

AT A REGULAR MEETING OF THE GLOUCESTER COUNTY BOARD OF SUPERVISORS, HELD ON TUESDAY, JULY 1, 2014, AT 7:00 P.M., IN THE COLONIAL COURTHOUSE, 6504 MAIN STREET, GLOUCESTER, VIRGINIA: ON A MOTION DULY MADE BY MR. BAZZANI, AND SECONDED BY MR. CHRISCOE, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

Phillip N. Bazzani, yes;
Ashley C. Chriscoe, yes;
Christopher A. Hutson, yes;
Andrew James, Jr., yes;
John C. Meyer, Jr., yes;
Robert J. Orth, yes;
Michael R. Winebarger, yes;

RESOLUTION TO CONTINUE THE EXISTENCE OF AND REESTABLISH THE COMPOSITION OF THE GLOUCESTER COUNTY PLANNING COMMISSION

WHEREAS, the Gloucester County Planning Commission was established by Resolution of this Board on May 25, 1956; and

WHEREAS, the Board of Supervisors has on a number of occasions since that time adopted resolutions changing the number of commissioners, the terms of office, and guidelines for appointment; and

WHEREAS, the Board wishes to establish current requirements for the composition of the Gloucester County Planning Commission; and

WHEREAS, the Board wishes to establish a transition process to ensure an orderly administration.


NOW, THEREFORE BE IT RESOLVED by the Gloucester County Board of Supervisors that:

- 1) The Gloucester County Planning Commission shall consist of 1 (one) representative from the Board of Supervisors who shall be a liaison, and seven (7) members appointed by the Board of Supervisors, who shall be residents of the County qualified by knowledge and experience to make decisions on questions of community growth and development; and
- 2) Membership shall consist of one (1) representative from each magisterial district, two (2) At-Large representatives; and

- 3) Current members of the Planning Commission shall serve out their terms of office and the reduction in the size of the Planning Commission from thirteen (13) to seven (7) members will be accomplished through attrition; and
- 4) At least one-half of the members of the Gloucester County Planning Commission shall be owners of real property in the County; and
- 5) One member of the Board of Supervisors shall serve on the Commission as a liaison with the term of such Board member being coextensive with the term of office of the Board member, or such other term as may be established by the Board at the first regular meeting of each year; and
- 6) The terms of the remaining members of the Commission shall be for four (4) years and staggered as nearly equally as possible, each expiring on June 30th of the appropriate year, unless the Board shall determine at a later date to establish different terms of office as permitted by the Code of Virginia; and
- 7) Any vacancy in membership shall be filled by the Board for the unexpired term only; and
- 8) Members of the Commission may be removed for malfeasance; and
- 9) Members shall serve without compensation unless otherwise approved by the Board; and
- 10) Each member shall take the oath of office in the form prescribed by Va. Code § 49-1; and
- 11) The Board may remove members of the Commission for absence at three (3) consecutive meetings or absence at four (4) meetings in any twelve (12) month period by motion duly adopted at any regular meeting of the Board; and
- 12) At least biennially, each member of the Commission shall attend an educational training program provided in-house by the County Attorney or his/her designee or outside consultant or by a recognized outside public or private provider of such programs consisting of the majority of the following topics: the duties of the planning commission, the legal foundations of planning, subdivision and zoning (including recent new mandates), the form and function of the comprehensive plan

and the tools of planning, application of the local zoning and subdivision rules to decisions made by the Commission, and conducting effective meetings.

A Copy Teste:

A handwritten signature in cursive script, reading "Brenda G. Garton". The signature is written in black ink and is positioned above a horizontal line.

Brenda G. Garton, County Administrator

RULES OF PROCEDURE GLOUCESTER COUNTY PLANNING COMMISSION

This Commission, established in conformance with the resolution adopted by the Gloucester County Board of Supervisors on July 1, 1956, has adopted the following Rules of Procedure in order to facilitate its power and duties in accordance with the Code of Virginia, as amended.

ARTICLE 1 – Meetings

Section 1-1. Regular Meetings

Regular meetings of the Commission shall be held on the first Thursday of each month at 7:30 P.M. in the Old Courthouse, Gloucester, Virginia, or as otherwise specified and approved by the Planning Commission. When a meeting falls on a legal holiday the meeting shall be held on the day following unless otherwise designated by the Commission. If the Chairperson declares that weather or other conditions make it hazardous for members to attend, all hearings and other matters previously advertised shall be conducted at the next regular meeting.

Regular Meetings, without further public notice, 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 of the Commission is concluded. Regular meetings may be cancelled by the chairperson upon notice to all members and to the public at least two weeks in advance of the regular scheduled meeting. The meeting may be cancelled for reasons other than weather or other hazardous conditions provided there are no applications, public hearings or other business pending or advertised for that meeting date and provided that the Commission meets at least every two months.

Section 1-2. Special Meetings

Special meetings of the Commission may be called by the chairperson or by two members upon written request to the secretary. The secretary shall mail to all members, at least five 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 a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.

The Planning Commission may hold such special meetings as it deems necessary and at such times and places as it may find convenient. In addition, the Commission may adjourn its special meetings from time to time as it may find convenient or necessary.

Section 1-3. Open to the public

All regular meetings, special meetings, hearings, records and accounts shall be open to the public. However, the Commission may hold closed meetings as permitted by law.

Closed meetings may be placed on the agenda, or may be requested by any member of the Commission. However, no closed meeting shall be convened unless and until the Commission has favorably acted on a motion to so convene, and, then, only if such motion accurately states a lawful reason for such closed meeting as permitted by the Code of Virginia.

Section 1-4. Quorum and Method of Voting

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 members present after a quorum has been established. Any member of the Commission may request a roll call vote; otherwise voting may be by roll call or voice vote at the Chairperson's discretion. A record of the vote shall be kept as a part on the minutes. Roll call votes will be taken alphabetically, for all Commissioners. For each subsequent vote, the voting order will rotate in a consistent manner, with the name previously called first rotated to the last position until each member has been called to cast the initial vote, except that, the Chair shall always cast the last vote.

In the event there is a tie vote on any recommendation by the Commission to the Board of Supervisors, a tie vote shall require that the matter be sent on to the Board, noting that the vote was tied on the matter. In the event there is a tie vote on any other matter before the Commission, such a tie vote shall result in a denial or rejection of the matter at hand.

ARTICLE 2 – Membership

The membership and term of office of the Commission is determined by appointment from the Gloucester Board of Supervisors in compliance with the Code of Virginia.

ARTICLE 3 – Officers and Their Selection

Section 3-1. Officers

The officers of the Planning Commission shall consist of a Chair and a Vice-chair.

Section 3-2. Term of Office

An officer shall serve for one (1) term of one (1) year, or until his (her) successor shall take office. An officer may succeed himself (herself) in any office for one (1) additional term. Any officer may succeed another officer.

Section 3-3. Elections

The Chair will open the floor for nominations as the last item of business at the regular November meeting each year. The floor will again be opened for nominations as the first item of old business at the regular December meeting. Elections will immediately follow.

A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. He (she) shall take office at the beginning of the January meeting.

Vacancies in office shall be filled immediately by regular election procedures. The term of office will be until the next regularly scheduled election of officers. An officer filling a vacancy may be a candidate to succeed himself(herself) in the next election if he(she) has served a term of less than one (1) year in his(her) office.

Section 3-4. Duties of Officers

The Chair shall be an appointed voting member of the Commission

- Preside at all meetings.
- Appoint committees, special and/or standing.
- Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote of the members present).
- Be informed immediately of any official communication and report same at the next regular meeting.
- Certify all maps, records and reports of the Commission.
- Carry out other duties as assigned by the Commission.

The Vice-chair shall be an appointed member of the Commission and shall:

- Act in the absence or inability of the Chairperson to act.
- Have the power to function in the same capacity as the Chairperson in cases of the Chairperson's inability to act.

In the absence of both the chairperson and Vice Chairperson, and provided that there is a quorum, the remaining members shall chose who shall preside at the meeting.

The Secretary shall be the Director of Planning & Zoning or his/her designee and shall be responsible for:

- Keeping a written record of all business transacted by the Commission.
- Notifying all members of all meetings.
- Giving notice of all hearings and public meetings.
- Attending to the correspondence of the Commission.
- The publication of advertisements relating to public hearings.
- Keeping a file of all official records and reports of the Commission.

The Chair and Secretary 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 4 - Standing and Special Committees

Committees may be appointed by the Chair for purposes and terms approved by the Commission.

The Chair shall be an ex officio member of every committee.

The Director of Planning & Zoning or his/her designee shall serve as an ex officio member of every committee.

ARTICLE 5 - Order of Business

The order of the business for a regular meeting shall be:

- Call to order by Chairperson.
- Roll call
- Determination of a quorum.
- Invocation
- Pledge of Allegiance
- Adoption of the Consent Agenda.
- Public comment.
- Public hearings, if any.
- Subdivision reviews, if any.
- Old business.
- New business.
- Applications before the Commission at the next regular meeting.
- Staff comments.
- Commissioners comments
- Adjournment.

Parliamentary procedure in the Commission meetings shall be governed by Robert's Rules of Order. The County Attorney shall serve as Parliamentarian.

The Planning Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.

ARTICLE 6 – Public Hearings

Section 6-1. General Rules

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.

Notice of a hearing shall be published in a newspaper having general circulation in the area once a week for two (2) successive weeks specifying the time and place of the hearing at which persons affected may appear and present their views, not less than five (5) days nor more than twenty-one (21) days after the final publication.

Proffers for rezoning applications will not be accepted if not received in the Department of Planning & Zoning offices at least fourteen (14) days before the scheduled public hearing on the application, until after the public has spoken at the public hearing. This is to allow sufficient time for the staff to prepare their report and the Commission time to

become familiar with the proffers, unless waived by a two-thirds vote of the members present and voting.

Once a public hearing for a change to the zoning map has been advertised, the Planning Commission will not consider a request by the applicant to delay, defer, or continue said hearing.

If required by the Chair, speakers shall register with the Planning Staff prior to the start of the hearing on forms provided for citizen participation, and the Chair shall verify that all such registration has been completed before beginning the hearing with the first step described below in Section 6-2.

Section 6-2. Format for Public Hearings

The Chair will make a brief statement identifying the matter to be heard and verify with the Planning Staff that all legal advertisement requirements have been met.

The applicant, if any, will give their presentation. Generally these will be rezoning applications.

The Staff will make a brief report and present their recommendations.

The Chair will open the floor to the public. Speakers wishing to address the Commission shall clearly state their name, magisterial district, and/or place of residence, if applicable, and they shall be allowed to speak for no more than the time limit set by the Chair. The Chair or a person designated by the Chair shall be responsible for enforcing said time limit.

After the last citizen has addressed the Commission the Chair will close the Public Hearing. Thereafter, no further public comments shall be received. The applicant, if any, will be allowed a brief rebuttal.

The Chair will open the floor for Planning Commission discussion. During the course of the discussion the Commission will decide whether to take a vote, postpone a decision until a later date, or take any other action that would be legal.

ARTICLE 7 – Subdivision Reviews

The Commission shall review subdivision plans and plats so long as this task is delegated to them by the Board of Supervisors.

The Chair will make a brief statement identifying the subdivision to be reviewed. The Chair will make a statement explaining the Commission's responsibilities and limitations for the benefit of the public.

Staff will give a report and make recommendation.

The Chair will open the floor to the Planning Commission for questions and discussion.

A vote will be taken after a motion has been made.

If the vote of the Commission is to disapprove, the specific reasons for disapproval shall be provided and memorialized on the record, pursuant to § 15.2-2259 of the Code of Virginia, as amended.

ARTICLE 8 – Amendments/Suspension of Rules

These Rules of Procedure, or any part thereof, may be suspended on presentation of a motion to that effect which is carried by a two-thirds (2/3) vote of the members present and voting.

These Rules of Procedure may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) days' prior notice.

These Rules of Procedure shall be included for discussion as the last item under New Business each January at the regular meeting.