

PLANNING COMMISSION BYLAWS

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CITY OF WARREN
PLANNING COMMISSION
BYLAWS

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CITY OF WARREN
PLANNING COMMISSION BYLAWS

ARTICLE 1. PURPOSE

- Section 1.1 The purpose of the Warren Planning Commission shall be to accomplish a coordinated, adjusted and harmonious development of the City of Warren and its environment which will, in accordance with present and future needs, best promote health, safety, order, convenience, prosperity and general welfare, as well as, efficiency and economy in the process of development. This may include among other things, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and adequate provision of public utilities and other public requirements.
- Section 1.2 The purpose of the Warren Planning Commission shall be to foster, promote, and maintain a master plan and zoning ordinance for the physical development of the City of Warren.
- Section 1.3 The purpose of the Warren Planning Commission shall be to review and prepare recommendations for proposed zoning text and map amendments, site plans, special approval land uses, subdivisions, site condominiums, lot splits and temporary uses which are permitted and regulated according to the City of Warren Zoning Ordinance or other land development ordinances adopted by the City.
- Section 1.4 The purpose of the Warren Planning Commission shall be to make recommendations regarding the development of the City of Warren, including, among other things, the general location, character and extent of streets, bridges, boulevards, parkways, playgrounds, and open spaces, the general location of public buildings and other public property, and the general location and extent of public utilities, whether publicly or privately owned.
- Section 1.5 The purpose of the Warren Planning Commission shall be to make recommendations to the Mayor and City Council for the control of the height, area, bulk, location and use of buildings, premises, and land.
- Section 1.6 The purpose of the Warren Planning Commission shall be to make recommendations to the Mayor and City Council regarding the removal, relocation, vacation, abandonment, extension, or change of any land use.

- Section 1.7 The purpose of the Warren Planning Commission shall be to make recommendations to the Mayor and City Council regarding the location, character, layout and extent of community centers and neighborhood units for utilization by the citizens of the City of Warren.
- Section 1.8 The purpose of the Warren Planning Commission shall be to make recommendations to the Mayor and City Council regarding the re-planning, rehabilitation, and redevelopment of blighted areas.
- Section 1.9 The purpose of the Warren Planning Commission shall be to make careful and comprehensive surveys and studies of present conditions and future land use needs of the City of Warren.
- Section 1.10 The purpose of the Warren Planning Commission shall be to carry out all purposes as may be authorized by Public Act 33 2008, MCL § 125.3801, et seq.; as amended.

ARTICLE 2. MEMBERSHIP

- Section 2.1 The Planning Commission shall be composed of nine (9) members, as per the Warren City Charter Section 7.22, who shall be qualified electors of the City appointed by the Mayor and subject to the approval of a majority vote of City Council.
- Section 2.2 The term of each member shall be for three years and shall expire on June 30 of the third year, except when an appointment is to fill a vacancy in which case, the term of the member shall be for the duration of the unexpired term.
- Section 2.3 The Planning Commission shall also include two (2) ex-officio members of the City Council (amended May 7, 2018).

ARTICLE 3. OFFICERS OF THE COMMISSION

- Section 3.1 The officers of the Commission shall consist of a Chairperson, Vice-Chairperson, Secretary and Assistant Secretary to serve for a period of one (1) year, or until their successors are elected. The Planning Commission may provide such other officers as they deem necessary and advisable for the conduct of business.
- Section 3.2 Officers shall be elected by a majority vote of the members of the Commission at the first regular meeting held in August. The election date may be deferred by a majority vote of the Commission, in which

case the existing officers shall remain in office until a successor is elected.

Section 3.3 Nominations for office shall be made at the first regular meeting held in July. Commissioners nominated for an office shall be given an opportunity to accept or decline the nomination. Absentee ballots shall be permitted for the nomination and election of officers. Such ballots must be submitted to the City Attorney's Office in a sealed envelope prior to the election. A simple majority of the total ballots cast will determine the election of each officer.

Section 3.4 The Chairperson shall be the chief executive officer of the Commission and shall have the following duties:

1. preside at all meetings;
2. appoint such Committees as may be authorized by the Planning Commission; such as, but not limited to the Finance Committee and the Master Plan Committee;
3. be an ex-officio member of all such Committees;
4. vote on all matters brought before the Commission;
5. sign legal documents authorized by the Commission
6. appoint advisory committees to report to the Commission which may include Commissioners, employees, and citizens.

Section 3.5 The Vice-Chairperson shall preside and exercise all of the duties of the Chairperson in his or her absence. Should neither the Chairperson nor the Vice-Chairperson be present at a meeting, a temporary Chairperson shall be elected by a majority vote of the members present.

Section 3.6 The Secretary shall prepare the agenda for each regular and special meeting. All official correspondence shall be sent out over the signature of the Secretary, and shall be cleared with him or her by the Planning Director.

Section 3.7 The Assistant Secretary shall exercise all duties of the Secretary in his or her absence.

Section 3.8 In the event that an officer shall leave the Planning Commission before the expiration of his or her term, the Chairperson shall appoint a new officer to serve out the remainder of his or her term. If the Chairperson should leave, the Vice-Chairperson shall fulfill the Chairperson's duties for the remainder of the unexpired term of office.

ARTICLE 4. EX-OFFICIO MEMBERS

Section 4.1. City Council appoints ex-officio members pursuant to Warren City Charter, § 7.22. The Charter states that, two members of the City Council, to be selected by the City Council annually in the month of April, shall serve as non-voting members of the Planning Commission for terms of one year each beginning on the first day of May following their appointment.

Section 4.2. In the event ex-officios are unable to finish their one-year term, City Council should appoint a replacement at its next regularly scheduled meeting.

Section 4.3. Except as provided in this Article, ex-officios shall abide by the same rules and standards as the other Commissioners.

Section 4.4. Ex-officios shall not do any of the following:

1. Vote;
2. Make motions;
3. Speak on an item that will be voted on by City Council;
4. Speak on a subject that is not directly related to the item being discussed;
5. Interact with the audience members in the auditorium while the meeting is taking place;
6. Leave the meeting before it is adjourned;
7. Address other Commissioners, the Planning Staff, or the City Attorney (or his or her designee) on the record without the Chairman's permission; or
8. Otherwise be disruptive during the meeting (amended 5/7/18).

ARTICLE 5. COMMISSION MEETINGS

Section 5.1 Regular meetings of the Planning Commission shall be held at least once a month, at 7:00 p.m. in the Council Chambers-in the Auditorium at the Warren Community Center or at a time and place to be designated by the Commission. Within ten (10) days after the first commission meeting of the calendar year, a notice setting forth the dates, times and place of the regular meetings scheduled for the calendar year shall be posted (amended 9/10/12).

Section 5.2 If there is a change in the schedule of the regular meetings of the Commission, a notice shall be posted within three (3) days after the meeting at which the schedule is changed stating the changes made. For a rescheduled regular meeting a notice stating date, time and place of meeting shall be posted at least eighteen (18) hours before the meeting.

Section 5.3 Special meetings of the Commission shall be held publicly. Special meetings shall be called by the Chairperson or Secretary to the Commission upon request of two (2) members of the Commission provided that a notice of the special meeting is mailed or delivered to the Commissioners or left at the Commissioners' place of residence forty-eight (48) hours before the special meeting is held. A notice stating the date, time and place of meeting shall be posted at least eighteen (18) hours before the meeting. No business shall be transacted at any special meeting of the Commission except that stated in the notice of meeting and no business shall be transacted at a special meeting without a quorum present.

Section 5.4 Planning Commission members are expected to attend all meetings of the Planning Commission. In order for a member to be excused from a scheduled meeting, the member shall notify either the Planning Director or a Commission Officer of the expected absence by at least 3:00 p.m. of the day of the meeting. Any Commissioner who is not excused by the Commission and misses three (3) consecutive meetings or twenty-five (25%) percent of the regular meetings in a calendar year may be asked to resign.

ARTICLE 6. AGENDA

Section 6.1 An agenda shall be prepared for each meeting. The agenda shall be prepared by the Planning Director and submitted to the Secretary for approval. The Agenda shall include the meeting date, time and place.

Section 6.2 The agenda for regular meetings shall include the following order of business:

1. Call to order
2. Pledge of Allegiance
3. Roll call
4. Approval of agenda
5. Approval of minutes
6. Public hearings
7. Correspondence
8. Old business
9. Bond releases
10. New business
11. Citizen participation
12. Planning Director's Report (amended 2/23/15)
13. Calendar of Pending Matters
14. Adjournment

Section 6.3 To amend the agenda after adoption requires the concurring vote of five (5) Commissioners.

ARTICLE 7. MINUTES

Section 7.1 The Commission shall keep minutes of each meeting showing the date, time, place, members present, any decisions made and the vote thereon. The minutes shall include all roll call votes taken at the meeting.

Section 7.2 Every meeting shall be recorded by the Secretary or a person designated by the Commission.

Section 7.3 The minutes shall be public records open to public inspection. Proposed minutes shall be available for public inspection not more than eight (8) business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which they were approved. A copy of all minutes shall be maintained in the Planning Department and a copy shall be sent to the Mayor, City Council and Clerk.

Section 7.4 Corrections in the minutes shall be made not later than the next meeting after the meeting to which the minutes refer. Corrected minutes shall be available no later than the next subsequent meeting after the correction. The corrected minutes shall show both the original entry and the correction.

ARTICLE 8. RULES OF ORDER.

Section 8.1 A quorum shall consist of five (5) seated members of the Commission and a quorum must be present to conduct a Commission meeting.

Section 8.2 All proceedings, decisions and resolutions of the Commission shall be initiated by motion. All matters scheduled for public hearing shall be decided by roll call vote. All other motions may be decided by voice vote, however, any Commissioner may request a roll call vote rather than a voice vote.

Section 8.3 Each Commissioner shall vote on all motions brought before the Commission at any regular or special meeting at which the Commissioner is in attendance, except that no Commissioner shall vote on a motion in which the Commissioner has a conflict of interest as defined in the Warren Code of Ethics and referenced in Article 10 of these bylaws.

Section 8.4 The concurring vote of five seated (5) Commissioners shall be necessary to take the following action:

1. to adopt or amend the City Master Plan;
2. to make a recommendation to the Mayor or City Council;
3. to approve a financial transaction;
4. to approve a site plan;
5. to approve a resolution of the Planning Commission.

All other actions may be passed by a simple majority vote of the Commissioners in attendance.

Should an item requiring five (5) concurring votes from seated Planning Commissioners not receive the requisite five (5) votes either in favor or against the item, the item is automatically postponed to the next regularly scheduled Planning Commission meeting. Should the item fail to receive the requisite five (5) votes a second time, the item is considered denied.

Section 8.5 Any motion or resolution may be introduced and considered out of the regular order of business by the concurring vote of a majority of the Commissioners present. For the orderly transaction of business, the Commissioners shall ask the Chairperson for the floor prior to speaking on an item.

Section 8.6 The Chairperson shall decide all points of order or procedure in conducting a meeting unless otherwise directed by a majority vote of the Commission in attendance at the meeting. A motion challenging the Chairperson's ruling must be made immediately following the ruling and prior to any action resulting from that ruling.

Section 8.7 A motion to postpone is in order at any time and is not debatable. A motion to postpone cannot be amended or reconsidered. The item may be postponed to a date certain or an indefinite date. If the item is postponed to an indefinite date, a motion to remove the item from the table is required. An item postponed before the close of a public hearing must be rescheduled for a public hearing. An item postponed after the close of the public hearing shall not be reheard except by the concurring vote of five (5) members to reopen the public hearing.

Section 8.8 If an agenda item is postponed for a definite date, new notices are not sent. However, if extraordinary circumstances exist, the Chairperson may decide that new notices must be mailed. All public hearings postponed to an indefinite date shall be re-noticed by mail as initially required. If a petitioner requests an agenda item be postponed and the

Chairperson determines new notices are necessary, the petitioner is responsible for the costs of re-noticing the public hearing.

Section 8.9 A motion to reconsider a prior Commission action shall only be initiated by a Commissioner who voted on the prevailing side of the original motion. A motion for reconsideration shall be made at the meeting or by the end of the third business day following the meeting at which the original motion was acted on and shall be made in writing and delivered to the Planning Department. Upon receipt of a motion for reconsideration, the Secretary shall place the item on the next meeting's agenda for consideration of the motion to reconsider. If the motion to reconsider is passed, the original motion is nullified in its entirety and the item may be reconsidered at that time.

Section 8.10 The following time limits apply:

1. A petitioner is limited to one five-minute presentation.

2. Generally, time limits will not be imposed when speaking under Public Hearings (agenda item listed under 6) unless: (1) the speaker is being redundant; (2) the speaker's comments are not germane to the agenda item; or (3) when the speaker is asked to conclude by the Chairperson. In order to ensure that meetings proceed in an orderly fashion and that all persons or groups of persons who wish to address the Commission at a public hearing are able to do so, a rule of order may be adopted, without prior notice, by the concurring vote of five Commissioners, limiting each speaker to one presentation per public hearing of three minutes.

3. During the Citizen Participation portion of the meeting (agenda item 11), each member of the audience may address the Planning Commission for up to three minutes. In order to speak during Citizen Participation, all speakers shall provide their names and addresses for the record (amended May 14, 2018).

Section 8.11 In the event of disruptive behavior at a meeting, the Chairperson may call for a break, removal of any disruptive person or adjourn the meeting.

Section 8.12 Robert's Rules of Order, newly revised, shall apply in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

ARTICLE 9. ADMINISTRATION

- Section 9.1 The Commission may appoint a Planning Director who may be the executive officer and secretary of the department and who is directly responsible to the Planning Commission.
- Section 9.2 The office of the Planning Commission shall be maintained at the Planning Department. All minutes, records, files, books, reports, budgets, correspondence, petitions, data and other documents of the Commission shall be maintained at the Planning Department.
- Section 9.3 Legal representation to the Planning Commission shall be provided by the City Attorney's Office. The attorney shall act as legal advisor to the Commission and shall attend its meetings; shall defend the Commission in litigation to which the Commission may be a party; shall draw all legal instruments required by the Commission for the proper transaction of business; and shall render the legal opinions on all matters referred by the Commission.
- Section 9.4 The Planning Director or his or her delegate shall attend all meetings of the Commission and shall provide a report of the Planning Department operations at each regular meeting.
- Section 9.5 A member of the Planning Department or a court reporter shall take minutes at all meetings of the Planning Commission.
- Section 9.6 The Planning Commission may establish policies and approve procedures for the acceptance of petitions and applications for rezoning recommendations, site plan approvals, special land use recommendations, subdivision and plat approvals, site condominium approvals, lot split recommendations, and street and alley vacations.
- Section 9.7 The annual budget for the Planning Commission for the ensuing fiscal year shall be prepared by the Planning Director and ~~shall be presented~~ to the Commission for consideration at the last meeting in November, and adopted by the meeting in December (amended May 14, 2018).
- Section 9.8 The Planning Commission shall, at the end of each calendar year, prepare, approve and submit to the City Council a written report/budget of its activities covering the previous calendar year. Together with the annual report/budget, the Commission may provide if requested to the Mayor and City Council a record of attendance of all members of the Commission for the preceding year.

ARTICLE 10. COMPENSATION AND EXPENSES OF MEMBERS

- Section 10.1 Members shall be compensated for their services at the currently approved rate that may be amended from time to time by City Council.

Section 10.2 Members shall be reimbursed for travel when engaged in the performance of activities as may be authorized by the City Council, including, but not limited to, attendance at conferences, workshops, educational and training programs, site visits and meetings.

ARTICLE 11. CONFLICTS OF INTEREST

Section 11.1 Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission on the public record. The member is disqualified from voting on the matter after approval from a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this section and Public Act 33 of 2008, MCL 125.3801 as amended constitutes malfeasance in office. For purposes of this section, a conflict of interest is defined in the Warren Code of Ethics at Section 2-371(n). Any future amendments to the Code of Ethics, or the definition of what constitutes a conflict of interest, shall apply to this section.

ARTICLE 12 AMENDMENT OF BY-LAWS

Section 12.1 The bylaws, in whole or in part, may be amended by the concurring vote of six (6) Commissioners at any regular meeting, provided that the proposed amendment is presented in writing at a regular meeting of the commission and is brought to a vote of the Commissioners at the next regularly scheduled meeting.

Section 12.2 An amendment to the bylaws shall become effective immediately upon adoption, unless the motion to adopt specifies another time for becoming effective.

Section 12.3 The Commission may, by the concurring vote of six (6) Commissioners suspend or vary the application of the Rules of Order to a particular petition, case, problem or proceeding before the Commission, provided it does not conflict with the Michigan Planning, Zoning, or Open Meeting Act.

THE MEMBERS OF THE PLANNING COMMISSION FOR THE CITY OF WARREN,
BY FORMAL MOTION ADOPTED THESE AMENDED BYLAWS ON MAY 14, 2018.

Jocelyn Howard

Chairperson

John S. Kupiec

Vice-Chairperson

Mark L. J.

Secretary

PLANNING COMMISSION/ Planning Commission bylaws updated 5/14/18 (65023)