. Call to Order
 - 7-1-2. Pledge of Allegiance
 - 7-1-3. Record of Attendance and Determination of Quorum
 - 7-1-4. Agenda Amendments
 - 7-1-5. Commissioners Disclosures
 - 7-1-6. Public Hearing
 - 7-1-7. Discussion Items
 - 7-1-8. Action Items
 - 7-1-9. Information Items
 - 7-1-10. Citizen Comments
 - 7-1-11. Council Liaison Report
 - 7-1-12. Chairman’s Comments
 - 7-1-13. Report of Standing Committees / Commissioners Comments
 - 7-1-14. Approval of Minutes
 - 7-1-15. Adjournment
- 7-2. The order of business for a particular meeting may be changed at the discretion of the chairman during the Agenda Amendment period of the meeting, when requested by the chairman, Commissioner, or Staff.
- 7-3. The order of business for a work session shall be based on the Commission’s needs.
- 7-2. Parliamentary procedure in Commission meetings shall be governed by the adopted rules of order, namely, Robert’s Rules of Order.
- 7-3. Motions made by Commission members shall be restated by the chairman when needed.

Commented [HS24]: I reworded this for clarity.

7-4. The Commission shall keep a set of minutes of all meetings and these minutes shall become a public record.

7-4-1. The recorder shall prepare a set of minutes for all regular, adjourned and special meetings.

7-4-2. The recorder 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.

ARTICLE 8 – PUBLIC HEARINGS

8-1. In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.

8-2. Notice requirements for public hearings shall comply with the Code of Virginia 1950, as amended.

8-3. The case before the Commission shall be summarized by the staff or other member delegated by the chairman.

8-4. Public Hearings shall generally follow the procedure outlined in the Chairman’s Script for Public Hearings, attached hereto (Exhibit A).

8-5. Time allowed to presenters and speakers at a hearing shall be set by the Chairman.

Commented [HS25]: I removed the outdated reference to 15.1-431 and, instead of replacing it with the updated statutory reference, elected to make the statement a more general statement of compliance with Va Code.

Commented [HS26]: I removed “privilege of the labor” because I was unsure what it meant. If it means that interested parties shall get a copy of any staff summary or presentation, then they already have that right to the extent the documents are not exempt under FOIA.

Commented [HS27]: I added this provision.

ARTICLE 9 – VOTING

9-1. Voting shall generally follow the procedure outlined in the Chairman’s Script for Voting, attached hereto (Exhibit B).

ARTICLE 10 – CORRESPONDENCE, REPORTS & RESOLUTIONS

10-1. It shall be the duty of the chairman to draft and sign all correspondence, reports, and resolutions necessary for the execution of the duties and functions of the Commission.

ARTICLE 11 – AMENDMENT OF BYLAWS

11-1. These bylaws may be amended at any regular meeting of the Planning Commission by a two-thirds vote, provided that the amendment has been presented in writing at the previous regular meeting.

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**TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA**

RESOLUTION NO. 18-05-01

**PRESENTED: May 17, 2018
ADOPTED:**

A RESOLUTION: PRESCRIBING THE DATE, TIME, AND PLACE OF REGULAR MEETINGS OF THE TOWN OF PURCELLVILLE PLANNING COMMISSION; PRESCRIBING PROCESS TO CONTINUE A REGULAR MEETING FOR HOLIDAYS, HAZARDOUS CONDITIONS, AND UNFINISHED BUSINESS

BE IT RESOLVED that, unless (a) a regular meeting falls on a legal holiday as described herein, (b) a regular meeting is continued for reasons of hazardous conditions as described herein, or (c) a regular meeting is adjourned to another date, time, and place as described herein, the regular meetings of the Town of Purcellville Planning Commission shall be held on the first and third Thursday of each month at 7:00 pm at Town Hall, located at 221 South Nursery Avenue, in Purcellville, Virginia, in the Town Council Chambers of Town Hall, unless said date, time, or place is otherwise posted in accordance with § 2.2-3707 of the Code of Virginia; and

BE IT FURTHER RESOLVED that should a day established by the Planning Commission as a regular meeting day fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the Planning Commission. All hearings and other matters previously advertised shall be conducted at the continued meeting without further advertisement; and

BE IT FURTHER RESOLVED that if the Chair, or Vice-Chair if the Chair is unable to act, finds that weather or other conditions are such that it is hazardous for members to attend a regular meeting, the Chair shall declare to all members of Planning Commission and the press, as promptly as possible: (i) his finding that the regular meeting must be continued due to hazardous conditions, and (ii) that the regular meeting is continued to the day immediately following the regular meeting, or, if the Chair determines at the time of his announcement that hazardous conditions are likely to remain on that day, to the Thursday of the following

week. All hearings and other matters previously advertised shall be conducted at the continued meeting without further advertisement; and

BE IT FURTHER RESOLVED that regular meetings of the Planning Commission may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the body is completed. Notice of any regular meeting continued under this section shall be reasonable under the circumstances and be given as provided in subsection D of § 2.2-3707 of the Code of Virginia; and

BE IT FURTHER RESOLVED that all prior rules governing the date, time, and place of regular meetings of the Town of Purcellville Planning Commission are hereby replaced; and

BE IT FURTHER RESOLVED that this Resolution shall be published in a newspaper of general circulation in the Town of Purcellville after its adoption.

Cross References

Code of Va. § 15.2-2214. Meetings.

PASSED THIS ___ DAY OF MAY, 2018.

Murrell "Tip" Stinnette, Chair
Town of Purcellville Planning Commission

ATTEST:

Stephanie Longerbeam, Commission Clerk