

ISLE OF WIGHT COUNTY
PLANNING COMMISSION BY-LAWS

ADOPTED June 15, 2023

ARTICLE I

Section I-1. Creation.

The Isle of Wight County Planning Commission was created by the Board of Supervisors of Isle of Wight County on February 3, 1966 pursuant to Title 15.2, Chapter 22, Section 15.2-2210 of the Code of Virginia (1950, as amended).

Section I-2. Name.

The official name of the Commission is the Isle of Wight County Planning Commission herein referred to in these By-Laws as the Planning Commission.

Section I-3. Objective.

The objectives of the Planning Commission, as stated in Title 15.2, Chapter 22, Article I, Section 15.2-2200 of the Code of Virginia (1950, as amended), are to encourage local governments to improve the public health, safety, convenience and welfare of its citizens and to plan for the future development of communities to the end that transportation systems be carefully planned; that new community centers be developed with adequate highway, utility, health, educational and recreational facilities; that the needs of agriculture, industry and business be recognized in future growth; that residential areas be provided with healthy surroundings for family life; that agricultural and forestal land be preserved; and that the growth of the community be consonant with the efficient and economical use of public funds.

ARTICLE II

Section II-1. Appointment.

The Planning Commission shall consist of ten (10) members appointed by the Board of Supervisors of Isle of Wight County with two (2) members from each election district.

Section II-2. Terms.

The terms of the members of the Planning Commission shall be four (4) years commencing with the date of the first regular Planning Commission meeting following the appointment by the Board of Supervisors.

Section II-3. Removal.

Notwithstanding Section II-2 above, a Planning Commission member shall serve at the pleasure of the Board of Supervisors, in accordance with Section 15.2-1411 of the Code of Virginia (1950, as amended), and may be removed from office at any time and for any reason as deemed necessary and/or appropriate by the Board of Supervisors.

ARTICLE III

Section III-1. Election of Officers.

Annually, at the regular meeting of the Planning Commission held in the month of January of each year, the Planning Commission shall elect a Chairman and a Vice-Chairman and shall appoint a Secretary, who may or may not be an appointed member of the Planning Commission. The officers may succeed themselves. The terms of the office of each officer shall begin with the February meeting. Nominations of officers shall be made from the floor and a candidate receiving a majority vote of the membership of the Planning Commission in attendance and voting at said meeting shall be declared elected and serve for one (1) year or until his successor shall take office. Vacancies in office shall be filled immediately by regular election procedures.

Section III-2. Duties of Chairman.

The Chairman shall preside at all meetings of the Planning Commission and at other meetings and Public Hearings called by the Planning Commission. He shall call special meetings of the Planning Commission when required; make appointments to all standing and special committees, except as noted hereafter; transmit reports, plans and recommendations of the Planning Commission to the appropriate governing authority; and, in general, shall act as spokesman for the Planning Commission. The Chairman is specifically authorized to cast a vote on all motions made and duly seconded.

Section III-3. Duties of Vice-Chairman.

The Vice-Chairman shall serve as Chairman in the absence or the disability of the Chairman. In the event of the death or resignation of the Chairman, the Vice-Chairman shall perform the latter's duties until such time as the Commission shall elect a new Chairman.

Section III-4. Duties of Secretary.

The Secretary shall assist the Chairman in the preparation of the agenda for Planning Commission meetings, shall prepare and send out notices for regular and special meetings, shall prepare and distribute minutes of Commission meetings and shall establish and maintain the Commission's files.

Section III-5. Additional Duties.

The Chairman, Vice-Chairman and Secretary shall perform such other duties and functions as may from time to time be required by the Commission or by these By-Laws.

Section III-6. Parliamentarian.

The County Attorney shall serve as the Parliamentarian for the Planning Commission at all of its meetings.

ARTICLE IV

Section IV-1. Regular Meetings.

Regular meetings of the Planning Commission shall be held on the fourth Tuesday of each month at 6:00 p.m. in the Board of Supervisors Room, Isle of Wight Courthouse, Isle of Wight, Virginia, provided that if this should be a legal holiday, the meeting shall be held at the same time and place on the first succeeding day not a holiday. Each member shall be notified of each regular meeting at least five (5) days prior of the meeting by written agenda prepared by the Secretary to the Planning Commission.

Section IV-2. Special Meetings.

Special meetings of the Planning Commission may be called at any time by the Chairman or in the absence or unavailability of the Chairman, by the Vice-Chairman. The Secretary 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 special meeting is not required if the time of the special meeting has been fixed at a regular meeting.

Section IV-3. Cancellation.

Whenever there is no business of the Planning Commission, the Chairman may dispense with the regular meeting by giving notice to all members at least two (2) days prior to the time set for the meeting, provided that the Planning Commission shall meet at least every two (2) months. In the event of inclement weather that results in the need to cancel a scheduled meeting for the safety and well-being of Planning Commission members, staff and the public, as may be determined by the Chairman, such meeting shall be rescheduled for the next Tuesday, following the regularly scheduled meeting of the Planning Commission, and all hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement shall be required in accordance with Section 15.2-2214 of the Code of Virginia (1950, as amended).

Section IV-4. Quorum; Majority Vote.

A majority of the members shall constitute a quorum and no action of the Planning Commission shall be valid unless authorized by a majority vote of those present and voting.

Section IV-5. Order of Business.

The order of business at regular meetings shall be as follows:

(1) Call to Order and Roll Call
(2) Determination of a Quorum
(3) Action on Requests to Withdraw or Table Pending Agenda Item
(4) Approval of Agenda

(5) Consent Agenda
(6) Citizen Comments
(7) Public Hearings
(8) Old Business
(9) New Business
(10) Closed Meeting
(11) Adjournment

IV-6. Meetings and Records Open.

All meetings of the Planning Commission at which official action is taken shall be open to the public and all records of the Planning Commission shall be public records, except as may be excluded pursuant to the Virginia Freedom of Information Act (FOIA). Minutes of the Planning Commission shall be public record when duly adopted by the Planning Commission. All meetings shall be audio taped; provided, however, that closed meetings of the Planning Commission shall not be taped. The Secretary shall retain such audiotapes for one hundred twenty (120) days from the date of the meeting. On or after the one hundred twenty-first (121st) day, the tapes shall be erased or otherwise disposed of.

IV-7. Electronic Meetings

Except as provided for in this Section, the Planning Commission shall not conduct any meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other communication means where the members are not physically assembled.

A. Quorum Physically Assembled – a Planning Commission member may participate in a meeting through electronic communication means from a remote location that is not open to the public if:

1. on or before the day of a meeting, the Planning Commission member notifies the Chair of the Planning Commission that he or she is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the Planning Commission (a) approves the member's participation by a majority vote of the members present at a meeting and (b) the Planning Commission records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. Such participation by a Planning Commission member shall be limited each calendar year to two meetings or twenty-five percent (25%) of the meetings of the Planning Commission, whichever is fewer; or

2. on or before the day of a meeting, the Planning Commission member notifies the Chair of the Planning Commission that he or she is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, and the Planning Commission (a) approves the member's participation by a majority vote of the members present at a meeting and (b) the Planning Commission records in its minutes that the member had a a disability or medical issue and the remote location from which the member participated

A Planning Commission member may participate in a meeting by electronic means pursuant to this subsection A only when a quorum of the Planning Commission is physically assembled at the primary or central meeting location and the Planning Commission makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. In deciding whether or not to approve a member's request to participate from a remote location, the Planning Commission shall not consider the identity of the member making the request or the matters that will be considered or voted on at the meeting.

B. Quorum Not Physically Assembled – the Planning Commission may meet by electronic communication means without a quorum physically assembled at one location when the Governor of the Commonwealth of Virginia has declared a state of emergency in accordance with Section 44-146.17 of the Code of Virginia (1950, as amended), *provided that*:

1. the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and

2. the purpose of the meeting is to address the emergency.

If it holds a meeting pursuant to this subsection B, the Planning Commission shall:

1. give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the Planning Commission;

2. make arrangements for public access to the meeting;

3. make available to the public, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the Planning Commission in sufficient time for duplication and forwarding, as best as practicable given the emergency, to all locations at which public access will be provided;

4. record minutes of the meeting; and

5. record in the minutes votes taken by name in roll-call fashion.

The nature of the emergency, the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the meeting.

C. Reporting – if a Planning Commission meeting is held by electronic communication means, the Planning Commission shall:

1. make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 1 of each calendar year:

a. the total number of electronic communication meetings held that year;
b. the dates and purposes of the meetings;
c. a copy of the agenda for each meeting;
d. the number of sites for each meeting;
e. the types of electronic communication means by which the meetings where held;
f. the number of participants, including members of the public, at each meeting location;
g. the identity of the members of the Planning Commission recorded as absent and those recorded as present at each meeting location;
h. a summary of any public comment received about the electronic communication meetings; and
i. a summary of the Planning Commission's experience using electronic communication meetings, including its logistical and technical experience.

2. make copies of the public comment form prepared by the Virginia Freedom of Information Advisory Council available to the public.

IV-8. Robert's Rules of Order.

The procedural principles set forth in Robert's Rules of Order shall be followed for the purposes of conducting the business of the Planning Commission. The Chairman shall decide all points of order in accordance with those same procedural principles.

ARTICLE V

Section V-1. Advice.

The planning staff, including counsel, are encouraged to provide advice, upon request, to all members regarding the technical aspects of matters before the Planning Commission. The Chairman may request the planning staff, including counsel, to prepare and present special reports as the need arises.

ARTICLE VI

Section VI-1. Attendance.

Planning Commission members are encouraged to attend all meetings, regular and special, including work sessions, and to notify the Secretary or the Chairman if they will be unable to attend a meeting.

Section VI-2. Objectivity.

Planning Commission members shall make every attempt to remain neutral and uncommitted on issues coming before the Commission until said issues have been presented to the Commission

and the proponents and opponents concerning same have been heard. Additionally, Planning Commission members shall not represent any applicant before the Planning Commission.

Section VI-3. Citizen Comments Time Limit; Restrictions.

The time limit for Citizen Comments is limited to five (5) minutes per person. The Chairman may, in his discretion, waive or adjust this time limitation, if the circumstances necessitate same due to the complexity of the issues. There shall be no comment during Citizens' Comments on a matter for which a public hearing is scheduled during the same meeting nor on a matter which has already been the subject of a previous public hearing where no final vote has been taken by the Commission.

Section VI-4. Speaking.

All Commission members as well as staff and members of the public in attendance shall not be allowed to speak on any matter before the Commission without first gaining recognition from the Chairman.

Section VI-5. Training.

All current and future appointees to the Planning Commission shall be required to participate and successfully complete the Land Use Education Program, as offered in partnership by Virginia Tech's Center of Public Administration and Policy and the Virginia Cooperative Extension. Such participation shall, for current Planning Commissioners, be completed by December 31, 2017, or be completed within one (1) year of appointment for all future appointees to the Planning Commission. Failure to participate in and successfully complete said program shall be grounds for removal from the Planning Commission by the Board of Supervisors.

Section VI-6. Public Hearings.

The Chairman will make a brief statement identifying the matter to be heard and verify with the Secretary that all legal notification requirements have been met.

The Chairman will call upon the Zoning Administrator or his designee to speak to the issue and present the staff report.

The applicant may appear on his own behalf at the Public Hearing, or be represented by counsel or an agent, and speak to the issue. The applicant, his counsel or agents have a combined total of ten (10) minutes to speak.

The Chairman will open the floor for public comment on the issue, if any, after the Zoning Administrator or his designee, and the applicant or his counsel or agent have spoken. Any private citizen may speak for or against the issue. Private citizens are limited to a maximum of five (5) minutes per speaker. The applicant or his counsel or agent shall be given an opportunity for a final rebuttal, which shall last no more than five (5) minutes. The Chairman may, at his discretion, waive

or adjust these time limitations if the circumstances necessitate same due to the complexity of the issues.

At the conclusion of the public hearing, and upon such deliberation as the Commission deems necessary, the Commission shall, in accordance with those applicable provisions of the Code of Virginia (1950, as amended), make a formal recommendation to the Board of Supervisors as to the approval or denial of a matter. Such formal recommendation shall come in the form of a duly adopted resolution setting forth the specific reasons for the Commission's recommendation, along with a proposed ordinance for consideration by the Board of Supervisors.

ARTICLE VII

Section VII-1. Procedure.

These By-Laws may, within the limits set by law, be amended at any regular meeting of the Planning Commission by an affirmative vote of not less than two/thirds majority of the members present and voting; provided, that such amendments shall have first been presented to all members in writing at a meeting of the Planning Commission at least thirty days prior to the meeting at which the vote is taken.

ARTICLE VIII

Section VIII-1. Special Committees.

Special committees shall be created by motion of the Planning Commission duly adopted setting forth the title of the committee, purpose of the committee, number of Commission members to serve on the committee, and the length of time, if necessary, for which the committee is appointed. The members of the committee will be appointed by the Chairman, except as may be noted hereafter.

Adopted by the Planning Commission on this 23rd day of May, 2023.

Chairman
Isle of Wight County
Planning Commission

Attest:

Secretary, Planning Commission

Submitted to the Isle of Wight County Board of Supervisors and approved this 15th day of June, 2023.

Chairman

Approved as to form:

Robert W. Jones, Jr., County Attorney