

CITY OF GLADSTONE, MICHIGAN  
PLANNING COMMISSION

BY-LAWS AND RULES OF PROCEDURE

ADOPTED: 04/03/2007  
Amendment: 06/05/07  
Amendment: 05/11/2009  
Amendment: 10/5/2010  
Amendment: 11/22/2011  
Reviewed: 2/3/15  
Reviewed: 11/10/15  
Reviewed: 11/1/16

# **Table of Contents**

<b>I.</b>	<b>AUTHORITY</b>	<b>3</b>
<b>II.</b>	<b>MEMBERSHIP</b>	<b>3</b>
<b>III.</b>	<b>OFFICERS</b>	<b>3</b>
	<b>A. Selection</b>	<b>3</b>
	<b>B. Resignation of the Officers</b>	<b>4</b>
	<b>C. Duties of the Officers</b>	<b>4</b>
<b>IV.</b>	<b>MEETINGS</b>	<b>5</b>
	<b>A. Meeting Notices</b>	<b>5</b>
	<b>B. Regular Meeting &amp; Special Meetings</b>	<b>6</b>
	<b>C. Quorum</b>	<b>6</b>
	<b>D. Public Hearings</b>	<b>6</b>
	<b>E. Motions</b>	<b>8</b>
	<b>F. Voting</b>	<b>8</b>
	<b>G. Order of Business</b>	<b>10</b>
	<b>H. Public Comment on Items Not         Scheduled for Public Hearing</b>	<b>10</b>
	<b>I. Rules of Order</b>	<b>11</b>
	<b>J. Beginning and Ending Time</b>	<b>11</b>
	<b>K. Site Plans</b>	<b>11</b>
<b>V.</b>	<b>MINUTES</b>	<b>11</b>
<b>VI.</b>	<b>OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS</b>	<b>12</b>
<b>VII.</b>	<b>AMENDMENTS</b>	<b>13</b>

## I. AUTHORITY

These By-laws and rules of Procedure are adopted by the City of Gladstone Planning Commission (hereinafter called Planning Commission) pursuant to Public Act 285 of 1931, as amended.

## II. MEMBERSHIP

- A. Except as otherwise provided in this document, the Planning Commission shall consist of seven members who shall be appointed by the mayor, subject to the approval by a majority vote of the members elect of the City Commission.
- B. The term of each Planning Commission member shall be three years. All members shall hold office until their successors are appointed. Members may, be removed from office by the City Commission for misfeasance, malfeasance or nonfeasance upon written charges and after a public hearing.
- C. Vacancies occurring in office other than through the expiration of term shall be filled through appointment by the mayor for the un-expired term.
- D. Members of the Planning Commission shall serve without compensation for their services, unless otherwise provided by the City Commission.
- E. Members of the Planning Commission and staff shall be entitled to receive reimbursement for expenses incurred for travel in the performance of activities authorized by the City Commission, including but not limited to, attendance at conferences, workshops, educational and training programs and meetings. Such reimbursement for expenses shall be at the rates provided by the city for travel by City Staff. However, the following types of travel shall not be eligible for reimbursement:
  - 1. Travel to and from Planning Commission meetings.
  - 2. Local Travel for the purpose of viewing sites, which will be the subject of Planning Commission action.
  - 3. Attendance at conferences, workshops, education and training programs and meetings, which are held within a radius of ten (10) miles from Gladstone City Hall.
  - 4. Travel for which there is no funds available in the Planning Commission budget.
  - 5. Travel which the chairperson of the Planning Commission, in his or her sole discretion, determines to be not eligible for reimbursement under these provisions.

## III. OFFICERS

#### A. Selection

1. The officers of the Planning Commission shall consist of Chairperson and Vice-Chairperson/Secretary selected from the general membership of the Planning Commission.
2. The election of all officers shall occur at the Planning Commission's first regular meeting after September 30 each year.
3. Nominations of members for an office shall be by a current member of the Planning Commission during the meeting when elections are held.
4. All nominations shall be seconded by another member of the Planning Commission to be considered a valid nomination.
5. All elections shall be conducted by a roll call vote. If there is only one nominee for an office, that nominee shall be assumed to be unanimously elected.
6. To be elected to an office, a nominee must receive a majority of the votes of the full Planning Commission.
7. All terms of office shall be for one year with eligibility for reelection.

#### B. Resignation of the Officers

1. An officer may resign his/her office by submitting a letter to the Planning Commission Chairperson.
2. The resignation from office will not become effective until acted upon and accepted by the Planning Commission at its next regularly scheduled meeting.

#### C. Duties of the Officers

1. The Chairperson shall:
  - (a) Preside at all meetings and shall conduct all meetings in accordance with the Open Meetings Act, (Public Act 267 of 1976, as amended), and the rules provided herein.
  - (b) As appropriate, act as liaison between the Planning Commission and the City staff, consultants and all other pertinent agencies or agents of the City of Gladstone.
  - (c) Appoint such committees and subcommittees as the Chairperson deems desirable.
  - (d) In cooperation with the Zoning Administration, prepare the agendas for all meetings.

- (e) Be responsible for enforcing these Rules of Procedures and for enforcing orderly conduct at meetings.
  - (f) Have the powers and duties set forth in Roberts Rules of Order to the extent that they do not conflict with these Rules of Procedure.
  - (g) Have the authority to cancel a scheduled meeting in advance of the meeting date where the Chairperson has determined that quorum will not be available and shall reschedule the meeting as may be required.
  - (h) Appoint the recording secretary to record the official record of the meeting.
  - (i) The Chairperson shall have the duty to vote in the same manner as members of the planning commission.
2. The Vice-Chairperson/Secretary shall:
- (a) Assume the duties of the Chairperson in the absence of the Chairperson, or when specifically authorized to do so.
  - (b) Succeed to the office of Chairperson in the event of a vacancy in that office, in which case the Planning Commission shall select a successor to the office of Vice-Chairperson/Secretary at the earliest practical time.
  - (c) Perform such other duties as the Chairperson may assign.
  - (d) As Secretary of the Planning Commission shall:
    - (1) Execute documents in the name of the Commission.
    - (2) Review and sign the draft of the minutes.
    - (3) Receive all communications addressed to the Secretary.
    - (4) Delegate to the recording secretary the keeping of attendance records, providing of all required notices, and preparation of a meeting agenda.
    - (5) Perform such other duties as may be ordered by the Chairperson or Planning Commission
3. The recording secretary shall take notes for minutes and prepare a first draft of minutes for review and signature by the Secretary, perform the duties delegated to the recording secretary by the Secretary, and perform other duties as may be ordered by the Chairperson or Planning Commission.

#### IV. MEETINGS

##### A. Meeting Notices

1. All meetings shall be posted at the City Hall according to the Open Meetings Act.
2. The notice shall include the date, time and place of the meeting.
3. Notice of any change in the date or time of a meeting shall be posted in the manner required by the Open Meetings Act.

B. Regular Meetings and Special Meetings

1. The Planning Commission shall hold a regular meeting each month for which there is business to be conducted but shall hold at least four regular meetings each year. It shall keep a record of its resolutions; transactions, findings and determinations, and such record shall be a public record.
2. At the first meeting of the Planning Commission in each calendar year a schedule of the meeting dates, times and places shall be set and within ten days after a Public Notice of the dates, time and place shall be posted in compliance with the Open Meetings Act.

If there is a change in the schedule of the regular meetings of the Planning Commission there shall be posted within three days after the meeting at which the change is made, a Public Notice stating the dates, times and place.

3. Special meetings of the Planning Commission shall be held at the call of the Chairperson or upon written request to the secretary by at least three Planning Commission members and shall be scheduled in compliance with the Open Meetings Act. Each member of the Planning Commission shall receive notice (written, email or voicemail) of a special meeting at least 24 hours prior to the meeting. Special meeting notices shall state the purpose of the meeting. No official action shall be transacted at any special meeting of the council unless the item has been stated in the notice of such meeting.
4. Closed sessions may be scheduled in accordance with the Open Meetings Act.

C. Quorum

1. The presence of a majority of membership of the Planning Commission shall constitute a quorum of the Planning Commission.
2. If a quorum is not present, the members of the Planning Commission may discuss matters of interest, but can take no action until the next regular or special meeting.
3. All public hearings without a quorum shall be rescheduled for the next regular or special meeting, notice of which shall be posted in advance in the manner required by the Open Meetings Act.

#### D. Public Hearings

1. Public hearings shall be scheduled and due notice given in accordance with the provision of the City Zoning Ordinance.
2. The order of presentation shall be as follows:
  - (a) The Chairperson announces the subject of the public hearing, and summarizes the hearing procedures for all present.
  - (b) Presentation of the substance of the application and any staff reports and staff answers to technical questions of the Planning Commission.
  - (c) Individuals wishing to speak in support of the subject of the hearing, beginning with the applicant and/or the applicant's representative.
  - (d) Individuals wishing to speak in opposition to the subject of the hearing.
  - (e) Members of the Planning Commission may ask any pertinent questions.
  - (f) The Chairperson announces the close of the public portion of the hearing, or the continuation of the public hearing to another date.
  - (g) The Planning Commission deliberates on the matter.
3. The applicant and/or the applicant's representative shall be permitted to speak for a reasonable length of time in order to present a complete case. In the interest of time and/or orderly procedure, the Chairperson may limit the time allowed.
  - (a) The applicant shall direct his or her comments to the Chairperson only, and debating or arguing with other individuals shall be deemed out-of-order and not permitted.
  - (b) Irrelevant and off the subject comments shall be deemed out of order and not permitted.
4. Any member of the public wishing to address the Planning Commission shall give his/her name, address and position on the subject of the hearing.
  - (a) Such person shall be given a reasonable time to state his or her position. In the interest of time and/or orderly procedure, the Chairperson may limit the time allowed.
  - (b) No person shall be permitted to speak twice on the same issue until everyone wishing to be heard has had a chance to speak. A person will only be recognized a second time if the Chairperson determines such person has something new to add which will aid the deliberation process.

- (c) Where a large number of individuals wish to address the Planning Commission and it is acknowledged that all represent the same opinion, the Chairperson will encourage the selection of a spokesperson(s) to speak for the entire group.
- (d) All persons shall address their remarks to the Chairperson only and not to any other individual. Debating or arguing between individuals shall be deemed out-of-order and not permitted.
- (e) Irrelevant and off-the-subject comments shall be deemed out-of-order and not permitted.
- (f) Once the public hearing is declared closed by the Chairperson, no individual, including the applicant, shall be allowed to address the issue at hand or participate in the deliberations of the Planning Commission, unless specifically invited to do so by the Chairperson.

#### E. Motions

- 1. All motions shall be restated or summarized by the Chairperson before a vote is taken.
- 2. The name of the maker and supporters of the motions shall be recorded.

#### F. Voting

- 1. All planning commission members shall have the duty to vote on matters before the Planning Commission and shall not abstain on any matter except where there is a conflict of interest.
- 2. The affirmative vote of four members of the Planning Commission is required to make any order, recommendation, decision or determination upon any matter, except as otherwise provided in these Rules of Procedure or ordinance or City Code or state law.
- 3. The affirmative vote of not less than 2/3 of the membership of the Planning Commission shall be required for the adoption of the Master Plan of the City of Gladstone or any extension, addition, revision or other amendment thereto.
- 4. A simple majority of a quorum is required for procedural motions or resolutions, such as:
  - (a) Motion to approve or amend the minutes.
  - (b) Motion to table.
  - (c) Motion to postpone.
  - (d) Motion to recess.
  - (e) Motion to adjourn.



- (f) Motion to recognize achievement or contribution.
  - (g) Motion to add matters to the agenda.
  - (h) Motion to approve consent agenda.
  - (i) Motion to Set Public Hearings.
5. Voting on procedural motions or resolutions described in 4 above may be voice vote. In all matters other than procedural, the presiding officer shall call for a voice vote, and if no member states opposition to the motion, it shall be deemed to have passed unanimously and shall be so recorded. In the even any member votes “no”, a roll call shall be conducted and recorded.
6. Before participating in a decision or hearing or 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. The member is disqualified from participating in the discussion or hearing and from voting on the matter as provided here in or as may be provided by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required in these bylaws constitutes malfeasance in office.
- (a) A conflict of interest for a member of the Planning Commission shall include, but not necessarily be limited to, a matter pending before the Planning Commission which:
    - (1) Concerns the member himself or herself
    - (2) Concerns work on land owned by the member or which is adjacent to land owned by the member.
    - (3) Involves a corporation, company, partnership, or other entity in which the member is a part owner, or any other relationship where the member may stand to have a financial gain or loss.
    - (4) Results in a pecuniary benefit to the member.
    - (5) Concerns the member’s spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents in-law, or members of the member’s household.
    - (6) The member’s employee or employer is:
      - An applicant or agent for an applicant, or
      - Has a direct interest in the outcome.

- (7) The member has a close business or family relationship with an applicant, the applicant's attorney or other representative, or any expert witness.
  - (b) A conflict of interest shall not include an interest the member may have in common with the general public interest.
  - (c) If such a conflict of interest is identified, the member shall disqualify himself or herself at the outset of the hearing or discussion and shall not participate in the discussion or decision, and if so requested by the chairperson shall leave the meeting room until the issue is concluded.
  - (d) In the event a member is unsure whether he or she is in a conflict of interest position, the remaining members of the Planning Commission by a majority vote shall decide whether or not a conflict of interest exists and such decision shall be binding and final.
7. On all other issues each member shall have an obligation to vote, unless excused for good cause by the unanimous vote of the remaining members present.

#### G. Order of Business

1. A written agenda for all members shall be prepared and followed. The general order of business shall be the following:
  - (a) CALL TO ORDER
  - (j) ROLL CALL
  - (k) APPROVAL OF MINUTES
  - (l) ADDITIONS TO THE AGENDA
  - (m) PUBLIC HEARINGS
  - (n) UNFINISHED BUSINESS
  - (o) NEW BUSINESS
  - (p) PUBLIC COMMENT
  - (q) INFORMATION SHARING
  - (r) COMMISSIONER COMMENTS
  - (s) ADJORNMENT
2. A written agenda for special meetings shall be prepared and followed, however the form as enumerated above shall not be necessary.

#### H. Public Comment on Items Not Scheduled for Public Hearing

1. During this portion of the agenda, a member of the audience may address the Planning Commission on any issue that is not scheduled for a public hearing on that agenda.
2. A member of the audience speaking during this portion of the agenda shall limit his/her remarks to three minutes unless such time limit is extended by the Chairperson.
3. No matters for consideration shall be accepted after the agenda packets have been delivered unless the Planning Commission, by separate action, accepts the matter for discussion/action.

I. Rules of Order

1. Commission meetings shall be informal. However, if required to keep order, meetings shall be governed by “Roberts Rules of Order”, latest published edition, for issues not specifically covered by these Bylaws. Where these Bylaws conflict or are different than “Roberts Rules of Order”, then these Bylaws control.

J. Beginning and Ending Time

1. All Planning Commission meetings shall begin promptly at the time set in the meeting schedule.
2. Every effort should be made to complete the agenda items.
3. In the discretion of the Chairperson a motion to adjourn may be entertained even though all business on the agenda has not been completed.

K. Site Plans

1. No site plan shall be considered by the Planning Commission unless the following conditions have been met by one week preceding the meeting during which the site plan would normally be considered:
  - (a) The site plan includes all of the information required by the City of Gladstone Zoning Ordinance, as determined by the Zoning Administrator.
  - (b) All site plan application data shall be submitted in accordance with procedures outlined in the Site Plan Review and Approval Standards at least four weeks before the Planning Commission meeting at which the applicant wishes to be heard.
2. Site plan reviews may be considered at a special meeting at the discretion of the Planning Commission.

V. MINUTES

- A. The Planning Commission minutes shall be prepared by the recording secretary.
- B. The minutes shall contain the following:
  - (1) A synopsis of the discussion of the Planning Commission and comments by the public.
  - (2) A complete restatement of all motions and resolution, and a record of all transactions, finding and determinations.
  - (3) A record of the outcome of Planning Commission voice votes and a recording of roll call votes.
  - (4) A summary of the conditions or recommendations made on any action, and
  - (5) A record of member's attendance.
- C. The minutes of the Planning Commission including all attached communications, actions and resolutions shall be deposited with the City Clerk. Proposed minutes shall be available for public inspection by eight business days after the meeting to which the minutes refer, and approved minutes shall be available by five business days after the meeting at which they were approved. Corrections in the minutes shall be made not later than the next meeting after the meeting to which they refer and shall be made available not later than the next meeting after correction.

## VI. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- A. All meetings of the Planning Commission shall be open to the public and held in a place available to the general public, except for closed sessions authorized under the Open Meetings Act.
- B. All deliberations and decisions of the Planning Commission shall be made at a meeting open to the public, except decisions made at a closed session as noted in section "VI A".
- C. A person shall be permitted to address a public hearing of the Planning commission under the rules established in these Rules of Procedure.
- D. A person shall not be excluded from a meeting of the Commission except for breach of the peace committed at the meeting or a closed session as provided in the Open Meetings Act.
- E. All records, files, publication, correspondences and other materials are available to the public for reading, copying and other purposes as governed by the Freedom of Information Act, except for the records of closed sessions.

## VII. AMENDMENTS

- A. These By-laws and Rules of Procedure may be amended by the Planning Commission by a concurring vote of four members during any regular meeting or special meeting, provided that all members have received an advance copy of the proposed amendments prior to the meeting at which such amendments are to be considered.

THESE BY-LAWS AND RULES OF PROCEDURE ARE ADOPTED ON THIS 3rd DAY OF April, 2007.

THESE BY-LAWS AND RULE OF PROCEDURE ARE AMENDED ON THIS DAY OF November 22, 2011.

City of Gladstone Planning Commission

---

Chairperson

---

Vice-Chairperson/Secretary

### **PUBLIC HEARING RULES**

1. After the staff presentation the applicant will state his/her case fully and furnish us with pertinent information concerning the property.
2. Each person making a statement will be asked to state their name and address for the record.
3. Please refrain from repeating what has been said before you and please do not make comments on personalities or the character of any person involved.
4. Be as factual as possible.
5. We the Planning Commission reserve the right to question any speaker.
6. All statements or questions must be directed to the chairperson.
7. We the Planning Commission will or will not if that is the case make a decision on this matter at today's meeting following the close of the hearing.

