

City of Smiths Station

Smiths Station Planning Commission

Bylaws

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Section I. Membership

The Smiths Station Planning Commission shall be composed of nine (9) residents of the City of Smiths Station. The mayor is authorized to appoint six (6) members serving the following terms of office: six (6) years, five (5) years, four (4) years, three (3) years, two (2) years, and one (1) year. The other three members are from the City Council with a Council Member appointed by the City Council serving during their tenure in office, the Administrative Officer appointed by the Mayor serving during the tenure of the Mayor and the Mayor, or his or her designee serving during his/her tenure as Mayor.

Section II. Powers and Duties

The Smiths Station Planning Commission is an advisory board and shall formulate or review and make recommendations to the City Council and others on the following matters:

1. A Comprehensive Plan
2. A Comprehensive zoning ordinance. This includes review of zoning requests from property owners, map amendments, and use permits.
3. Subdivision regulations and proposed subdivisions.
4. Site development plans.
5. Other plans involving City money for significant capital improvements.

The Smiths Station Planning Commission may formulate or review and make recommendations to the City Council on the following matters:

1. Geographic area plan, functional area plan, e.g., sanitary sewer or open space.

2. A capital improvements program and budget on an annual basis.
3. Other codes, e.g., buildings, building moves, electric, plumbing, housing, mobile home park regulations.

Section III. Officers

The Smiths Station Planning Commission shall have a Chairman. The Chairman shall be elected at the first regular meeting of the Smiths Station Planning Commission. A new Chairman shall be elected annually at the first regular meeting in January of each year with the Chairmanship actually transferring the first meeting of February. If the Chairman is absent, an acting Chairman shall be elected from those present to serve for the meeting. Should any vacancy occur among the officers of the Smiths Station Planning Commission, the vacant office shall be filled at the next regular meeting.

The duties and powers of the officers of the Smiths Station Planning Commission shall be as follows:

1. To preside at all meetings of the Planning Commission.
2. To call special meetings of the Planning Commission in accordance with these By-Laws and the laws of the State of Alabama. (Sunshine Law)
3. To sign documents of the Smiths Station Planning Commission.
4. To see that all actions of the Smiths Station Planning are properly taken and are in accordance with the Federal and State Laws pertaining to subjects under the Planning Commission's authority and execute the will of the Smiths Station Planning Commission. He/She shall appoint all committees under the direction of the Smiths Station Planning Commission.

Section IV. Secretary

The Smiths Station Planning Commission shall create and fill the Position of Secretary by nomination from a sitting Commission Member in good standing, and approved by a majority roll call vote of the Commission Members present.

1. To keep the minutes of all meetings of the Smiths Station Planning Commission in an appropriate Minute Book and then file them to become Public Record for the City of Smiths Station.
2. To give or serve all notices required by law, these By-Laws, and/or the Sunshine Law in accordance with the laws of the State of Alabama.
3. To prepare the agenda for all meetings of the Planning Commission.
4. To be custodian of the Planning Commission Records.
5. To inform the Planning Commission of correspondence relating to business of the Planning commission and to attend to such correspondence.
6. To handle funds allocated to the Planning Commission in accordance with its directives, the laws of the State of Alabama, and the City Regulations.
7. Keep a current roster of all members and committees.

Section V. Rules of Procedure

All meetings of the Smiths Station Planning Commission shall be conducted in accordance with the Rules of Procedure for the City Council of the City of Smiths Station and Roberts Rules of Order.

Section VI. Regular Meetings

Regular meetings of the Smiths Station Planning Commission shall be held in the City Hall of the City of Smiths Station at 7 p.m. E.T., on the first Tuesday of each month. A regular meeting may be canceled by the Commission at a prior meeting or by the Chairman of the Smiths Station Planning Commission when he/she is aware that a quorum will not be present. A regular meeting may be rescheduled at a different time, place or date by the Planning Commission at a prior meeting.

Agenda for regular meetings of the Smiths Station Planning Commission shall be prepared and circulated to the planning commission members one week in advance of the scheduled meeting or as soon as feasibility possible. The agenda shall be published in the Newspaper or posted in three designated places at least two (2) days before the meeting. The Agenda deadline is at 1 pm on the Tuesday two weeks prior to the Planning Commission Meeting.

The Agenda shall be made up of the following items:

1. Items for which the City Council has specifically requested study and recommendation.
2. Any item on which any member of the Planning Commission has requested consideration.
3. Any item which any person or group has requested in writing that the Planning Commission consider.
4. Item specifically held over from previous Planning Commission meetings.
5. Items may be added to the Planning Commission agenda after the agenda has been prepared only after a majority vote by the Planning Commission.
6. Items considered by the Planning Commission may not appear on subsequent agendas without significant changes from the original request.
Should it be requested that an item be heard again, it shall be the policy of the Commission to review such item for acceptance as an official agenda item. Should the Commission accept the item, it shall then be placed on the next regular agenda for action.

At any regular meeting of the Planning Commission, the following shall be the regular order of business:

1. Call meeting to order - Invocation/Pledge of Allegiance
2. Roll Call.
3. Approval of Minutes of the prior meeting.
4. Old Business.
5. New Business.
6. Miscellaneous Items from Audience. (5 minute limit per person)
7. Miscellaneous Items from Planning Commission. (5 minute limit per person)
8. Miscellaneous Items from Staff. (5 minute limit per person)

9. Adjournment.

Each Official action of the Planning Commission shall be entered in full in the minutes.

Section VII. Special Meetings

Special meetings of the Planning Commission shall be held at a time and place designated by the Chairman. Written notice shall be given to all Planning commissioners, City Council members, and the local media not less than twenty-four (24) hours in advance of the special meeting and in compliance with the Alabama Sunshine Law.

Only the following items will be considered at a special meeting:

1. The specific items contained on the circulated agenda.
2. Items on which the City Council has officially requested an immediate recommendation.
3. Items to be discussed only and on which no official action is proposed to be taken.
4. Items which by unanimous vote of all members of the Planning Commission present are considered to so affect the public health, safety, and general welfare.

Section VIII. Executive Sessions

Executive sessions may be held for the purposes of discussing employment, hiring, appointment, promotion, demotion, disciplining or resignation of an individual salaried public official or employee. With the advice of its attorney, a municipal governing body may also go into executive session with its attorney to discuss pending or impending litigation. All final votes must be taken in a public meeting. The governing body must vote to go into executive session.

Section IX. Quorum

At any meeting of the Smiths Station Planning Commission, a quorum shall consist of five (5) members. No action shall be taken in the absence of a quorum.

Section X. Meeting Decorum

To provide a fair and efficient forum for the conduct of business at Planning Commission meetings, the following rules of decorum shall be observed:

1. No person shall address the Commission without first obtaining recognition from the Chairman of the Smiths Station Planning Commission.
2. The order of business shall be as prescribed on the agenda; changes to the agenda order shall be approved by majority vote of the Planning Commission members present.
3. In instances where a written staff report has been prepared, the staff representative, upon recognition by the Chairman, shall state the content of the report into the record.
4. Following the staff report, the Planning Commission shall be afforded the opportunity to question the staff regarding the material in the report.
5. After questioning of the staff is completed, the Chairman may recognize the applicant or proponent of that item of business to speak. Following the proponent's remarks, the

Chairman may recognize any other person wishing to speak on the matter.

6. Once any person has spoken in regard to a specific matter before the Commission, he or she shall not be recognized to speak again until all persons wishing to speak have first been given the opportunity to do so.

Section XI. Voting

At any meeting of the Smiths Station Planning Commission, each member present shall be entitled to cast one (1) vote. Voting on all matters except amendments to these By-Laws shall be by simple majority. Any Planning Commission member with real estate interest within 1,000 feet of any property under consideration that may come before the Planning Commission of the City of Smiths Station, Alabama, shall divulge his/her interest at the time of consideration.

1. On matters considered of extreme importance, the Chairman may call for roll call vote.
2. No matter may be voted upon unless:
 - a. The matter has been discussed at a previous meeting of the Commissions or
 - b. The matter has been placed on the agenda prior to the meeting by any member of the Commission or by the Secretary, or
 - c. A new legislative item, not on the agenda, and considered by a 2/3 vote of the Commission to constitute an emergency and thus warrant immediate decision, may be approved by a 2/3 vote, or
 - d. A new procedural item, not on the agenda, may be approved by a simple majority vote.
3. There shall be no voting by proxy.

Section XII. Amendment

These By-Laws may be amended at any meeting of the Smiths Station Planning Commission provided that notice of said proposed amendment is given to each member in writing at least five (5) days prior to said meeting. The affirmative vote of at least 2/3 of the Planning Commission members shall be required to amend these By-Laws.

Section XIII. Committees

From time-to-time, the Chairman may appoint sub-committees of the Planning Commission membership, or a Committee-on-the-Whole thereof, for purposes of furthering the conduct of Planning Commission business. Such committees may be directed to draft or review legislative proposals, to initiate code-amendments or special studies, or to undertake research and analysis of topical matters referred to the Commission by action of the City Council.

Section XIV. Motion to Reconsider

Notice of reconsideration shall be given to the Secretary within forty-eight hours from the time the

original action was taken. A member of the Smiths Station Planning Commission who voted on the prevailing side on any issue may move to reconsider the commission's action at the same meeting or at the next meeting of the body provided the above 48-hour notice has been given. Consideration is only for the original motion to which it applies.