AGENDA ITEM HISTORY SHEET

ITEM TITLE	AGENDA NO. 11
Ordinance 2024- - Revised Planning Commission By-laws	AGENDA DATE: 8/29/2024

FUNDING CERTIFICATION (Finance Director) (Signature, if applicable)

MANAGEMENT STAFF REVIEW (Signature)

MAYOR (Signature)

ITEM HISTORY (Previous Council reviews, action related to this item, and other pertinent history)

By-laws were discussed and revised by Planning Commission at the following Commission Meetings. 4/11/24, 6/10/24, 7/8/24, 8/12/24. At the 8/12/24 Planning Commission Meeting, the Commission voted to recommend the revised by-laws to City Council for Approval.

ITEM COMMENTARY (Background discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

The current Planning Commission By laws were adopted by City Council in 2007. They were amended in 2011 for one revision/addition. However since then they have not been revisited. Discussion on the need for an update to the by-laws began at the April 11th Planning Commission. Comments and suggestions for changes were given by the Commissioners over the course of the following months. The newly revised by-laws are now more easy to understand, and more clearly outline the resposibilities and processes handled by the Planning Commission.

(This section to be completed by the Mayor)

ACTION PROPOSED (Motion for Consideration)

Motion to approve and adopt the revised by-laws for the City of Bryant Planning Commission.

ORDINANCE NO. 2024-___

AN ORDINANCE TO ADOPT REVISED BY-LAWS FOR THE PLANNING COMMISSION OF THE CITY OF BRYANT, AND FOR OTHER PURPOSES

WHEREAS, the City of Bryant is one of the fastest-growing cities in central Arkansas and in the spirit of that growth the City Council desires to draw from the vast professional and personal experiences and knowledge of its citizens for its planning and development needs and,

WHEREAS, the City Council is desirous of appointing qualified, experienced, dedicated and knowledgeable citizens from the City of Bryant to serve on the Planning Commission and,

WHEREAS, the City Council desires to create and perpetuate fair and equal representation on the Planning Commission by ward and,

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, SALINE COUNTY, ARKANSAS THAT:

Section 1: The attached by-laws, reviewed and approved by the current Planning Commission members, be adopted by the City of Bryant, Arkansas.

Section 2: The provisions of this Ordinance are separable and in the event that any section or part hereof shall be held to be invalid, such invalidity shall not affect the remainder of this Ordinance.

Section 3: All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

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PASSED AND APPROVED this ____ day of _____ 2024

APPROVED:

_____
Mayor, Chris Treat

ATTEST:

_____
Mark Smith, City Clerk

Planning Commission By-laws

Adopted 8/27/2024 Ordinance 2024 - ___

Section I - Purpose of the Bylaws

It is the intent of these Bylaws to prescribe the organization of the City of Bryant City Planning Commission and to establish orderly, equitable, and expeditious procedures for the conduct of its affairs to the end that all may be in-formed and the public well served.

Section II - The Commission

A. Members and Terms

1. The membership of the Commission, established May 12, 2007, and the terms of service are stipulated by the City of Bryant Arkansas Ordinance 2007-14. During the general election of 2001 the City of Bryant was redistricted into four (4) equally represented wards, numbered Wards 1, 2, 3, and 4. Therefore, the Planning Commission will consist of eight members who will serve with compensation. The eight positions on the Planning Commission shall be known as: Ward 1 - Commissioner Positions 1 and 2; Ward 2 - Commissioner Positions 1 and 2; Ward 3 - Commissioner Positions 1 and 2; Ward 4 - Commissioner Positions 1 and 2.
2. Members of the City Planning Commission shall be named and appointed by the Mayor and confirmed by the City Council. Members who are appointed to fill vacancies for unexpired terms shall join the Commission at the next meeting following their appointment and confirmation. All members of the Commission whose terms may expire shall serve until their successors in office have been appointed and confirmed.
3. Commissioners who miss three (3) or more meetings during any one calendar year, except for excused illnesses or absences, shall tender his/her resignation and be replaced. The City Council may consider excessive absenteeism as cause for removal.
4. Terms of the members of the City Planning Commission shall be six (6) years.
5. A Commissioner may be removed for cause by a two-thirds majority vote of the City Council.

B. Officers

1. Election of Officers
    a. The election of officers, Chairman and Vice-Chairman, shall be held at the December planning commission meeting of each calendar year, with officers taking office on January 1st of each year.
    b. Nomination for Chairman and Vice-Chairman shall come from a nominating committee composed of three (3) Commissioners and shall be confirmed to office by a simple majority of Commissioners.
    c. Voting on election of officers in which there is a contest shall be by secret, written ballot.
    d. The position of Secretary shall be performed by the appointed City staff liaison to the Planning Commission or his/her designee.

2. The Chairman and Vice-Chairman Duties
    a. The offices of Chairman and Vice-Chairman shall be filled for terms of one year each. The Chairman, and the Vice-Chairman, may be re-elected up to three consecutive one-year terms.
    b. The Chairman shall preside at all meetings and hearings of the Commission. In the event of the absence or disability of the Chairman, the Vice-Chairman shall preside. In the absence or disability of both the Chairman and the Vice-Chairman at any meeting, a member of the Planning Commission will be elected, by simple majority of Commissioners present, to act as Chairman during such meeting.
    c. The Chairman shall present to the Commission for its approval the names of all persons appointed to committees established by the Commission. The Chairman shall designate one member of such Committee to serve as the Committee Chairman.
    d. The Chairman shall sign all approved minutes, and when authorized, other documents on behalf of the Commission.

3. Ex-Officio
   The Mayor shall assign an advisor/liaison from the City Council and such other staff assistance from the City staff as deemed necessary for the Commission to work. The staff's appointment, promotion, demotion or removal shall be subject to the same provisions of law as governed by other employees of the City.
    a. Executive Secretary: The Assistant Director of City Planning shall perform the duties of executive secretary to the Commission and shall be in attendance at all meetings of the Planning Commission. The Executive Secretary shall be responsible for:
        i. Providing updated status reports on City projects.
        ii. The agendas of items to be considered at meetings as prescribed by the Chairperson
        iii. Carrying on routine correspondence
        iv. Maintaining files of the Commission
        v. Maintaining a record of the Bylaws of the Commission and current membership of the Commission with their terms of office
        vi. Maintaining a record of organization of the Commission and its staff
        vii. Serves as Secretary of all sub-committees and provides minutes of each meeting
        viii. Preparing the minutes of each meeting and publishing the minutes to the City website attached to the following month's Planning Commission meeting agenda.
    b. City Council Liaison: With respect to the operations of the Commission, the duties of the Liaison shall include, but not be limited to the following:
        i. Advise the commission on furnishing information to the public and other agencies.
        ii. Advise and advocate with the City Council concerning the intent and desire of the commission.

iii. Advise commission of any possible conflicts with the community concerning the plans or recommendations of the commission.
iv. Attend all meetings and gatherings conducted under the auspices of the commission.

Section III – Committees

A. Development Review Committee (DRC)

1. The DRC is a standing committee comprised of city staff members and created by the Planning Commission.
2. Purpose and Authority: The purpose of the Development Review Committee shall be to review all applications related to the Zoning Code, Subdivision Code, or other applicable code; and handle approvals as designated by this Code and other applicable city codes. All decisions made by the Development Review Committee may be appealed to the Planning Commission upon written request of appeal submitted to the Administrative Official.
3. Members: The Development Review Committee voting members shall consist of the Planning Director, a Planning Department designee, Public Works Director, a Public Works Department designee, City Engineer, Building Code Officer or his/her designee, Fire Chief or his/her designee, Planning Commission chair or designee, and a Planning Commission liaison. The Planning Commission chair may appoint a designee to serve in his/her place and shall appoint a Planning Commission liaison. The Mayor shall appoint a City Council liaison to serve as a non-voting member and shall be provide input to the committee. Representatives from private utility providers shall also be invited as non-voting members of the committee to provide input to the committee.
4. Meetings: The Development Review Committee shall officially meet bi-weekly according to a schedule maintained by the Planning and Development Department. Such meetings shall be public and open to public attendance.
5. Duties: The duties of the Development Review Committee members shall be to attend all meetings, review and provide comments on applications submitted for review prior to meetings, and assist applicants through the review process.
6. Report: The Development Review Committee shall provide reports to the Planning Commission and Board of Adjustment regarding each application reviewed by the Committee and/or any matters requiring the attention or action of the Planning Commission.
7. Records: The Development Review Committee shall keep permanent records of all actions taken by the committee.

B. Special Committees

1. Special Committees may be created in the same and under the same conditions as Standing Committees, except that the Chairman shall also designate a date for the submission of the Committee's final report. Special Committees shall be dissolved when their particular function or task has been completed. No Special Committees shall exist

for a term of more than twelve (12) consecutive months, except by the direction of the Commission.

C. Advisory Committees

1. The Commission may create such Advisory Committees as it deems necessary or desirable. Each Advisory Committee shall be composed of at least one Commission member and other officials and private citizens in a number determined by the Commission. Generally, members shall be private, professional or technical representatives, public officials working on the problems with which the committee is concerned, and individuals who have special interest or experience with such problems.

Section IV – Meetings

A. Regular Meetings

1. Date - The Commission shall, at the last regular meeting of each year, adopt a calendar of regular meeting dates for the upcoming year. Normal meeting dates shall be the second Monday of each month.
2. Time - The Commission shall meet regularly at 6:00 p.m. as indicated by the adopted calendar.
3. Place - The Commission shall meet regularly in the Bryant City Hall or such other places as directed by the Chairman.
4. Notice -
    a. To the Commission Members
    The emailing of a copy of the agenda to each Commission member one week prior to the date set for a meeting shall constitute notice of such meeting. On the morning of the day of a meeting, it shall be the responsibility of each Commission member to notify the Secretary that they will be present at the meeting.
    b. To the Affected Parties
    Notice to affected parties shall be provided as specified in paragraphs 1 through 3 below.
        1. Legal Notice - Notice of Public Hearing on plans, regulations, ordinances or amendments thereto shall be published in a local newspaper of general circulation one time at least fifteen (15) days prior to said hearing as required by law.
        2. All issues submitted for public hearing as directed by the Zoning Ordinance shall comply with notice provisions as per the Zoning Ordinance.
        3. Notification to the local press (more than one organization) of all meetings (regular or called) shall be made at least four (4) hours before the meeting takes place in order that the public shall have representatives at the meeting.

B. Called Meetings

1. Special meetings shall be called by the Chairman, or by a quorum of the Commission members, or by a majority of those present at a regular or called meeting. Notice of such meeting shall be given as prescribed for a regular meeting, unless such called meeting is to be held within less than three (3) days, in which case, notice by telephone call, text message, or email shall suffice. Announcement of a special meeting at any meeting at which all members are present shall be sufficient notice of such meeting.
2. Under extraordinary conditions, an emergency meeting may be called at the direction of the Chairman by telephone and without other notice. However, notification to the local press may not be omitted.

C. Adjourned Meetings

Where all applications cannot be disposed of on the day set, the Commission may adjourn from day-to-day of as necessary to complete the hearing of all items docketed. A majority vote of those present shall be required to adjourn.

Section V - Conduct of Business

A. Order of Agenda:

All meetings shall be conducted in accordance with the agenda which shall enumerate the topics and cases in the following:

1. Call to Order and Roll Call
2. Finding of a quorum
3. Approval of previous minutes as mailed
4. Announcements
5. Public Comments
6. Development Review Committee (DRC) Report
7. Business
8. Commissioners Comments
9. Adjournment

B. Order of Public Hearing:

At a Hearing, the order shall be as follows:

1. Announcement of the subject by the Chairman and setting of procedures for the hearing.
2. Executive Secretary presents Development Review Committee recommendation.
3. Petitioner's or applicant's presentation.
4. Objector's or interested property owner's presentation.
5. Petitioner's rebuttal
6. Commission vote on the request as filed or as amended.
7. Additional motion of Commission as may be required to dispose of an issue (such motion shall be placed in the positive)

C. Standard Rules of Procedure

Except as may otherwise be set forth in these By-laws, parliamentary procedure shall be as prescribed in the latest edition of Robert's Rules of Order, Revised. Procedural provisions of these By-laws may be suspended with the consent of three-fourths (3/4) of those Commission members present.

D. Special Rules of Procedure

1. Quorum - A quorum for the transaction of business shall be five (5) members except when a reduction in force caused by a member(s) resignation(s) makes this impossible. A quorum shall be considered the majority of the remaining members of the Commission.
2. Vote and Proxy - Each Commission member, including the Chairman, shall be entitled to one (1) vote. No Commission member shall cast a vote for another Commission member by proxy. Any member of the Commission who shall have an economic interest in any property or decision relating to such property, which shall be the subject matter of, or affected by, a decision of the commission shall be disqualified from participating in the public discussion or proceedings in connection therewith. In the event that any member of the Commission is uncertain as to whether or not a conflict of interest exists, that member should obtain an opinion from the city attorney before either participating in the discussion or voting on the matter in question.
3. Motion and Voting - Any matter of business requiring action by the Commission may be presented by oral motion, and the members present may vote there on by simple voice vote. In case of split vote, the Chair may ask for a show of hands. The minutes shall indicate voting to be "denied" or "passed" and the name of any abstained.
4. Majority Vote
    a. Simple majority of those members present at a meeting shall be sufficient to approve any administrative or procedural action.
    b. A majority vote of the full Commission shall be required in order to take final action on any issue requiring Planning Commission approval at a Public Hearing.
    c. In those instances where a majority vote of the full Commission can not be obtained to take final action, the matter before the Commission shall be automatically deferred until the next scheduled meeting.
    d. Abstaining or Absence, including recusing one-self, from a vote shall be considered a no vote.
    e. An approval or denial of an issue shall constitute final action.
5. Conduct of Hearing

    Public Hearings shall be conducted informally, and the Chairman shall make all rulings and determinations regarding the admissibility of the evidence, the scope of the inquiry, the order in which evidence, objections and arguments shall be heard, and other like matters, except that any member shall be privileged to make inquiries personally and to call for a vote on any ruling of the Chairman with which he does not agree, whereupon the vote shall determine the effective ruling. It shall be the purpose of the Chairman to expedite all hearings, confining them to the presentation of only essential matters in the

interest of saving time, but entertaining the presentation of sufficient matter to do substantial justice to all concerned.

6. Public Comments – Before the beginning of Public Comment, time limitations shall be set at the discretion of the Chairman.

E. General Policies

1. Formal Action - No request for advice or moot question may be acted upon formally by the Commission.
2. Closing of Docket - No application for an agenda item shall be submitted to the Commission, or prepared by the Secretary for submission, unless the same has been filed, with supporting documentation, at least two weeks prior to the regular scheduled meeting of the Commission.
3. Open Meetings - All meetings of the Commission shall be open to the Public as required by law.
4. Public Hearings - All items for which Commission action is required by law or ordinance shall be made the subjects of open meetings prescribed by law or ordinance.
5. Public Records - All minutes of Commission meetings and all petitions, applications, reports and other documents on which action has been taken by the Commission shall be open to the public and available for inspection at reasonable times.
6. Reconsideration of Applications
    a. Expunging Action - The Commission may, when it deems necessary and for cause, expunge any motion and subsequent action in order to introduce a substitute motion for other action. The motion to accomplish such shall be made immediately and preceding the introduction of the next item of business on that agenda. When an item has been voted on and passed over for the next item of business, it shall not be recalled at the meeting for further action.
    b. Reconsideration - Except for cause and with the unanimous consent of all members present at a meeting, no matter on which final action has previously been taken shall be reopened for further consideration unless reconsideration is granted by the Commission, the case will be rescheduled for the next regular meeting, a new application will be made (re-posting signage, legal ad, and adjacent property owners re-notified so that they may have an opportunity to hear any new evidence and to be heard).
    c. Reapplication - No identical or substantially identical application for the rezoning of a specific parcel or parcels of land which has been denied by the Planning Commission or City Council, nor application for a Variance that has been wholly or partly denied by the Board of Adjustment, shall be resubmitted within a period of one (1) year from date of said denial.
7. Withdrawals - No application which has been docketed for Public Hearing and advertised for such hearing shall be withdrawn, except as follows:
    a. Except for cause and with a written request, five (5) working days prior from the applicant of record no case shall be withdrawn.

b. When the Public Hearing has already been advertised, the Commission must authorize the withdrawal by motion in the Public Hearing.
c. In the event the case is withdrawn after the Public Hearing has been advertised, that same case shall not be resubmitted for a period of one (1) year.

8. Deferrals - No application which has been docketed for Public Hearing and advertised for such hearing shall be deferred, except as follows:
    a. Except for cause, with a written request five (5) working days prior from the applicant of record, no case shall be deferred.
    b. In the event a case may require an additional deferral, a re-notification of property owners shall be required.
    c. No single request for deferral shall be granted for more than ninety (90) consecutive days, except by unanimous vote of all members present.
    d. In no case shall more than two requests for deferral from an application be granted.
    e. In the Public Hearing, the Planning Commission may, for cause, defer an application on its own motion. The length of deferral shall be specified by the Commission in the motion.
9. Applicant Attendance at Meeting - The applicant, on each item docketed, shall be present or represented at the meeting and prepared to discuss the request.
10. Precedents - No action of the Commission shall be deemed to set a precedent. Each item docketed shall be decided upon its own merit and circumstances attendant thereto.
11. Dissent - If a member of the City Planning Commission wishes to dissent from a majority opinion of the Commission, he or she shall communicate a written minority opinion to the following:
    a. All members of the Planning Commission
    b. The Secretary of the Planning Commission
    c. The City Mayor
    d. All members of the City Council

Section VI – Amendments

These By-laws may be amended or repealed by an affirmative vote of not less than a majority of the full membership of the Commission. A proposed amendment or a motion to repeal shall first be presented in writing at a regular meeting and placed on the agenda of subsequent regular meetings for action, unless ten (10) days written notice has been given to all Commission members in which case action may be taken at any regular or called meeting.

DRAFT CHANGES 8/13/2024

Planning Commission Bylaws

Adopted 07/09/2007

Section I - Purpose of the Bylaws

It is the intent of these Bylaws to prescribe the organization of the City of Bryant City Planning Commission and to establish orderly, equitable, and expeditious procedures for the conduct of its affairs to the end that all may be in-formed and the public well served.

Section II - The Commission

A. Members and Terms

1. The membership of the Commission, established May 12, 2007, and the terms of service are stipulated by the City of Bryant Arkansas Ordinance 2007-14. During the general election of 2001 the City of Bryant was redistricted into four (4) equally represented wards, numbered Wards 1, 2, 3, and 4. Therefore, the Planning Commission will consist of eight members who will serve with compensation. The eight positions on the Planning Commission shall be known as: Ward 1 - Commissioner Positions 1 and 2; Ward 2 - Commissioner Positions 1 and 2; Ward 3 - Commissioner Positions 1 and 2; Ward 4 - Commissioner Positions 1 and 2.
2. Members of the City Planning Commission shall be named and appointed by the Mayor and confirmed by the City Council. Members who are appointed to fill vacancies for unexpired terms shall join the Commission at the next meeting following their appointment and confirmation. All members of the Commission whose terms may expire shall serve until their successors in office have been appointed and confirmed.
3. ~~When a member of the Commission has missed more than 25% of all regular meetings of that calendar year, except in case of excused illness or absence, such person shall tender his/her resignation; unless, prior to the next scheduled meeting of the City Council, the member submits in writing his/her desire to remain on the Commission; then the City Council, by a majority vote, shall allow the member to continue to serve.~~

   Commissioners who miss three (3) or more meetings during any one calendar year, except for excused illnesses or absences, shall tender his/her resignation and be replaced. The City Council may consider excessive absenteeism as cause for removal.
4. Terms of the members of the City Planning Commission shall be six (6) years.
5. A Commissioner may be removed for cause by a two-thirds majority vote of the City Council.

B. Officers

1. Election of Officers
    a. The election of officers, Chairman and Vice-Chairman, shall be held at the December planning commission meeting of each calendar year, with officers taking office on January 1st of each year.
    b. Nomination for Chairman and Vice-Chairman shall come from ~~the floor~~ a nominating committee composed of three (3) Commissioners and shall be ~~elected~~ confirmed to office by a simple majority of Commissioners.
    c. Voting on election of officers in which there is a contest shall be by secret, written ballot.
    d. ~~The office of Secretary shall be filled by appointment of the Mayor of an individual who is an employee of the City.~~
    The position of Secretary shall be performed by the appointed City staff liaison to the Planning Commission or his/her designee.
2. The Chairman and Vice-Chairman Duties
    a. The offices of Chairman and Vice-Chairman shall be filled for terms of one year each. The Chairman, and the Vice-Chairman, may be re-elected up to three consecutive one-year terms.
    b. The Chairman shall preside at all meetings and hearings of the Commission. In the event of the absence or disability of the Chairman, the Vice-Chairman shall preside. In the absence or disability of both the Chairman and the Vice-Chairman at any meeting, a member of the Planning Commission will be elected, by simple majority of Commissioners present, to act as Chairman during such meeting.
    c. The Chairman shall present to the Commission for its approval the names of all persons appointed to committees established by the Commission. The Chairman shall designate one member of such Committee to serve as the Committee Chairman.
    d. The Chairman shall sign all approved minutes, and when authorized, other documents on behalf of the Commission.

~~3. Secretary Duties~~
    ~~a. The Secretary City staff liaison shall attend all meetings of the Commission and shall be responsible for:~~
        ~~i. Preparing the agendas of items to be considered at a meeting.~~
        ~~ii. Carrying on routine correspondence.~~
        ~~iii. Maintaining the files of the Commission.~~
        ~~iv. Maintaining a record of the rules and regulations of the Commission.~~
        ~~v. Current membership of the Commission with their terms of office.~~

vi. Maintaining a record of the organization of the Commission and its staff.

vii. Keeping the minutes of each meeting.

viii. Attesting documents of the Commission.

b. The Secretary City staff liaison shall attend all Commission meetings and shall serve as the Secretary of all standing and technical advisory committees and, at the discretion of the Chairman of all special committees. The Secretary City staff liaison shall advise the Commission on request.

4. Advisory Members

The City Mayor shall assign an advisor and such other staff assistance from the City as deemed necessary for the Commissions work. The staff's appointment, promotion, demotion, or removal shall be subject to the same provisions of law as govern other employees of the City. The City Council may, in the manner provided by law, contract for services necessary to carry out the functions of the Planning Commission. With respect to the operations of the Commission the duties of the Advisor (or his designate) shall include, but not be limited to, the following:

a. Furnish information to the public and other agencies.

b. Make field examinations of items presented to the Commission.

c. Advise the Commission on whether or not submissions comply with Commission regulations, standards, and policies.

d. Advise the Commission on the effect of such items on adjacent property.

e. Make regular inspections to confirm that no violations of City regulations, standards, and policies have taken place.

f. Prepare data for court action on regulations and policy violations.

g. Attend all hearings conducted under the auspices of the Commission.

h. Keep subdivision maps and all other maps of record up to date.

5. Ex-Officio

The Mayor shall assign an advisor/liaison from the City Council and such other staff assistance from the City staff as deemed necessary for the Commission to work. The staff's appointment, promotion, demotion or removal shall be subject to the same provisions of law as governed by other employees of the City.

a. Executive Secretary: The Assistant Director of City Planning shall perform the duties of executive secretary to the Commission and shall be in attendance at all meetings of the Planning Commission. The Executive Secretary shall be responsible for:

i. Providing updated status reports on City projects.

ii. The agendas of items to be considered at meetings as prescribed by the Chairperson

iii. Carrying on routine correspondence

iv. Maintaining files of the Commission

v. Maintaining a record of the Bylaws of the Commission and Current membership of the Commission with their terms of office
vi. Maintaining a record of organization of the Commission and its staff
vii. Serves as Secretary of all sub-committees and provides minutes of each meeting
viii. Preparing the minutes of each meeting and publishing the minutes to the City website attached to the following month's Planning Commission meeting agenda.

b. City Council Liaison: With respect to the operations of the Commission, the duties of the Liaison shall include, but not be limited to the following:
i. Advise the commission on furnishing information to the public and other agencies.
ii. Advise and advocate with the City Council concerning the intent and desire of the commission.
iii. Advise commission of any possible conflicts with the community concerning the plans or recommendations of the commission.
iv. Attend all meetings and gatherings conducted under the auspices of the commission.

Section III - Committees

~~Standing Committees~~

1. ~~Standing Committees may be created by the Planning Commission and charged with such duties as the Commission deems necessary or desirable.~~
2. ~~Such Committees shall be composed of two or more Commission members, but less than a quorum of the full Commission, and shall hold membership for one year or until succeeded.~~

A. Development Review Committee (DRC)
1. The DRC is a standing committee comprised of city staff members and created by the Planning Commission.
2. Purpose and Authority: The purpose of the Development Review Committee shall be to review all applications related to the Zoning Code, Subdivision Code, or other applicable code; and handle approvals as designated by this Code and other applicable city codes. All decisions made by the Development Review Committee may be appealed to the Planning Commission upon written request of appeal submitted to the Administrative Official.
3. Members: The Development Review Committee voting members shall consist of the Planning Director, a Planning Department designee, Public Works Director, a Public Works Department designee, City Engineer, Building Code Officer or his/her designee, Fire Chief or his/her designee, Planning Commission chair or designee, and a Planning Commission liaison. The Planning Commission chair may appoint a designee to serve in his/her place and shall appoint a Planning

Commission liaison. The Mayor shall appoint a City Council liaison to serve as a non-voting member and shall be provide input to the committee. Representatives from private utility providers shall also be invited as non-voting members of the committee to provide input to the committee.

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Section IV - Meetings

A. Regular Meetings
    1. Date - The Commission shall, at the last regular meeting of each year, adopt a calendar of regular meeting dates for the ~~forthcoming~~ upcoming year. Normal meeting dates shall be the second Monday of each month.

2. Time - The Commission shall meet regularly at 6:00 p.m. as indicated by the adopted calendar.
3. Place - The Commission shall meet regularly in the Bryant City Hall or such other places as directed by the Chairman.

4. Notice -
    a. To the Commission Members
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2. Finding of a quorum
3. Approval of previous minutes as mailed
4. Announcements
5. Public Comments
6. Development Review Committee (DRC) Report
7. Business
8. Commissioners Comments
9. Adjournment

B. Order of Public Hearing:

At a Hearing, the order shall be as follows:

1. Announcement of the subject by the Chairman and setting of procedures for the hearing.
2. ~~Committee Chairman~~ Executive Secretary presents Development Review Committee recommendation.
3. Petitioner's or applicant's presentation.
4. Objector's or interested property owner's presentation.
5. Petitioner's rebuttal
6. Commission vote on the request as filed or as amended.
7. Additional motion of Commission as may be required to dispose of an issue (such motion shall be placed in the positive)

C. Standard Rules of Procedure

Except as may otherwise be set forth in these By-laws, parliamentary procedure shall be as prescribed in the latest edition of Robert's Rules of Order, Revised. Procedural provisions of these By-laws may be suspended with the consent of three-fourths (3/4) of those Commission members present.

D. Special Rules of Procedure

1. Quorum - A quorum for the transaction of business shall be five (5) members except when a reduction in force caused by a member(s) resignation(s) makes this impossible. A quorum shall be considered the majority of the remaining members of the Commission.
2. Vote and Proxy - Each Commission member, including the Chairman, shall be entitled to one (1) vote. No Commission member shall cast a vote for another Commission member by proxy. Any member of the Commission who shall have an economic interest in any property or decision relating to such property, which shall be the subject matter of, or affected by, a decision of the commission shall be disqualified from participating in the public discussion or proceedings in connection therewith. In the event that any member of the Commission is uncertain as to whether or not a conflict of interest exists, that member should obtain an opinion from ~~a designated~~ the city attorney before either participating in the discussion or voting on the matter in question.
3. Motion and Voting - Any matter of business requiring action by the Commission may be presented by oral motion, and the members present may vote there on by simple voice vote. In case of split vote, the Chair may ask for a show of hands. The minutes shall indicate voting to be "denied" or "passed" and the name of any abstained. ~~Voting on election of officers in which there is a contest shall be by secret, written ballot.~~
4. Majority Vote
    a. Simple majority of those members present at a meeting shall be sufficient to approve any administrative or procedural action.
    b. ~~An approval or a denial of an issue shall constitute final action.~~ A majority vote of the full Commission shall be required in order to take final action on any issue requiring Planning Commission approval at a Public Hearing.
    c. In those instances where a majority vote of the full Commission can not be obtained to take final action, the matter before the Commission shall be automatically deferred until the next scheduled meeting.
    d. Abstaining or Absence, including recusing one-self, from a vote shall be considered a no vote.
    e. An approval or denial of an issue shall constitute final action.
5. Conduct of Hearing

    Public Hearings shall be conducted informally, and the Chairman shall make all rulings and determinations regarding the admissibility of the evidence, the scope of the inquiry, the order in which evidence, objections and arguments shall be heard, and other like matters, except that any member shall be privileged to make inquiries personally and to call for a vote on any ruling of the Chairman with which he does not agree, whereupon the vote shall determine the effective ruling.

It shall be the purpose of the Chairman to expedite all hearings, confining them to the presentation of only essential matters in the interest of saving time, but entertaining the presentation of sufficient matter to do substantial justice to all concerned.

6. Public Comments – Before the beginning of Public Comment, time limitations shall be set at the discretion of the Chairman.

E. General Policies
    1. Formal Action - No request for advice, or moot question may be acted upon formally by the Commission.
    2. Closing of Docket - No application for an agenda item shall be submitted to the Commission, or prepared by the Secretary for submission, unless the same has been filed, with supporting documentation, at least two weeks prior to the regular scheduled meeting of the Commission.
    3. Open Meetings - All meetings of the Commission shall be open to the Public as required by law.
    4. Public Hearings - All items for which Commission action is required by law or ordinance shall be made the subjects of open meetings prescribed by law or ordinance.
    5. Public Records - All minutes of Commission meetings and all petitions, applications, reports and other documents on which action has been taken by the Commission shall be open to the public and available for inspection at reasonable times.
    6. Reconsideration of Applications
        a. Expunging Action - The Commission may, when it deems necessary and for cause, expunge any motion and subsequent action in order to introduce a substitute motion for other action. The motion to accomplish such shall be made immediately and preceding the introduction of the next item of business on that agenda. When an item has been voted on and passed over for the next item of business, it shall not be recalled at the meeting for further action.
        b. Reconsideration - Except for cause and with the unanimous consent of all members present at a meeting, no matter on which final action has previously been taken shall be reopened for further consideration unless reconsideration is granted by the Commission, the case will be rescheduled for the next regular meeting, a new application will be made (~~new feels~~ re-posting signage, legal ad, and adjacent property owners re-notified so that they may have an opportunity to hear any new evidence and to be heard).

c. Reapplication - No identical or substantially identical application for the ~~redistricting~~ rezoning of a specific parcel or parcels of land which has been denied by the Planning Commission or City Council ~~may be made for a period of one (1) year.~~, nor application for a Variance that has been wholly or partly denied by the Board of Adjustment, shall be resubmitted within a period of one (1) year from date of said denial.

7. Withdrawals - No application which has been docketed for Public Hearing and advertised for such hearing shall be withdrawn, except as follows:
    a. Except for cause and with a written request, five (5) working days prior from the applicant of record no case shall be withdrawn.
    b. When the Public Hearing has already been advertised, the Commission must authorize the withdrawal by motion in the Public Hearing.
    c. In the event the case is withdrawn after the Public Hearing has been advertised, that same case shall not be resubmitted for a period of one (1) year.
8. Deferrals - No application which has been docketed for Public Hearing and advertised for such hearing shall be deferred, except as follows:
    a. Except for cause, with a written request five (5) working days prior from the applicant of record, no case shall be deferred.
    b. In the event a case may require an additional deferral, a re-notification of property owners shall be required.
    c. No single request for deferral shall be granted for more than ninety (90) consecutive days, except by unanimous vote of all members present.
    d. In no case shall more than two requests for deferral from an application be granted.
    e. In the Public Hearing, the Planning Commission may, for cause, defer an application on its own motion. The length of deferral shall be specified by the Commission in the motion.
9. Applicant Attendance at Meeting - The applicant, on each item docketed, shall be present or represented at the meeting and prepared to discuss the request.
10. Precedents - No action of the Commission shall be deemed to set a precedent. Each item docketed shall be decided upon its own merit and circumstances attendant thereto.
11. Dissent - If a member of the City Planning Commission wishes to dissent from a majority opinion of the Commission, he or she shall communicate a written minority opinion to the following:
    a. All members of the Planning Commission
    b. The Secretary of the Planning Commission
    c. The City Mayor
    d. All members of the City Council

Section VI - Amendments

These By-laws may be amended or repealed by an affirmative vote of not less than a majority of the full membership of the Commission. A proposed amendment, or a motion to repeal shall first be presented in writing at a regular meeting and placed on the agenda of subsequent regular meetings for action, unless ten (10) days written notice has been given to all Commission members in which case action may be taken at any regular or called meeting.