



# Planning Commission By-Laws

## **Current Members:**

Stacy Stocking - Chairman  
George Muscott – Vice Chairman  
Andy Saxton - Secretary  
Tom House  
Don Patch  
Robin Witkowski  
Ed Kerr  
Tom Mondeau  
Dena Woods  
Justin Cavanaugh – Ex-Officio Member/Recorder

**Adopted On:** April 20, 2015

**Last Revised:** April 11, 2023



## I. Name & Purpose

- A. The name of the organization will be the City of Harrison Planning Commission, hereafter known as the "Planning Commission".
- B. These Bylaws are adopted by the "Planning Commission" to facilitate the
  - a. performance of its duties as outlined in Michigan Municipal Planning Act 33 of
  - b. 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et
  - c. seq.), hereafter known as "the Planning Act."
- C. These Bylaws are adopted to facilitate the duties of the Planning Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.), hereafter known as "the Zoning Act."

## II. Membership

- A. **Members.** Members of the Planning Commission will be appointed by the City Council. Members of the Planning Commission will be qualified electors of the local unit of government. The Planning Commission will consist of 9 members.
- B. **Member Composition.** The membership of the Planning Commission will be representative of important segments of the community, such as the economic, governmental, educational and social development, and in accordance with the major interests such as agriculture, natural resources, recreation, tourism, public health, transportation, industry and commerce. The membership will also be representative of the entire territory of the local unit of government (City, County, and State) to the extent practical.
- C. **Terms of Office.** Members of the Planning Commission will be appointed for 3- year terms. As nearly as possible, the terms of 1/3 of all the Planning Commission members will expire each year. Vacancies will be filled for the unexpired term in the same manner as the original appointment. That member will hold office until their successor is appointed
- D. **Restrictions.** Appointed members will not hold another municipal office except that one (1) of the appointed members may be a member of the zoning board of Appeal
- E. **Compensation.** All appointed members of the Planning Commission may be compensated at a rate to be determined by City Council.
- F. **Attendance.** If any member of the Planning Commission is absent from three consecutive regularly scheduled meetings without being excused, they will be considered delinquent. Delinquency may be grounds for the Planning Commission to



recommend to the City Council the removal of the member for nonperformance of duty. The Planning Commission secretary will keep attendance records and will notify the Planning Commission whenever any member of the Planning Commission is absent from three (3) consecutive scheduled meetings without being excused. At that time, the Planning Commission may vote on whether to recommend to the City Council to begin the process of removing the member or take other appropriate action, as allowed under law

- G. **Voting Rights.** Only appointed members have voting rights.
- H. **Code of Conduct.** Appointed members will avoid situations where the member's duties might be compromised. Gifts will not be accepted by any member of the Planning Commission. As used here, gifts are cash or any tangible item or service, regardless of value, and food valued over \$10.00.
- I. **Training.** Each appointed member will attend at least four hours per year of training in planning and/or zoning. Failure to meet the training requirements may result in the member not being reappointed to the Planning Commission. In addition, if a commissioner identifies a training opportunity that they believe would be beneficial to their role on the Planning Commission, they may submit a request to the City Administration to have the City pay for the training. Having a well-trained Planning Commission is vital to the City, and the City Administration will make reasonable efforts to provide training opportunities that align with the Planning Commission's goals and objectives.
- J. **Incompatibility of Office.** Appointed members of the Planning Commission will avoid conflicts of interest with other City of Harrison officials
  - a. Conflicts of interest will be will be determined by a majority vote of the remaining members of the Planning Commission.
  - b. When a member of the Planning Commission is appointed to another office which is incompatible with their membership on the Planning Commission, that appointment will cause an automatic resignation from the Planning Commission.
- K. **Removal.** Appointed members may be removed by the City Council for inefficiency, neglect of duty, or malfeasance.

### **III. Officers**

- A. **Selection.** The Planning Commission will elect its Chairman, Vice Chairman and Secretary from amongst the appointed members. The Planning Commission may create and fill other offices, as it deems necessary.



- B. **Terms of Office.** The terms of the Chairman, Vice Chairman, and Secretary will be one (1) year in length or until their successors are elected, with eligibility for re- election.
  
- C. **Duties.** The Chairman will preside over all meetings of the Planning Commission and will perform the duties outlined in these bylaws and by the parliamentary authority adopted by the Planning Commission.
  - a. The Vice Chairman will perform the duties of the Chairman in the absence or disability of the Chairman.
  - b. The Secretary will be responsible for keeping a written record of the resolutions, transactions, findings, and determinations of the Planning Commission. The
  - c. records will be a public record subject to the provisions of the *Michigan Freedom of*
  - d. *Information Act, Public Act 442 of 1976*, as amended. The Secretary will also perform other duties as described in these bylaws, and the parliamentary authority adopted by the Planning Commission.
  - e. The Harrison City Clerk will be responsible for the preparation and dissemination of Planning Commission meeting agendas and materials and proper posting of Planning Commission meeting and public hearing notices pursuant to the *Michigan Open Meetings Act, Public Act 267 of 1976*, as amended.
  
- D. **Vacancies.** If a vacancy should occur in any office, the Planning Commission will elect another appointed member to fill such vacancy in the same manner and under the same conditions outlined above for the remainder of the term of said office.

#### **IV. Meetings**

- A. **Regular Meeting.** Meetings of the Planning Commission will be held the second Tuesday of every month at 6:00 p.m. at Harrison City Hall. When the regular meeting day falls on a legal holiday or Election Day, the Planning Commission will select a suitable alternate day in the same month or cancel the meeting. Annual or regularly scheduled Planning Commission meetings will comply with the *Michigan Open Meetings Act, Public Act 267 of 1976*, as amended. Public attendance and participation are encouraged and minutes of the meetings will be available for public inspection.

- B. **Agenda**

Meetings will follow this agenda:

1. Call to order
2. Roll Call
3. Pledge of Allegiance
4. Prior review of minutes
5. Visitors



6. New Business
7. Old Business
8. Comments

- C. **Annual Meeting.** The regular meeting of the Planning Commission in February of each year will be known as the Annual Meeting. The agenda will include officer elections and annual reports from officers and committees.
- D. **Special Meetings.** Special Meetings may be called by the Chairman or by any two (2) appointed members of the Planning Commission. Special meetings are public meetings and will be held in compliance with the *Michigan Open Meetings Act, Public Act 267 of 1976*, as amended. The City Clerk will give ample notice of a special meeting to all appointed members.
- E. **Quorum.** Five (5) appointed members of the Planning Commission will constitute a quorum for the conduction of business. When a quorum is not present, no official action of the Planning Commission, except for the call to order, roll call and adjournment may take place. The members of the Planning Commission may discuss matters of interest.
- F. **Hearings.** Public Hearings will be scheduled and due notice given in accordance with the provisions of the *Michigan Open Meetings Act, Public Act 267 of 1976*, as amended and the relevant enabling act under which public hearing is being held. All public hearings without a quorum present will be rescheduled in accordance with the *Michigan Open Meetings Act, Public Act 267 of 1976*, as amended, optimally for the next regular or special meeting. Public hearings conducted by the Planning Commission will be run in an orderly and timely fashion, which will be accomplished by adhering to the following public hearing procedure:
1. Opening Announcement. The Chairman will give an official opening announcement of the public hearing indicating the basic nature of the request and citing how public notice was provided of the hearing.
  2. Announcement of Order of Hearing. The Chairman will explain the order of the public hearing as being as follows:
  3. Explanation of the request as received by the Planning Commission.
  4. Reminder of Rules of Conduct:
    - a) *All comments will be addressed to the Chair;*
    - b) *Each person will be given an opportunity to be heard, but second comments will not be permitted until every person has had the opportunity to speak for the first time;*
    - c) *In the interest of fairness to the public, statements from the floor should be as concise as possible;*

- d) *The Chairman reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand;*
  - e) *For large hearings, a time limit of three (3) minutes per person will be placed on public comments;*
  - f) *At all times during the public hearing, the Chair expects courtesy from all participants and catcalls, booing, or other outbursts from the public will not be tolerated;*
  - g) *Decisions of the Planning Commission will be based upon findings of fact based upon proper facts and accepted principles of planning.*
5. Review and recommendations by the Planning Commission and consultants.
  6. Comments and explanations by the applicant.
  7. Questions from the Planning Commission.
  8. Responses by staff, consultants, and/or the applicant.
  9. Opening of public comments.
  10. Closing of public comments.
  11. Consideration of action by the Planning Commission.

G. **Recess.** The Chair, or the Planning Commission, after any meeting has been in session for two hours (not including site inspections), may suspend business and evaluate the remaining items on the agenda. If the Planning Commission acts to postpone any agenda items, such action will include the time, day, month, year, and location the Planning Commission will reconvene. The meeting will be rescheduled in accordance with the *Michigan Open Meetings Act, Public Act 267 of 1976*, as amended. Upon reconvening, roll will be called and the meeting will resume with the same agenda, without the addition of additional business.

**V. Appeals.** The Planning Commission will not act, or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation, non-use variances, or use variances.

**VI. Amendments.** These Bylaws may be amended at any regular or special meeting by a two-thirds (2/3) vote of the appointed members.

**VII. Annual Review of By-Laws.** The Planning Commission will review these by-laws on an annual basis to ensure that they remain up-to-date and effective. The review will include



a consideration of any changes to relevant laws, regulations, or policies, as well as any feedback from members of the Planning Commission, staff, or the public. The Planning Commission may recommend amendments to the by-laws as necessary to improve their clarity, consistency, or relevance. Any proposed amendments will follow the process outlined in these by-laws for amending the by-laws.