

ARTICLE 25 - PLANNING COMMISSION

§15-25-1 CREATION AND MEMBERSHIP

- A. The City of Whitehall established a Planning Commission under former Public Act 285 of 1931 to perform the duties as provided in that Act together with such powers and duties given to the Commission by City Charter and this Ordinance. Public Act 33 of 2008 allows previously established planning commissions to continue in effect under PA 33.
- B. The mayor shall appoint members to the Commission subject to approval by a majority vote of the City Council. The Commission shall consist of nine members - six at large, the city manager or a person designated by the city manager, the mayor, and one member of the city council. At large members shall be appointed for three-year terms with staggered terms so that the terms of one third of the at large members expire each year. Except as provided in this section, an elected officer or employee of the City is not eligible to be a member. The terms of the mayor and city manager shall expire with the term of the mayor. The term of the member of council shall expire with their term on council. Members shall hold office until a successor is appointed.
- C. A vacancy on the Commission occurs when a Commissioner dies, files a resignation, is removed from office, moves from the City, is convicted of a felony or of misconduct in office, or is legally declared mentally incompetent. Should a Commissioner be absent from three unexcused meetings in a calendar year, the Commission shall notify the appointing authority for consideration of replacement. Vacancies shall be filled for the unexpired term in the same manner as provided for an original appointment.
- D. The membership of the Commission shall be representative of important segments of the community such as economic, governmental, educational, and social development in accordance with the major interests as they exist in the City such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce.
- E. Members shall be registered voters in the City of Whitehall except that no more than two members may be registered voters in another local unit of government.
- F. The City Council may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

§15-25-2 BYLAWS

The Commission shall adopt rules for the transaction of business and shall keep a public record of resolutions, transactions, findings, and determinations.

- A. Officers - At the first meeting of each year, the Commission shall elect from its membership a chairperson and secretary for one-year terms. The mayor, city council member, and city manager are not eligible to serve as the chairperson. All officers are eligible for reelection. Commissioners may nominate members for chairperson and secretary by motion with support. Once nominations have been closed, each member shall vote affirmatively for one candidate. The candidate receiving the highest number of votes, shall be elected to that office. The chairperson shall preside at all meetings, appoint committees, authorize calls for special meetings, and perform other duties as may be ordered by the Commission. The secretary shall act in the capacity as chairperson in the absence of the chairperson. If the office of chairperson becomes vacant, the secretary shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of secretary for that unexpired term.
- B. Duties of the Zoning Administrator - The zoning administrator shall be responsible for having the minutes of each meeting recorded and maintained. The minutes shall show the vote upon every motion and summaries of the testimony of those appearing before the Commission. All communications, petitions, and reports shall be forwarded to the Commission and entered into the minutes. Communications and petitions in reference to a specific request shall be read into the record. The zoning administrator shall be responsible for sending a written notice to each Commissioner of any special meetings. The zoning administrator shall prepare an agenda of items to be considered at each meeting of the Commission. Absent extenuating circumstances, items to be considered by the Commission for official action shall be submitted to the zoning administrator no later than five business days prior to the scheduled meeting.
- C. Meetings - The Commission shall hold not less than two regular meetings each year and by resolution shall determine the time and place of the meetings. When a regular meeting date falls on a legal holiday or conflicts with another event, the Commission shall select a suitable alternate date. Special meetings may be called at the request of the Chairperson or by two other members upon written request to the zoning administrator. The zoning administrator shall send written notice of a special meeting to Commission members not less than 48 hours before the meeting. Work sessions may be scheduled by the chairperson for the informal discussion of planning issues. Official decisions, issues, or proposals shall not be made. All regular and special meetings, hearings, work sessions, records, and accounts shall be open to the public and shall be publicized in accordance with the Open Meetings Act, Public Act 276 of 1976. A writing prepared, owned, used, in the possession of, or retained by the Commission in the performance of an official action shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976. Five Commissioners shall constitute a quorum for the transaction of business and the taking of official action. Parliamentary procedure during Commission meetings shall be guided by Roberts Rules of Order.
- D. Conflicts of Interest - Any Commissioner who has a financial or other private interest in a matter before the Commission shall abstain from voting and shall not participate in any hearing or discussion at which said matter is under

consideration. This shall be noted in the minutes and approved by a majority vote of the remaining Commissioners. The mere fact that a Commissioner works or resides near or in the area affected by a proposal shall not constitute a conflict of interest.

- E. The following development matters along with other items deemed worthy shall be deemed suitable subjects for consideration at meetings of the Commission – petitions and administrative proposals to changes in the zoning ordinances; preliminary plans and reports for the development of the City; the removal, relocation, widening, narrowing, vacating, abandoning, change of use, or extension of any public way, grounds, open spaces, buildings, utilities, or other facilities; the general character, extent, and layout for redevelopment or rehabilitation of blighted areas; subdivision plats; planning reports and plans prior to publication; capital improvement programs for the City; planning commission budget requirements and requests; and the selection of consultants.
- F. The City Council, rather than accepting or rejecting a recommendation from the Commission, may refer the matter back for reconsideration with specific guidance.
- G. Annual Report - The Commission shall make an annual written report to the City Council concerning its operations and the status of planning activities including recommendations regarding actions by the Council related to planning and development.

§15-25-3

POWERS AND DUTIES

A. Master Plan

The Commission shall make and approve a master plan as a guide for development within the City in accordance with Article III, Public Act 33 of 2008, as amended. Following the adoption of the master plan or any part of the plan, copies shall be transmitted to the City Council.

B. Capital Improvements Program

To further the development of the City under the master plan, the Commission shall prepare a capital improvements program showing public structures and improvements, in general order of their priority that in the Commission's judgement will be needed or desirable and can be undertaken within the ensuing six years. Each department of the City shall furnish the Commission with lists, plans, and estimates of time and cost of those public structures and improvements. The Commission may recommend to the City Council programs for public structures and improvements and their financing.