PLANNING COMMISSION MINUTES

September 11, 2000

Planning Commission Members Present: Thomas Weyrick, Rick Workman, Dan Talbot, Betty Fridley, Harry Weber

Staff Present: Donna Gooden, Kenny Flick and J. Burns Earle

Call to Order

Mr. Weyrick called the meeting to order.

MINUTES

B. Fridley moved, second by H. Weber to approve the minutes after being amended.

YEAS: R. Workman, D. Talbot, B. Fridley, H. Weber

The motion carried 4-0

Mr. Weyrick asked that Mayor Dearing give an update on the meeting he attended concerning the South Fork Project.

Discussion and Recommendations: Bylaws

There was a discussion on the current bylaws and whether there should be any changes made. The bylaws were amended to read as follows:

4-1 Officers of the Commission shall consist of a chairman, vice-chairman and secretary. The chairman, vice-chairman and secretary shall be elected by the membership.

4-3 Terms of office shall be for one year or until a successor takes office. Elected officers will serve no more than a two year term unless agreed upon by the incumbent and the commission.

5-3 The secretary shall be responsible for and the office of the town manager shall provide resources to perform the following:

10-2 Notice of a public hearing shall be published once a week for two successive weeks, in a newspaper of general circulation in the area, at least ten days before the day of the public hearing. Such notice shall specify the time and place of hearing, which cannot be less than six nor more than twenty-one days after the second newspaper advertisement.

10-5 Proffer shall be in writing and submitted to the Zoning Administrator prior to the applicable public hearing..

D. Talbot moved , second by B. Fridley to amend bylaws as stated above.

R. Workman made a motion to reappoint Dan Talbot to a 4 year term, seconded by B. Fridley. Motion was carried.

YEAS: R. Workman, B. Fridley, H. Weber

B. Fridley recommended Robert Hammer to fill the vacancy and R. Workman recommended Wake Gooden to fill the vacancy.

R. Workman nominated Wake Gooden, seconded by H. Weber.

YEAS: R. Workman, D. Talbot, H. Weber

NAYS: B. Fridley

A motion was made by D. Talbot to table the discussion of the Planning Commission terms until the Commission has filled its vacancy, seconded by H. Weber.

Kenny Flick had a map that showed the boundaries of the proposed annexation. Mr. Flick explained to the commission the way the boundaries would run and the different phases of the annexation..

Adjournment

As there was no further business, Mr. Weyrick adjourned the meeting.

Thomas M. Weyrick
Signature - Chairman

Signature - Secretary

Town of Elkton, Virginia

Planning Commission
Adopted November 13, 1995
Revised September 11, 2000

Article I - Authorization

1-1. This planning commission is established in conformance with a resolution adopted by the Council of Elkton, Virginia on June 14, 1963 and in accord with provisions of Section 15.1-427.1, Code of Virginia (1950), as amended.

1-2. The official title of this body shall be the Town of Elkton Planning Commission, hereinafter referred to as the "Commission."

Article II - Purpose

2-1. The primary purpose of the Commission is to serve in an advisory capacity to the Council, by preparing and recommending plans, ordinances, capital improvement programs, and other documents to the Council for its consideration.

Article III - Membership

3-1. The Commission shall consist of seven members appointed by the Council. All shall be residents of the Town of Elkton and qualified by knowledge and experience to make decisions on questions of growth and development. At least half of the members shall own real property in the Town of Elkton. One member may be a member of the Council.

3-2. The terms of office for the Council member shall be determined by council. The terms of the other original members shall be for one, two, three, and four years. Subsequent members shall be appointed for terms of four years. The Council, at its discretion, may establish different terms of office for subsequent appointments.

3-3. Vacancies shall be filled by appointment made by the Council and shall be for an unexpired term only.

3-4. Members of the Commission shall be eligible for reappointment.

3-5. Members of the Commission may be removed by the Council for malfeasance in office.

3-6. Terms of commission members shall expire immediately before the beginning of the regular meeting at which their successor's terms of office begin.

3-7. The Council may provide for the payment of expenses incurred by Commission members in the performance of their official duties and compensation for services.

Article IV - Selection of Officers

4-1. Officers of the Commission shall consist of a chairman, vice chairman, and secretary. The chairman, vice-chairman and secretary shall be elected by the membership.

4-2. Nomination of officers shall be made from the floor at the July meeting each year. Election of officers shall follow immediately. A candidate receiving a majority vote of the entire membership should be declared elected.

4-3. Terms of office shall be for one year or until a successor takes office. Elected officers will serve no more than a two year term unless agreed upon by the incumbent and the commission.

4-4. Vacancies shall be filled for an unexpired term by a majority vote of the commission.

Article V - Duties of Officers

5-1. The chairman shall:

5-1-1. Preside at meetings,

5-1-2. Appoint committees.

5-1-3. Rule on procedural questions (subject to reversal by a two-thirds majority vote of the members present).

5-1-4. Report official communications at the next regular commission meeting.

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

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

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

5-2. The vice-chairman shall:

5-2-1. Assume the full powers of the chairman in the absence or inability of the chairman to act.

5-3. The secretary shall be responsible for and the office of the town manager shall provide resources to perform the following:

5-3-1. Recording attendance at meetings.

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

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

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

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

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

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

Article VI - Committees

6-1. The following committees may be appointed at the discretion of the chairman.

6-1-1. Comprehensive Plan Committee - develops, updates, and revises the comprehensive plan and coordinates the work of other committees which relate to the plan development.

6-1-2. Land Use Committee - prepares and maintains an inventory of land uses within the Town of Elkton, and is responsible for the preparation of land use maps.

6-1-3. Subdivision Committee - drafts subdivision regulations and subsequent amendments. Examines subdivision applications and makes recommendations to the Commission after reviewing staff comments.

6-1-4. Zoning Committee - drafts zoning ordinance and subsequent amendments. Reviews applications for rezoning, special exceptions, or use permits and recommendations to the Commission.

6-1-5. Capital Improvements Committee - prepares and annually updates capital improvements program (CIP) in conjunction with Elkton administrative officials. Assures that the CIP is in conformance with the comprehensive plan.

6-2. Special committees may be appointed by the chairman for purposes and terms approved by the Commission.

6-3. The chairman shall be an ex-officio member of every committee.

Article VII - Meetings

7-1. Regular meetings of the Commission shall be held on the second Monday of each month at 7:00 p.m. Special meetings shall be called as needed. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless the Commission selects an alternate day.

7-2. Special meetings may be called by the chairman or by two members upon written request to the secretary. The secretary shall mail a written notice to all members, at least five days before a special meeting, stating the time, place, and purpose of the meeting.

7-3. All meetings of the Commission shall be open to the public.

Article VIII - Voting

8-1. A majority of the members shall constitute a quorum.

8-2. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

8-3. The Commission shall only consider issues submitted in writing five days prior unless, a majority of the Commission members deemed it appropriate to consider.

Article IX - Order of Business

9-1. The order of business for a regular meeting may be:

9-1-1. Call to order.

9-1-2. Roll Call.

9-1-3. Determination of a quorum.

9-1-4. Public expression.

9-1-5. Reading of minutes.

9-1-6. Report of secretary.

9-1-7. Report of standing committees.

9-1-8. Report of special committees.

9-1-9. Unfinished business.

9-1-10. New Business.

9-1-11. Adjournment.

9-2. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order when deemed appropriate by the chairperson.

9-3. The Commission shall keep minutes of each meeting, and these minutes shall become a public record. The secretary and chairman shall sign all minutes and, at the end of the year, certify that the minutes of the preceding year are true and correct copy.

Article X - Public Hearings

10-1. In addition to those required by law, the Commission may hold public hearings on any matter which it deems to be in the public interest.

10-2. Notice of a public hearing shall be published once a week for two successive weeks, in a newspaper of general circulation in the area, at least ten days before the day of the public hearing. Such notice shall specify the time and place of hearing, which cannot be less that six nor more that twenty-one days after the second newspaper advertisement.

10-3. The chairman shall summarize the matter before the Commission, allow interested parties to speak, and accept written statements and other documentation pertinent to the matter being addressed.

10-4. An accurate, written record shall be made of the proceedings of the public hearing and maintained as part of the Commission files.

10-5. Proffer shall be in writing and submitted to the Zoning Administrator prior to the applicable public hearing.

Article XI - Amendments

11-1. These Bylaws may be amended by a majority vote of the entire membership after thirty days prior notice.

ELKTON PLANNING COMMISSION

September 11, 2000

AGENDA

A) 7:00 P.M., - Call to Order

B) Review of Minutes (To be handed out at the meeting)

C) Review of Bylaws

D) Town Attorney to explain Planning Commissioners duties and responsibilities

E) Reappointment of Mr. Daniel Talbot to the Commission whose term expires Sept.30, 2000

F) Discussion of Mr. Holt's expired position

G) Discussion of Planning Commissioners Terms

H) Discussion of Annexation

I) Other Business

J) Adjournment

Town of Elkton, Virginia
Planning Commission
Adopted November 13, 1995

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4-2. Nomination of officers shall be made from the floor at the July meeting each year. Election of officers shall follow immediately. A candidate receiving a majority vote of the entire membership should be declared elected.

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10-5. ~~Proffer~~ (Proffer) ~~language~~. Shall be ~~pro~~ in writing and submitted to the zoning administrator prior ~~to~~ the applicable public hearing.

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Planning Commission

Tom Negrini 7/31/2000 – 7/31/04
Harry Weber – 7/31/2000 – 7/31/04
Daniel Talbot – 8/31/98 – 9/30/00
Philip Workman – 8/31/98 – 7/31/02
Betty Bridley – 5/31/00 – 7/31/02
Bill Holt – 5/15/00 – 8/31/00
Lucy Sigafoose – Bor Council

MILLER & EARLE, PLLC
Attorneys and Counsellors at Law

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Telephone: (540) 298-8529

LURAY OFFICE
Telephone: (540) 743-4511

MEMORANDUM

TO: Mayor M. Lee Deering, Elkton Town Council and Planning Commission

FROM: J. Burns Earle, III & Lauri A. Nowakowski Sigler

DATE: September 11, 2000

QUESTION PRESENTED: What are the duties of a Planning Commission Member

Pursuant to Section 15.2-2210, Code of Virginia, 1950, as amended, "Every locality shall by resolution or ordinance create a local planning commission in order to promote the orderly development of the locality and its environs. In accomplishing the objectives [of the Code of Virginia] the local planning commissions shall serve primarily in an advisory capacity to governing bodies."

The duties of a planning commission are outlined in Section 15.2-2221, Code of Virginia, 1950, as amended:

"1. Exercise general supervision of, and make regulations for, the administration of its affairs;
2. Prescribe rules pertaining to its investigations and hearings;
3. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body;

4. Keep complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;

5. Make recommendations and an annual report to the governing body concerning the operation of the commission and the status within its jurisdiction;

6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;

7. Prepare and submit an annual budget in the manner prescribed by the governing body of the county or municipality; and

8. If deemed advisable, establish an advisory committee or committees."

A municipal planning commission is not only concerned with zoning and land use regulation. The word "planning" is a much broader term and indicates the development of a community, not only with respect to the uses of lands and buildings, but also with respect to streets, parks, civic beauty, industrial and commercial undertakings, residential developments and such other matters affecting the public convenience and welfare. The role of a planning commission is to make recommendations to the governing body which the governing body may accept or reject.

The primary duty of a planning commission is to prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction. Every governing body in the Commonwealth of Virginia shall adopt a comprehensive plan for the territory under its jurisdiction. Section 15.2-2223, Code of Virginia, 1950, as amended, states that the comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be. The Code of Virginia further provides at Section 15.2-2230, that the planning commission must review the comprehensive plan at least every five (5) years to determine whether it is advisable to amend the plan.

Where no official map for a locality exists, or where an existing official map is incomplete, the local planning commission may make or cause to be made a map showing the location of any: 1.) legally established public street, alley, walkway, waterway and public area of the locality; and 2.) future or proposed public street, alley, walkway, waterway and public area. Section 15.2-2233, Code of Virginia, 1950, as amended. The official map must be reviewed and either readopted or a new map shall be adopted every five years. Section 15.2-2236, Code of Virginia, 1950, as amended.

A local planning 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 locality. Section 15.2-2239, Code of Virginia, 1950, as amended.

Under Article IX of the Code of Elkton, Subdivision Regulations, the planning commission shall discuss and review the preliminary plat with the subdivider to determine whether or not the preliminary plat conforms to the requirements of the subdivision regulations. The approval by the planning commission does not constitute a guarantee of approval of the final plat by the Town Council.

The Planning Commission's powers do not reach beyond the boundaries of the Town. Section 51 of the Charter of the Town of Elkton provides:

"The Town is empowered to make and adopt a comprehensive plan for the town, and to that end all plats and replats hereafter made subdividing any land within the town or two (2) miles of its corporate limits into streets, alleys, roads and lots or tracts shall be submitted to and approved by the council within such limitations as they may prescribe

before such plats or replats are filed for record or recorded in the Clerk's Office of the Circuit Court of Rockingham County."

Although this section provides for regulation of lands two (2) miles beyond its own borders, the planning commission is subject to the provisions in Section 15.2-2231, Code of Virginia,1950, as amended, that provides:

"...Any municipal plan may include the planning of adjacent unincorporated territory to the extent to which, in the municipal local planning commission's judgment, it is related to the planning of the incorporated territory of the municipality. However, the plan shall not be considered as a comprehensive plan for such unincorporated territory unless recommended by the county commission and approved and adopted by the governing body of the county."

The planning commission would only be able to regulate the areas outside its own borders if the comprehensive plan was approved and adopted by the local governing body where the property is located.

This is intended to be a general outline of the duties of a member of the planning commission and not an exhaustive list of such duties. Members are encouraged to consult with the Town Attorney for specific advice and guidance.