

By-Laws  
City of Alpena  
Planning Commission

The following rules of procedure are hereby adopted by the Planning Commission of the City of Alpena to facilitate the performance of its duties as outlined in PA 207 of 1921, as amended.

**Section 1.0 OFFICERS**

- 1.1 **Selection.** At the regular meeting in May of each year, the Planning Commission shall select from its membership a Chair, Vice-Chair, and Secretary. All officers are eligible for re-election.
- 1.2 **Tenure.** The Chair, Vice-Chair, and Secretary shall take office immediately following their selection and shall hold office for a term of 1 year or until their successors are selected and assume office.
- 1.3 **Duties.** The Chair shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Planning Commission.

The Vice-Chair shall act in the capacity of Chairperson in her/his absence; and in the event the office of the chair becomes vacant, the vice-chair shall succeed to this office for the unexpired term and the Planning Commission shall select a successor to the office of vice-chair for the unexpired term.

The Secretary shall execute documents in the name of the Planning Commission, perform the duties hereinafter listed, and shall perform such other duties as the Planning Commission may determine.

**Section 2.0 DUTIES OF THE SECRETARY**

- 2.1 **Minutes.** The secretary shall be responsible for the minutes of each meeting and shall have them spread in suitable volumes unless a recording secretary is responsible.
- 2.2 **Communications, Petitions, etc.** All communications, petitions, and reports shall be addressed to the Planning Commission and delivered or mailed to the secretary.

**Section 3.0 MEETINGS**

- 3.1 **Regular Meetings.** Meetings of the Planning Commission will generally be held the second Tuesday of each month at Alpena City Hall and announced at least three (3) working days prior to the meeting. When the regular meeting day falls on a legal holiday, the Planning Commission shall select a suitable alternate date in the same month.
- 3.2 **Special Meetings.** Special meetings shall be called at the request of the chair or at the written request (to the secretary) of a majority of the commission members. Notice of special meetings shall be given by the secretary to the members of the Planning Commission at least three working days prior to such meeting and shall state the purpose and time of the meeting.
- 3.3 **Public.** All regular and special meetings, hearings, records, and accounts shall be open to the public.

- 3.4 **Quorum.** A majority of the total number of seated members, but in no event fewer than 4 members, shall constitute a quorum for the transaction of business and the taking of official action for all matters except the adoption of a comprehensive plan or any part of a comprehensive plan.
- 3.5 **Order of Business: Agenda.** The secretary, or designee, will prepare an agenda for each meeting and the order of business shall be as follows:
1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIENCE
  2. APPROVAL OF AGENDA:
  3. APPROVAL OF MINUTES:
  4. PUBLIC HEARING:
    - a. COMMISSION ACTION:
  5. BUSINESS:
    - a. UNFINISHED
    - b. NEW
    - c. COMMUNICATIONS OR REPORTS
    - d. CONTINUING EDUCATION
  6. PUBLIC COMMENT:
  7. MEMBERS COMMENTS:
  8. ADJOURNMENT:
- 3.6 **Motions.** Motions shall be restated by the chair before a vote is taken. The name of the maker and supporter of a motion shall be recorded.
- 3.7 **Voting.** Voting shall be by roll call and shall be recorded by yeas and nays. Only those appointed members who are present at the time of a vote shall be eligible to cast a vote, unless otherwise as approved by law.
- 3.8 **Commission Action.** Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded. A majority vote of the total number of members present shall be required to approve a motion.
- 3.9 **Parliamentary Procedure.** Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, except where state statute or local ordinance direct otherwise.
- 3.10 **Audio Recordings of Meetings.**
- (a) All hearings and meetings shall be recorded.
  - (b) All recordings of meetings or hearings shall be maintained at City Hall until such time as the minutes for the particular meeting are formally approved by the Planning

Commission, or until such time as either the Planning Commission or City Council completes final action on an issue or case included in the recording upon which it has final disposition.

- (c) The Planning Commission may require retention of recordings of meetings concerning a particular issue or petition for a longer period of time by a majority vote of its total membership.

3.11 Attendance Policy. In the event that a Commissioner has unexcused absences from either three (3) consecutive regular Planning Commission meetings, or from 60% of all (special and regular) Planning Commission meetings in any 12 month period the Chairman shall discuss the attendance record with the member and report his findings along with any extenuating circumstances to the commission. A recommendation for dismissal of the Commissioner shall be automatically forwarded to the Mayor and City Council unless the Commission acts within 60 days of the receipt of the chairman's report to overturn such recommendation upon a finding that the Commissioner will demonstrate satisfactory attendance in the future.

#### Section 4.0 HEARINGS

##### 4.1 Rules of Procedure and Conduct of Public Hearings.

- (a) The Chairperson opens the hearing on time and announces the subject of the hearing.
- (b) The procedures are summarized for all present. Request each person who speaks to identify themselves.
- (c) The staff presents the essence of the application and any staff reports or other pertinent information.
- (d) Individuals speaking in support are next invited to speak, beginning with the applicant and his/her representative.
- (e) Individuals speaking in opposition usually go next. If several people (from the same subdivision for example) who have the same view are present, it is not unreasonable to ask a single representative to speak for the group. However, do not prevent any one from having an opportunity to speak. Irrelevant and off-the-subject comments should be ruled "out-of-order" by the Chairperson.
- (f) The Chairperson can allow "cross-examination" or rebuttal, but should ensure that all comments are directed through the Chair and not to a particular individual. The hearing body should refrain from debating or arguing with persons. The purpose of the hearing is to gather facts, not to carry on an adversary relationship.
- (g) The Chairperson should announce the close of the public comment portion of the hearing or announce the continuation of the public hearing to another specified time and date if the hour is late or additional pertinent information must be obtained.
- (h) The hearing body then deliberates on the matter.

4.2 Notice of Hearings. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner as required by law, and to persons or group representatives most interested.

Upon receipt from the City Clerk of Planning and Zoning cases referred to the Commission by the City Council, the Secretary shall schedule a public hearing for the earliest appropriate scheduled Planning Commission meeting.

Staff, in consultation with the Chair, may limit the number of cases heard at a meeting to facilitate the effectiveness of the meeting and the deliberations of the Commission.

- 4.3 **Notice of Decision.** A written notice containing the decision of the Planning Commission, and City Council if required, will be sent to petitioners and originators of requests which result in an action or decision by the Planning Commission.

#### **Section 5.0 MATTERS TO BE CONSIDERED BY THE PLANNING COMMISSION**

- 5.1 The following matters shall be presented for consideration at a meeting of the Planning Commission:
- (a) Matters designated by the City's Zoning Ordinance to be included in the jurisdiction of the Planning Commission.
  - (b) Such other matters as the Planning Director or City Council shall find it advisable or essential to receive consideration by the Planning Commission.

#### **Section 6.0 MATTERS TO BE ACTED UPON BY STAFF ON BEHALF OF THE COMMISSION**

- 6.1 The Director shall take action or make recommendations in the name of the Planning Commission in accordance with such plans, policies, and procedures as are approved or established by the Planning Commission from time to time. Where there is a serious conflict of interest, public controversy, or uncertainty or doubt as to the plans, policies, or procedures approved or established by the Planning Commission, presentation of the matter shall be made at a Planning Commission meeting.
- 6.2 The responsibilities given in Section 6.1 shall include the review of plans requiring submission to the Planning Commission in accordance with provisions of the Zoning Ordinance.

#### **Section 7.0 PLANNING COMMISSION STAFF**

- 7.1 **Authorization.** The Planning Commission staff may consist of a Planning Director and such other personnel as may be authorized by the legislative body.
- 7.2 **General Responsibility.** The Planning Commission staff is charged with the duty of preparation and administration of such plans as are appropriate for the municipality and its environs and are within the scope of the Michigan state planning enabling act(s).
- 7.3 **Planning Director's Duties.** The Planning Director shall be responsible for the professional and administrative work in directing and coordinating the program of the Planning Commission. The Director's work shall be carried on with the widest degree of professional responsibility, subject to the policy determinations of the Planning Commission and administrative policies of the municipality.

7.4 Policy Formulation. The Planning Director shall:

- (a) Be responsible for carrying out the directives of the Planning Commission.
- (b) Advise and assist the Planning Commission in the establishment of general planning policy.
- (c) Be responsible for formulation of staff policy.

7.5 Effectuation of Plans. The Planning Director shall recommend to the Planning Commission whatever action is necessary for effectuating plans with respect to both public and private endeavors through such control techniques as:

- (a) Zoning and subdivision control.
- (b) Programs for capital expenditures.
- (c) Long-range comprehensive plans for the guidance of the municipality's growth.

7.6 Public Relations. The Planning Director shall:

- (a) Officially present the Planning Commission's recommendations to the legislative body.
- (b) Officially represent the Planning Commission and its staff at planning conferences, interdepartmental meetings of the municipal government, and serve generally as a liaison between the Planning Commission and the public.
- (c) Encourage private development or investment in accord with comprehensive plans.
- (d) Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.
- (e) Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding and approval of planning.
- (f) Accept other responsibilities as may be directed by the Planning Commission, legislative body, or chief executive.

Section 8.0 AMENDMENTS

- 8.1 These rules may be amended at any regular or special meeting by a two-thirds vote of the seated membership.

ADOPTED: October 7, 1986  
AMENDED: December 1, 1987  
January 3, 1989  
July 11, 1989  
December 1, 1992  
April 8, 1997  
November 11, 2003  
October 14, 2004  
June 12, 2007  
December 14, 2021  
February 8, 2022

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Paul Sabourin, Chair

2-8-22  
Date