



# *Summers County Commission*

120 Ballengee Street • Post Office Box 97 • Hinton, WV 25951  
Telephone: (304) 466-7100 • Fax: (304) 466-7146

Lonnie R. Mullins  
*President*  
Jerry E. Berry  
*Commissioner*  
Bill Lightner  
*Commissioner*

Mary E. Merritt  
*Clerk*

## **COUNTY COMMISSION OF SUMMERS COUNTY**

### **ORDINANCE ESTABLISHING**

#### **SUMMERS COUNTY PLANNING COMMISSION**

WHEREAS, West Virginia Code 8-24-1 provides for the establishment and operation of a County Planning Commission; and

WHEREAS, over the past several years business and community leaders have engaged in the preliminary steps of assessing and planning for the future growth in Hinton and Summers County.

WHEREAS, it appears to be advantageous to the welfare of Summers County, West Virginia, that a comprehensive and continuous planning program be undertaken;

WHEREAS, Summers County is divided into three (3) distinct districts; the Bluestone, the Greenbrier and the New River. Each district has a historical or physical boundary in place and has assets and liabilities unique to its own community. It should be noted that the state and federal owned lands – Bluestone State Park, Pipestem State Park and the National Park Service – are not part of the study area; and

WHEREAS, the County Commission needs a County Planning Commission to assist in guiding and accomplishing coordinated and harmonious development in Summers County which will, in accordance with existing and future needs, best promote the public health, safety, convenience, and welfare, as well as efficiently and economically assist with sustainable community and economic development.

NOW, THEREFORE, be it **RESOLVED** and **ORDERED** that the County Commission of Summers County does hereby establish the Summers County Planning Commission to be governed as follows:

#### **ARTICLE I: Title**

The name of the Commission shall be the Summers County Planning Commission, hereinafter referred to as "The Planning Commission".

#### **ARTICLE II: Objectives and Purposes**

##### **Section 1**

The Planning Commission is organized in accordance with Chapter 8, Article 24, Section 1, of the West Virginia Code in order to improve the present health, safety and convenience and welfare of the citizens of Summers County by planning ahead to meet the needs of the future, in particular to create a comprehensive land use management plan for those unincorporated areas of Summers County.

*"Building a healthy, livable, prosperous, well-governed and unified Summers County"*<sup>1</sup>

## Section 2

It is the function of the Planning Commission to concern itself with this objective and to serve the County Commission as an adviser on land use management.

## ARTICLE III: Composition of Membership, Terms, Vacancies

### Section 1

**Composition.** The Planning Commission shall consist of eleven members appointed by the County Commission in a manner to achieve geographical, business, industry, farming and labor representation of the County. Candidates for the Planning Commission must have been residents of the County for at least one (1) year prior to appointment. One Planning Commission member shall be appointed from each of the three (3) districts. One County Commission member will serve on the Planning Commission, to be appointed by the Commission as its representative at the first regular County Commission meeting each year.

### Section 2

**Terms of Original Appointments.** The first members of the Planning Commission appointed by the County Commission shall serve respectively for terms of one (1) year, two (2) years and three (3) years, divided equally or as nearly equally as possible between terms. Thereafter, members shall be appointed for terms of three (3) years each.

Members of the Planning Commission shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.

### Section 3

**Absences, Vacancies.** Any member of the Planning Commission who misses three (3) consecutive regular meetings of the Planning Commission, and who has not had those absences excused by the President of the Planning Commission, shall be considered to have resigned. The President of the Planning Commission shall notify the County Commission of this member's resignation and the manner of his or her resignation. The County Commission may then name a replacement to fill the remainder of the term.

## ARTICLE IV: Officers, Meeting, Quorum

### Section 1

**Officers.** At its first meeting of the year, the Summers County Planning Commission shall elect from its members a President, Vice-President and Secretary.

### Section 2

**Meetings.** The Summers County Planning Commission shall fix the time for holding regular meetings, but it shall meet at least once in the months of January, April, July and October.

### Section 3

**Quorums.** The provisions of West Virginia Code 8-24-8 and 8-24-9 shall govern special meetings and quorums.

This ordinance shall become effective on and after passage and upon adoption by the Summers County Commission pursuant to West Virginia Code, Chapter 8, Article 24, as amended.

It is now ordered that the aforesaid Ordinance be, and is hereby approved and adopted by the County Commission of Summers County, West Virginia.

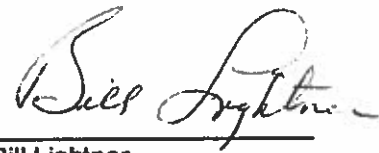
Dated this 12<sup>th</sup> day of November, 2003.



Lonnie R. Mullins  
President

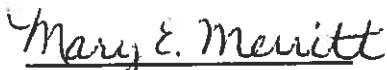


Jerry E. Berry  
Commissioner



Bill Lightner  
Commissioner

ATTEST:



Mary E. Merritt  
County Clerk



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### **ORDINANCE AMENDING AND REENACTING ORDINANCE ESTABLISHING SUMMERS COUNTY PLANNING COMMISSION**

WHEREAS, the Summers County Planning Commission was established pursuant to the provisions of West Virginia Code § 8-24-1 by Ordinance dated the 12th day of November, 2003; and,

WHEREAS, the provisions of Chapter 8, Article 24 of the West Virginia Code were subsequently repealed by an Act of the Legislature of West Virginia and the provisions of Chapter 8A, Article 2 were adopted; and,

WHEREAS, it is advantageous to the welfare of Summers County to confer and continue the powers and authority of the Summers County Planning Commission that it already possesses and to authorize any other powers and duties authorized by the provisions of Chapter 8A, Article 2, of the West Virginia Code.

NOW, THEREFORE, be it **RESOLVED** and **ORDERED** that the County Commission of Summers County does hereby continue the Summers County Planning Commission as follows.

(1) The Ordinance establishing the Summers County Planning Commission dated November 12, 2003, is hereby reenacted and confirmed, except that references to West Virginia Code sections in Chapter 8, Article 24, are hereby amended to refer to the applicable West Virginia Code sections in Chapter 8A, Article 2, West Virginia Code; and,

(2) The Summers County Planning Commission shall have all the powers it already possesses and shall have all the other powers and duties authorized by West Virginia Code Chapter 8A, Article 2; and,

(3) It is the intention of the County Commission of Summers County that the Summers County Planning Commission become as financially self-supporting as possible. The Summers County Planning Commission shall therefore have the power to fund its budget by charging permit fees, applying for grants or obtaining funding from such other sources as are lawfully available; and,

*"Building a healthy, livable, prosperous, well-governed and unified Summers County"*

(4) Pursuant to the provisions of West Virginia Code § 8A-2-4(k), the Summers County Commission reserves the authority to remove a member or members of the Summers County Planning Commission for inactivity, neglect of duty, or malfeasance, provided that the member or members to be removed shall be given a written statement of the reasons for such removal and the opportunity to be heard at a regularly scheduled meeting of the Summers County Commission within 30 days of such written notice. At the said meeting of the Summers County Commission, the Summers County Commission shall make a final decision regarding the removal of such member or members.

This ordinance shall become effective on and after passage and upon adoption by the Summers County Commission pursuant to West Virginia Code, Chapter 8A, Article 22, as amended.

IT IS NOW ORDERED that the aforesaid Ordinance is hereby approved and adopted by the County Commission of Summers County, West Virginia.

DATED this 24<sup>th</sup> day of August, 2006.

  
Lonnie R. Mullins  
President

  
Jerry E. Berry  
Commissioner

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Bill Lightner  
Commissioner

**A TRUE COPY FROM THE RECORD  
ATTEST:**

  
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CLERK OF SUMMERS COUNTY COMMISSION

**ORDINANCE AMENDING AND REENACTING ORDINANCE ESTABLISHING  
SUMMERS COUNTY PLANNING COMMISSION**

**WHEREAS**, the Summers County Planning Commission was established pursuant to the provisions of West Virginia Code ' 8-24-1 by Ordinance dated the 12<sup>th</sup> day of November 2003; and

**WHEREAS**, the provisions of Chapter 8, Article 24 of the West Virginia Code were subsequently repealed by an Act of the Legislature of West Virginia and the provisions of Chapter 8A of the West Virginia Code were substituted therefor; and

**WHEREAS**, the Summers County Commission, by Ordinance dated August 24, 2006, intended to adopt the provisions of the new law in its entirety; and

**WHEREAS**, the Ordinance dated August 24, 2006 refers to only Chapter 8A, Article 2 of the West Virginia Code; and

**WHEREAS**, it is and was the intention of the Summers County Commission to adopt the provisions of all articles in chapter 8A of the West Virginia Code and not just Article 2; and

**WHEREAS**, it is advantageous to the welfare of Summers County to confer and continue the powers and authority of the Summers County Planning Commission that it already possesses and to authorize any other powers and duties authorized by the provisions of Chapter 8A of the West Virginia Code.

**NOW, THEREFORE**, be it **RESOLVED** and **ORDERED** that the County Commission of Summers County does hereby continue the Summers County Planning Commission as follows:

(1) The Ordinance establishing the Summers County Planning Commission dated November 12, 2003, and the Ordinance dated August 24, 2006, are hereby reenacted and confirmed, except that references to West Virginia code sections are hereby amended to refer to the applicable West Virginia Code sections in Chapter 8A of the West Virginia Code; and

(2) The Planning Commission established prior to the effective date of Chapter 8A of the West Virginia Code shall continue to operate as though established under the terms of Chapter 8A of the West Virginia Code.

(3) The Summers County Planning Commission shall have all the powers, duties and jurisdiction it already possesses and shall have all the other powers, duties and jurisdiction authorized by West Virginia Code Chapter 8A; and

(4) It is the intention of the County Commission of Summers County that the Summers County Planning Commission become as financially self-supporting as possible. The

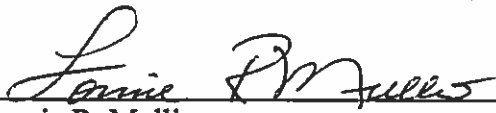
Summers County Planning Commission shall therefore have the power to fund its budget by charging permit fees or any other fees authorized by Chapter 8A of the West Virginia Code, applying for grants or obtaining funding from such other sources as are lawfully available; and

(5) Pursuant to the provisions of West Virginia Code ' 8A-2-4(k), the Summers County Commission reserves the authority to remove a member or members of the Summers County Planning Commission for inactivity, neglect of duty, or malfeasance, provided that the member or members to be removed shall be given a written statement of the reasons for such removal and the opportunity to be heard at a regularly scheduled meeting of the Summers County Commission within 30 days of such written notice. At the said meeting of the Summers County Commission, the Summers County Commission shall make a final decision regarding the removal of such member or members.

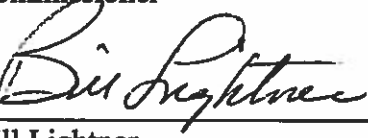
This ordinance shall become effective on and after passage and upon adoption by the Summers County Commission.

**IT IS NOW ORDERED** that the aforesaid Ordinance is hereby approved and adopted by the County Commission of Summers County, West Virginia.

DATED this 2<sup>nd</sup> day of July 2007.

  
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Lonnie R. Mullins  
President

  
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Jerry E. Berry  
Commissioner

  
\_\_\_\_\_  
Bill Lightner  
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