

# Town of Cape Charles

## Planning Commission

### By-Laws

#### ARTICLE ONE

##### Objectives

- 1-1 This commission, established in conformance with the resolution passed by the Cape Charles Town Council on October 12, 1976 has adopted the following articles in order to facilitate its powers and duties in accordance with the provisions of Chapter 11, Title 15.2-2210, Code of Virginia, 1950, as amended.
- 1-2 The official title of this commission shall be the “Town of Cape Charles Planning Commission.”

#### ARTICLE TWO

##### Members

- 2-1 This Planning Commission shall consist of seven (7) members. One (1) member shall be a representative of the Town Council. The remaining six (6) members shall be referred to as appointed members.
- 2-2 The qualifications of the six (6) appointed members shall be that each is a resident of the Town, qualified by knowledge and experience to make decisions on questions of community growth and development; provided that at least one-half (1/2) of the members so appointed shall be freeholders of the Town.
- 2-3 The term of the representative from the Town Council shall be for tenure of office. Commissioners shall be appointed for a term of four (4) years. Any vacancy in membership shall be filled by appointment of Town Council and shall be for the unexpired term only. Any member may be removed by the Town Council for inefficiency, neglect of duty, or malfeasance in office.

- 2-4 An appointed member's term of office shall expire at the end of the last day of October. His successor's term of office shall begin at the beginning of the first day of November.

### ARTICLE THREE

#### Officers and their selection

- 3-1 The elected officers of the Planning Commission shall consist of a chairman, and a vice chairman. The Town Clerk, or designee, shall serve as secretary.
- 3-2 The elected officers of the Planning Commission shall be elected for a one (1) year term by the Commission from the members at the first regular meeting after November 1 each year.
- 3-3 A candidate receiving a majority vote of a quorum of the Commission shall be declared elected. He shall take office immediately and serve for one (1) year or until his successor shall take office.
- 3-4 Vacancies in office shall be filled immediately by regular election procedures.

### ARTICLE FOUR

#### Qualifications and Duties of Officers

- 4-1 The **Chairman** shall be an appointed member of the Commission and shall:
- 4-1.1 Preside at all meetings.
  - 4-1.2 Appoint committee chairmen and members.
  - 4-1.3 Be informed immediately of any official communications and report the same at the next regular Commission meeting.
  - 4-1.4 Rule on all procedural questions.
  - 4-1.5 Carry out other duties as are assigned by the Commission.
- 4-2 The **Vice Chairman** shall be an appointed member of the Commission and shall:

- 4-2.1 Act in the absence or inability of the Chairman.
- 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 **Secretary** 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 Certify all maps, records, and reports of the Commission.
  - 4-3.5 Attend to the correspondence of the Commission.
  - 4-3.6 Prepare and be responsible for the publishing of advertisements and public notices relating to all public hearings and public meetings.

## ARTICLE FIVE

### Committees

- 5-1 Committees, standing or special, may be appointed by the Chairman, to serve as needed. Such committees shall be subject to the approval of a majority vote of the Commission.

## ARTICLE SIX

### Meetings

- 6-1 Regular meetings of the Commission shall be held on the first Tuesday of each month in the Town Hall at 6:00 p.m. When a meeting date falls on a legal holiday, an alternative date shall be designated by the Commission. Meetings may be cancelled in advance by a majority vote of those present at a previous meeting.
- 6-2 Special meetings shall be called at the request of the Chairman or at the request of a majority of the membership.

- 6-3 Except as provided for in Chapter 21, Title 2.1, Code of Virginia, 1950, as amended (Virginia Freedom of Information Act), all meetings, hearings, records, and accounts of the Commission shall be open to the public.
- 6-4 Three or more of the members of the Commission shall constitute a quorum. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

## ARTICLE SEVEN

### Order of Business

- 7-1 The order of business for a regular meeting shall be:
  - 7-1.1 Call to order by the Chairman.
  - 7-1.2 Roll call; determination of a quorum.
  - 7-1.3 Presentation of the minutes.
  - 7-1.4 Report of officers and committees.
  - 7-1.5 Unfinished business.
  - 7-1.6 New business.
  - 7-1.7 Adjournment.
- 7-2 The first item of business for the first regular meeting after November 1 of each year shall be the election of new officers.
- 7-3 Parliamentary procedures in the Commission meetings shall be governed by Robert's Rules of Order, Revised – Short Form.
  - 7-3.1 Motions shall be restated before a vote is taken.
- 7-4 The Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.
- 7-5 The Commission shall retain the option to invite public comment by those present at a business meeting at such times as the Commission deems necessary.

## ARTICLE EIGHT

### Hearings

- 8-1 The procedures normally followed for a public hearing on any matter, other than consideration of the comprehensive plan or part thereof, shall be:
- 8-1.1 Call or order; determination of quorum.
  - 8-1.2 Description of properties in issue by Commission, administrator or Commission's representative (five minutes).
  - 8-1.3 Applicant's presentation, including witnesses in support of the application (fifteen minutes).
  - 8-1.4 Interested witnesses' presentation in opposition to application (twenty minutes)
  - 8-1.5 Applicant's rebuttal (five minutes).
  - 8-1.6 The normal time limitations are set forth in parentheses, but may be shortened or extended by the Commission prior to the commencement of the public hearing.
  - 8-1.7 Comments and recommendations of the administrator or Commission's representative.
  - 8-1.8 An applicant may appear in his own behalf or be represented by an attorney or an agent at the hearing.
  - 8-1.9 In the absence of a personal appearance by the applicant or his agent, the Commission may proceed to dispose of the application on the record before it.
- 8-2 The procedures normally followed for a hearing involving consideration of the comprehensive plan, or part thereof, shall be:
- 8-2.1 Call to order; determination of a quorum.
  - 8-2.2 Description of the area under study by the Commission or its representative, with recommendations.
  - 8-2.3 Call by chairman for names of interested parties who wish to speak on the proposed plan.

- 8-2.4 Presentation by interested parties to the proposed plan, with time limitations according to the number of people who wish to speak and as announced by the Chairman.
- 8-2.5 Commission discussion and action.

## ARTICLE NINE

### Correspondence

- 9-1 All official papers and plans involving the authority of the Commission shall bear the signature of the Chairman, together with certification signed by the Secretary.

## ARTICLE TEN

### Amendments

- 10-1 These rules may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) day's prior notice.