

WALKERSVILLE PLANNING COMMISSION

RULES OF PROCEDURE

**Adopted June 1996
Amended July 1997
Amended October 1999
Amended December 2017
Amended April 11, 2023**

FOREWARD

These Rules of Procedure are issued to assist the Walkersville Planning Commission in the orderly and efficient conduct of all matters with which the Commission is concerned. In all matters not provided for in these Rules, the applicable rules in the current edition of Robert's Rules of Order govern. All hearings, meetings, and workshops of the Walkersville Planning Commission are subject to the Maryland Open Meetings Act.

OBJECTIVE

The Walkersville Planning Commission seeks to conduct all business which may properly come before it by law or custom to secure the harmonious development of the entire Town for the benefit of its present and future inhabitants. The Commission will conduct its business in accordance with the provisions of the Land Use Article of the Annotated Code of Maryland as well as these Rules of Procedure.

Section 1: DEFINITIONS

- 1.1 The word "Commission" shall refer to the Walkersville Planning Commission.
- 1.2 The words "Town Commissioner" shall refer to an elected Town Commissioner and a member of the Burgess and Commissioners.
- 1.3 The word "Member" shall refer to an appointed member of the Commission.
- 1.4 The word "Meeting" shall refer to a scheduled meeting at which agenda items are considered and discussed, votes may be taken, and public comments may be accepted.

- 1.5 The word “Workshop” shall refer to a scheduled meeting at which agenda items are considered and discussed, and public comments may be accepted, but no votes shall be taken.
- 1.6 The word “Special Meeting” shall refer to any meeting held at a time and/or date other than the second or fourth Tuesday of the month at 7 pm, and/or a meeting held at a location other than Walkersville Town Hall.

Section 2: COMMISSION MEMBERS, OFFICERS AND COMMITTEES

- 2.1 The Commission shall consist of seven (7) Members appointed by the Burgess and Commissioners of Walkersville. The term for each Member shall be five (5) years or until his/her successor takes office.
- 2.2 A designated Town Commissioner shall be a member of the Commission having all rights and privileges of the regularly appointed Members and shall serve in an ex officio capacity concurrent with his/her official term.
- 2.3 The Commission shall organize annually in the month of January and elect a chairman, vice-chairman and secretary.
- 2.4 The Chairman, or in his/her absence the Vice-Chairman or Secretary, shall preside at all meetings or hearings of the Commission. The presiding officer shall decide on all points of order and procedure, subject to these Rules, unless otherwise directed by a majority of the Members present.
- 2.5 The Secretary shall be responsible for recording all votes and verifying the accuracy of the minutes, with the assistance of Staff (as defined below).
- 2.6 The Chairman, or in his/her absence the Secretary, shall sign all development plans in accordance with the decision of the Commission.
- 2.7 The Commission shall cause an employee of the Town (hereinafter “Staff”) to prepare minutes of its proceedings including each item that was considered, the action taken on each item and the votes of the Members and file it in the Commission’s records. To the extent practicable, the minutes or recordings of the Commission’s meetings will be posted on the Town’s website. Printed copies shall be made available to the public at Town Hall, for a fee.

Section 3: CONDUCT OF COMMISSION MEMBERS

- 3.1 Speaking for the Commission -- A Member shall not appear to speak for the Commission except as authorized by the Commission. In any public or private statement concerning Commission affairs, Members will carefully indicate whether they are speaking for the Commission or for themselves.

- 3.2 Ethics Ordinance – Members shall be subject to the provisions of Chapter 26, Sections 4, 6-9 of the Code of Ethics of the Walkersville Town Code, which addresses conflicts of interest, employment and financial interest restrictions, post employment limitations and restrictions, contingent compensation, use of prestige of office, solicitation and acceptance of gifts, disclosure of confidential information, and participation in procurement.

- 3.3 Members shall conduct themselves at Commission meetings in a fair, understanding and gracious manner. They shall be considerate of all individuals, attitudes and differences of opinion involved in official Commission business.

- 3.4 Ex Parte Communication Prohibited: An ex parte communication includes an oral or written communication not on the public record to which reasonable prior notice to all parties is not given. Such communication between Commission Members and interested persons is prohibited if relevant to the merits of a Commission proceeding. Members should not discuss applications with applicants or other interested persons outside the confines of a public meeting, but should recommend that the person(s) contact Staff with any questions or concerns.

Disclosure of Ex Parte Communications: If a Member does inadvertently engage in an ex parte communication, the Member should, at the next meeting in which the relevant application is to be discussed, state the nature of the communication. The Member should submit for the record any written communication received and any written response given to a communication. He/she should state the substance of each oral communication received and the substance of any oral response given to a communication. Alternatively, the Member may recuse himself or herself from voting on that specific application.

Section 4: MEETINGS

- 4.1 Regular meetings shall be held on the 4th Tuesday of every month at 7:00 p.m. in the Town Hall, or as scheduled and advertised at least two weeks prior to the meeting.

- 4.2 Regular workshops shall be held as needed on the 2nd Tuesday of every month at 7:00 p.m. in the Town Hall.

4.3 Special meetings may be called by the staff, the Chairman, or in his/her absence the Vice-Chairman. Notice of such meeting shall be given each Member by email or phone at least forty-eight (48) hours or more before said meeting. . If at all possible, special meetings shall be held on the 2nd Tuesday of the month in place of a workshop or combined with a workshop.

4.4 Attendance -- It shall be incumbent upon each Member to attend all meetings. However, it is understood that certain professional and/or personal circumstances may require an absence. It shall be incumbent upon each Member to give notice to the Town staff that he/she will not be at the regular meeting and the reason for the absence. This notice should be given at least five (5) days prior to the scheduled regular meeting for non-emergency absences and as soon as possible for emergency absences.

Should any Member be absent from more than two (2) consecutive regular meetings, the Commission may recommend to the Burgess & Commissioners that the Member's resignation be requested, unless determined by vote of a majority of the Commission that there is a sufficient excuse for non-attendance. Absence from workshops and special meetings shall not be counted toward the attendance requirements.

4.5 The order of business shall be in accord with the agenda unless changed by the Chairman.

4.6 Notices as prescribed by law and these rules shall precede all agenda items as follows:

Zoning map amendments (rezoning): Public notice of the applications to be posted on Town website within thirty (30) days of submission of completed application. Public notice of a scheduled public hearing shall be published in a newspaper of local circulation at least fourteen (14) days prior to the hearing. The property shall be posted continuously with the date and time of the public hearing at least fifteen (15) days prior to the hearing.

Comprehensive Plan amendments: Public notice of applications to be posted on Town website within thirty (30) days of submission of completed application; public hearings shall be advertised in accordance with State law.

Annexations: Public notice of applications to be posted on Town website within thirty (30) days of submission of completed application; public hearings shall be advertised in accordance with State law.

Text Amendments (Zoning, Subdivision Regulations): Public notice of the applications to be posted on Town website within thirty (30) days of submission of completed application. Public notice of a scheduled public hearing shall be published in a newspaper of local circulation at least fourteen (14) days prior to the hearing.

Concept Plans: Public notice of the applications to be posted on Town website within thirty (30) days of submission of completed application. The property shall be posted

continuously with the date and time of the public hearing at least fifteen (15) days prior to the hearing.

Preliminary Plans: Public notice of the applications to be posted on Town website within thirty (30) days of submission of completed application. The property shall be posted continuously with the date and time of the public hearing at least fifteen (15) days prior to the hearing.

Site Plans: Public notice of the applications to be posted on Town website within thirty (30) days of submission of completed application. The property shall be posted continuously with the date and time of the public hearing at least fifteen (15) days prior to the hearing.

Combined Preliminary/Final Plats: [No specific requirements]

Addition Plats: [No specific requirements]

Re-subdivision Plats: [No specific requirements]

Site Improvement Plats: [No specific requirements]

Revisions/modifications/additions to Site Plans: [No specific requirements]

Site Plans (less than 5,000 sf disturbed): [No specific requirements]

Temporary Uses, buildings, structures: [No specific requirements]

- 4.7 All Commission meetings shall be public meetings. Any person is entitled to appear and be heard by the Commission at the time the item or issue is on the meeting agenda and before the Commission reaches a decision on any matter. The voting on such decisions shall be held during a regular public meeting and the Commission shall keep an open record of its resolutions, proceedings and actions that shall be available for public inspection during business hours. Closed sessions will be held as permitted by and in accordance with the requirements set forth in the Maryland Open Meetings Act.
- 4.8 It shall be the duty of Staff to keep a true and accurate record of all proceedings at all meetings and public hearings. An recording may be accepted as the official record. A resume of the minutes shall be typed, distributed to the individual Members, and if approved by the Commission, placed in a record book or file. The minutes shall include at a minimum a record of attendance, agenda items, motions, votes, and a list of speakers. The Secretary or Staff shall sign the minutes, resolutions, and other official documents, as adopted or approved.
- 4.9 The applicant (the property owner, or the contract purchaser or lessee with concurrence of the property owner) may appear in his/her own behalf or be represented by an agent or attorney at said meeting. In the absence of any personal appearance on behalf of the applicant, the Commission will proceed to dispose of the matter on record before it, or may table the item. The item will only be rescheduled upon proper request by the applicant.

- 4.10 The Chairman or other presiding officer shall administer the following oath to all witnesses providing public comment and testifying in any application coming before the Commission:

"Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth? If so, answer "I do.""

The presiding officer may administer the oath to all prospective witnesses intending to provide public comment and/or testify at the same time at the outset of the hearing, as outlined in Rule 4.11. Before giving testimony, each witness shall state his or her name and whether he or she has been sworn or affirmed. The presiding officer will administer the oath individually to any witness who has not been sworn or affirmed before that witness gives testimony. Any person refusing to be sworn will not be permitted to testify.

Unsworn or unaffirmed testimony and public comments may be received by the Commission on items and issues subject to Commission consideration at the discretion of the Chair.

- 4.11 The order of hearing and time limits for public comment and testimony during a public hearing or consideration of an agenda item shall be as follows:

1. Swearing in of All Persons Providing Public Comment and Testimony
2. Staff Report & Recommendation
3. Applicant/Agent/Attorney presentation (20 minutes)
4. Public Comment (5 minutes/individual)
5. Recognized organizations (10 minutes/organization)
6. Petitioner rebuttal (15 minutes)

The Chairman may grant additional time for petitioner's presentation or public comments. Anyone making public comment must sign a speaker's list. Members, the Staff or Town Attorney may question the presenter or witness at any time during the hearing with the Chairman, or, in his/her absence, the Vice-Chairman or Secretary presiding. In addition, the Chairman may direct a person to respond to a question of a Member.

Bona fide organizations shall be allotted a ten (10) minute presentation period, upon written request and submission of adequate verification to Staff at least five (5) days prior to the meeting.

- 4.12 Continuances: The Commission may postpone or continue any case for further study and/or information until the next regular meeting. Meetings without a quorum present

will not be called to order and the agenda items will be continued to the next regular meeting.

- 4.13 All application materials to be considered by the Commission shall be submitted to Staff at least five (5) business days before the meeting at which the item is to be considered.
- 4.14 The Commission may require any additional material in the form of maps, charts, reports and studies in order to reach a decision.

Section 5: VOTING

- 5.1 A quorum shall consist of a majority of the existing membership.
- 5.2 All Members of the Commission are eligible to vote on a matter if the following is true:
 - a. A Member has no personal involvement in the matter. Members are encouraged to consult the Commission's legal counsel as to the propriety of voting on any matter which may involve a conflict of interest.
 - b. A Member has attended all meetings or reviewed the minutes or recording of any meetings from which he/she was absent at which the matter was discussed.
- 5.3 Abstentions/Recusals: Although it is the duty of each Member to express his/her opinion on an issue before the Commission by his/her vote, he/she can abstain for good cause. No Member should vote on any issue in which he/she has a personal or pecuniary interest not common to all Members. If a Member is to abstain from voting on an issue, he/she should so inform the Chairman at the commencement of the hearing on the issue, and should thenceforth refrain from participation in any discussion and voting on the issue. Members recusing themselves due to a potential conflict of interest shall remove themselves from the dais and exit the room during consideration of the subject item or matter.
- 5.4 Questions put to a vote are decided by a majority of the Members present and voting, assuming a quorum is present. No decision shall be made in the absence of a quorum.
- 5.5 The Chairman shall not initiate a motion but may second a motion.
- 5.6 After a motion is duly seconded, only the Members may discuss the pending motion unless questions are raised which require information from other parties or unless the Chairman recognizes additional comments.

- 5.7 Members' votes shall be recorded on each motion. A Member who is present but not voting in an audible manner shall have his vote counted as affirmative, unless he/she specifically signifies his/her abstention.

Section 6: PROCEDURES IN BRINGING MATTERS BEFORE THE COMMISSION

- 6.1 Staff in consultation with the Chairman shall prepare the agenda. The agenda will be set five (5) working days prior to the meeting to allow for public notice. The agenda will be posted on the Town's website at least four (4) days prior to the meeting. Meeting materials will be made available or delivered to the Members the Friday before the scheduled meeting.
- 6.2 Members of the Commission who wish to add to the agenda shall first notify the Chairman or Staff of their request prior to the meeting. Unscheduled items not requiring public notice may be added to the agenda up to twenty-four (24) hours before the meeting with consent of the Staff. Unscheduled items not requiring public notice may be added to the agenda during the meeting only after majority vote of the Members present.
- 6.3 Agenda items once acted upon must wait until the next regular meeting for reconsideration. A motion to reconsider an item must be made by a Member who voted with the prevailing side.
- 6.4 All applications for zoning map amendment, zoning text amendment or subdivision text amendment must be filed at least sixty (60) days in advance of a public hearing on such zoning change or text amendment. A copy of the staff report on the zoning change or text amendment shall be available for public review on the Town website and at Town Hall at least fifteen (15) days prior to the public hearing.
- 6.5 For all concept plans, preliminary plans, improvement plans, final plats, and site plans, the following must be completed prior to being placed on the Commission's agenda:
- The applicant will submit complete copies of plats or plans and any other application materials, and pay all required fees.
 - Staff will route submitted plats to Town, County and State agencies within five (5) business days following determination that the application is complete.
 - Staff will forward all staff and agency comments to the applicant (typically within forty-five (45) days of plan submittal).
 - The applicant will address all staff and agency comments and submit revised plans. Revised plans/plats will be re-routed to agencies.
 - When all agency and staff comments have been addressed to the satisfaction of the staff, the item will be placed on the Commission's agenda of their next regular meeting.

- The Planning Commission will resolve issues that cannot be resolved at the staff level and are not specifically addressed in Town requirements, regulations, or ordinances (i.e. Zoning Ordinance, Subdivision Regulations or Design Manual).

6.6 In considering matters before the Commission, Members shall be guided by the principles set forth in the Walkersville Comprehensive Plan, Walkersville Zoning Ordinance, Walkersville Subdivision Regulations, the Land Use Article of the Annotated Code of Maryland and all other rules, regulations and ordinances of the Town where appropriate.

Section 7: FINAL DISPOSITION OF ALL MATTERS

7.1 The disposition of all formal petitions and requests before the Commission requiring further action by the governing body, shall be in the form of a memo from Staff indicating the vote of approval, conditional approval, denial or modification to the Burgess & Commissioners. The petitioner shall be notified of the action taken by the Commission within thirty (30) days of the decision.

7.2 Staff will inform all petitioners of the disposition of all other matters before the Commission not requiring further action by a governing body in the form of a letter or email within thirty (30) days of the decision. Said letter or email shall become a part of the record.

Section 8: AMENDMENTS

8.1 Amendments to these Rules of Procedures may be introduced at any regular meeting of the Commission and voted at any subsequent regular meeting, passage requiring majority vote of the membership. Proposed amendments shall be forwarded to the Town attorney for review and comment prior to adoption.

Section 9: VARIANCE

9.1 Upon unanimous agreement of the Members present at a regular meeting, these Rules of Procedures may be modified for extenuating circumstances.