

RESOLUTION NO. 2018-14 OF THE COUNCIL OF THE CITY OF BUCKHANNON
EXPRESSING THE INTENT OF THE CITY OF BUCKHANNON TO RE-FORM THE
CITY'S PLANNING COMMISSION, AND GIVING CERTAIN DIRECTION THEREFOR

WHEREAS, the City of Buckhannon, by Ordinance No. 110 enacted March 2, 1961 established the City of Buckhannon Planning Commission (hereafter, "Commission") to act in an advisory capacity to the City Council, to "work towards promoting the orderly development of the City of Buckhannon and its environs"; and,

WHEREAS, said Ordinance No. 110 established the Commission and named certain members thereto together with their respective terms of office, two of which were city officials; particularly, a member of the City Council, and the Treasurer of the City, to serve during their respective terms of office; and,

WHEREAS, Chapter 8A of the West Virginia Code, titled "Land Use Planning" was adopted during the 2004 Regular Session of the West Virginia Legislature; and,

WHEREAS, West Virginia Code §8A-2-2 expressly provided for the continuation of planning commissions established prior to the enactment of said Chapter 8A and ratified all lawful acts taken prior to the effective date of said Chapter, but required that governing bodies which established planning commissions not in compliance with said Chapter make "changes necessary . . . to bring the membership of the existing planning commission into conformity with the provisions of" said Chapter 8A; and,

WHEREAS, West Virginia Code §8A-2-3 requires that "a municipal planning commission in a Class I, II or III city shall have not less than five nor more than fifteen members, the exact number to be specified in the ordinance creating the planning commission;" and,

WHEREAS, the membership of the Commission has, based upon a review of minutes and other extant records, varied at times between twelve and sixteen members, the exact number of members of the Commission not being specified in the ordinance creating the Commission nor in any identified subsequent ordinance; and,

WHEREAS, West Virginia Code §8A-2-3 further requires that among the members of a municipal planning commission, "one member must be a member of the municipal governing body or a designee and one member must be a member of the administrative department of the municipality of a designee. The term of membership for these two members is the same as their term of office;" and,

WHEREAS, the Commission is a statutory creation, at the discretion of the governing body of the municipality, and the governing body has the duty to ensure the Planning Commission's compliance with state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

(1) That, in the interest of maximizing governmental efficiency, responsiveness, and productivity, and in order to comply with state law, the City Council resolves that the Planning Commission of the City of Buckhannon shall consist of exactly nine voting members; that one of those members shall be a member of the City Council of the City of Buckhannon designated by the Council by resolution and that one of those members shall be a member of the administrative department of the City of Buckhannon designated by the Council by resolution;

(2) That the remaining seven (public) members of the Planning Commission shall be residents of the City of Buckhannon, qualified by knowledge and experience in matters pertaining to the development of the City;

(3) That the City Recorder, or his or her designee, shall attend each meeting of the Planning Commission and keep the records thereof, but shall not be a member thereof;

(4) That the public members of the Planning Commission shall be initially appointed by further resolution of the City Council as follows: three members appointed for a term of three years; two members appointed for a term of two years; two members appointed for a term of one year; that terms of appointed members shall expire on June 30 of the year in which the respective term is set to expire, and that the Planning Commission's year shall run concurrently with the City's fiscal year;

(5) That should any member of the Commission resign, be removed, or otherwise vacate his or her office, the Council shall name a new member to serve for the unexpired term;

(6) That upon the expiration of the terms of the initial appointments designated herein, members of the Planning Commission shall serve for a term of three years;

(7) That of the nine members of the Planning Commission, at least six must have been residents of the City for at least three years prior to their appointment as members of the Commission;

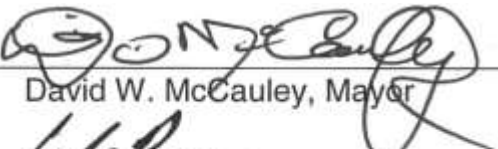


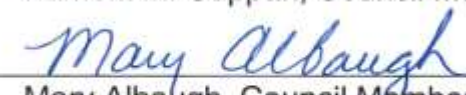
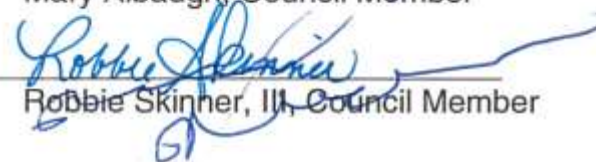

(8) That the members of the Planning Commission must fairly represent different areas of interest, knowledge and expertise, including but not limited to business, industry, labor, government, and other relevant disciplines;

(9) That a key function of the Planning Commission is in seeking public input in the development of updates to the City's comprehensive plan, as directed by the City Council;

(10) That the Planning Commission has only the power and authority granted to it under West Virginia Code §8A-2-11, or any additional powers granted to it by the City Council; and,


(11) That this Resolution of the Council of the City of Buckhannon shall be expressed in the form of an ordinance and that the City Attorney is directed to prepare such an ordinance for presentation at the next meeting of the City Council.

VOTE ON RESOLUTION

IN FAVOR	OPPOSED
(1)  David W. McCauley, Mayor	_____
(2)  Colin Reger, Recorder	_____
(3)  Pamela M. Cuppari, Council Member	_____
(4)  Mary Albaugh, Council Member	_____
(5)  Robbie Skinner, III, Council Member	_____
(6) _____ J. David Thomas, Council Member	_____
(7)  Clifford J. Rylands, Council Member	_____

CERTIFICATE OF ADOPTION

I, Colin Reger, City Recorder of the City of Buckhannon, a West Virginia, municipal corporation, do hereby certify that the foregoing Resolution 2018-14 was lawfully adopted by the Council of the City of Buckhannon during a regular meeting of the City Council convened at City Hall in Buckhannon, Upshur County, West Virginia, on July 5, 2018.



Colin Reger, City Recorder