

RULES OF PROCEDURE
FOR THE PLANNING COMMISSION
OF THE
CITY OF GAHANNA, OHIO
WITH RECOMMENDED AMENDMENTS

Adopted May 13, 1998
Amended October 14, 1998
Amended February 24, 1999
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Adopted January 13, 2016
ON AGENDA TO BE ADOPTED AS AMENDED: February 10, 2016

RULES OF PROCEDURE
PLANNING COMMISSION
CITY OF GAHANNA, OHIO

ARTICLE I - FORCE AND EFFECT

- 1.10 No provisions or section of these rules which conflicts with, or restricts those rights provided by the Constitution of the United States, the Constitution of the State of Ohio, the Charter of the City of Gahanna, Ohio, or the common law, shall have any force or effect.
- 1.11 Robert's Rules of Order, 11TH Edition shall control where no provisions are made in these rules or where not in conflict with these rules.

ARTICLE II - ORGANIZATIONAL MEETING

- 2.10 After the election of the chairman as prescribed by charter, the vice chairman shall be elected. Election shall be by roll call vote and the results declared.

ARTICLE III - OFFICERS OF THE COMMISSION

- 3.10 Chairman - The Chairman of the Commission shall:
 - A. Serve as the presiding officer of the Commission, and shall be responsible for the conduct and order of the meetings of the Commission.
 - B. Establish standing committees, consisting of members of the Commission, and appoint a Committee Chairman who is a member of the Commission, for the purpose of obtaining information, studying items of business, formulating policies, etc.
 - C. Sign for the Commission all approvals, resolutions, approved minutes, and other matters requiring the action of the Commission. In the absence of the Chairman, the Vice Chairman shall sign.
 - D. ~~Commission Chairman shall not chair any committee, except Committee of the Whole. (Reference: Section 3.10E).~~
 - E. Commission Chairman shall serve as Chairman of the Planning Commission Workshop meetings.
 - F. The Commission Chairman shall be responsible to determine whether or not Planning Commission meetings or Commission Workshop meetings will be cancelled or postponed due to inclement weather conditions.

- 3.11 Nothing in these rules shall diminish the task of the Chairman of the Commission of his duties and obligations as a Commission member.
- 3.20 Vice Chairman - The Vice Chairman of the Commission shall serve as the Chairman of the Commission when the Chairman is absent.
- 3.21 Nothing in these rules shall diminish the task of the Vice Chairman of the Commission of his duties and obligations as a Commission member.
- 3.22 In the event that both the Chairman and Vice Chairman are absent from a meeting of the Commission, the presiding officer shall be the most senior member present.
- 3.30 *Clerk of the Commission* - The Council Office shall provide clerical assistance to the Commission as follows:
- A. Attend all regular and special meetings of the Commission.
 - B. Prepare a record of all proceedings of the Commission which shall be termed the minutes.
 - C. Record the exact hour and minutes of the late arrival and/or early departure of a member of the Commission.
 - D. Maintain a permanent record and file of all approvals, recommendations, resolutions, minutes, and other formal actions of the Commission per our current records retention schedule.
 - E. In conjunction with the Chairman of the Commission, prepare an agenda for each regular and special meeting of the Commission.
 - F. Be responsible for the distribution of the agenda, minutes, applications, staff comments, correspondence, etc. to the members of the Commission, in a timely manner.
 - G. Be responsible for submission of draft ordinances as approved by the City Attorney to the Council.
 - H. Items for the agenda shall be furnished to the Clerk prior to noon on the Thursday before the meeting.
 - I. Upon receipt of the application proceed with the legal advertising required for said application. Be responsible for the preparation of all legal notices for advertising Public Hearings as required by Code; be responsible for notification to adjacent property owners of Public Hearings as required by code.

- J. Sign all recommendations to Council that are a result of action taken at a meeting of the Planning Commission.
 - K. Perform all clerical duties incidental to the office.
 - L. Perform such other duties as directed by the Chairman.
- 3.40 *Planning and Development Department and Zoning Division* - Representatives from the Planning and Development Department and Zoning Division shall act as liaisons between the City administration, staff, public and the Commission. The representatives shall:
- A. Attend all regular and special meetings of the Commission, and attend all work sessions of the Commission, unless excused by the Chairman.
 - B. Forward the original application and sufficient copies to the Clerk for files.
 - C. Obtain staff comments from various department heads for each application.
- 3.50 *City Engineer* - The City Engineer, or his designee, shall act as a liaison between the City administration, staff, public and the Commission. The City Engineer shall:
- Attend all regular and special meetings of the Commission, and attend all work sessions of the Commission, unless excused by the Chairman.

ARTICLE IV - MEETINGS

- 4.10 *Regular Meetings* - Regular meetings of the Commission shall be held during the second and fourth weeks of each month on the day established in the organizational meeting; except during the months of November and December when the Commission shall meet on the first and third weeks of each month on the day established in the organizational meeting.
- 4.11 Such meetings shall be called to order at 7:00 p.m. in the Council Chambers in City Hall in the City of Gahanna.
- 4.12 Such meetings may be held in any other place within the confines of the City of Gahanna, provided that plans are announced at least 72 hours prior to the scheduled meeting.
- 4.13 Special meetings may be called by the Chairman of the Commission or any three members of the Commission acting as a group. All members of the Commission shall be notified not less than 24 hours in advance of a special meeting as to the date, time, place, and purpose of such meetings. Only

matters relating directly to the stated purpose of the special meeting may be considered during the special meeting. Notice of special meeting shall be in writing.

- 4.14 Special meetings do not negate the public notice requirements for any discussion item(s) as established by the Charter and/or Chapter 11 of the Codified Ordinances of the City of Gahanna
- 4.20 ~~Committee Meetings and Work Sessions - Committee meetings~~ and/or work sessions will be held prior to the regular meeting as the agenda dictates and on the first and third Wednesdays, as necessary.
- 4.21 Additional ~~committee meetings and/or~~ work sessions may be called by the Chairman of the Commission, as is required, provided that notice is given to the respective members at least 72 hours prior to the meeting. The notice should state the time, place and purpose of the meeting.
- 4.30 All meetings of the Commission, except Executive Sessions subject to Ohio Law, shall be open to the public.

4.60 Members of the Commission may hold an executive session only after a majority vote of the Commission determines, by a roll call vote, to hold such and only at a regular or special meeting for the sole purpose of the matters listed in subsection A, B, C, D, and E as follows:

- A. To discuss purchase of property for public purposes or the sale of public property through competitive bidding or public auction.
- B. To confer with the City Attorney concerning disputes involving the City, and/or appointed or elected officials or employees, which are subjects to pending or imminent court action.
- C. Matters required to be kept confidential by federal law or rules or state statutes.
- D. Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.
- E. To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:
 - 1. The information is directly related to a request for economic development assistance that is to be provided or administered

under any provisions of Chapter 715, 725, 1724, or 1728, or section 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Ohio Revised Code, or that involves public infrastructure improvements, or the extension of utility services that are directly related to an economic development project.

2. A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

F. If Planning Commission holds an executive session to consider any of the matters listed in subsections B, C, D, or E, the request to hold that executive session shall state which one or more of the approved matters listed in those subsections are to be considered at the executive session.

ARTICLE V - ORDER AND CONDUCT OF COMMISSION BUSINESS

5.10 The Agenda - An agenda of business to be considered by the Commission shall be prepared and delivered to each member of the Commission at least 48 hours prior to each regular meeting of the Commission and 24 hours prior to each special meeting.

The Consent Agenda – Items not requiring a public hearing may be marked as consent and voted on as one unit provided that no additions, corrections, amendments or conditions are placed on the individual items of business. The consent agenda does not allow for discussion of individual items of business.

5.11 The agenda for a regular meeting shall contain:

- A. A listing, by descriptive words, of each public hearing to be considered.
- B. A listing, by descriptive words, of each application to be considered.
- C. Any other items of known business.

5.12 Order of Business - The Chairman shall conduct meetings in the order outlined in the agenda. The order of the Agenda shall be **determined by the Clerk and Chairman but should include the following:** ~~as follows:~~

- A. Call meeting to order.
- B. Pledge of Allegiance.
- C. Roll Call.

- D. Additions or corrections to the agenda.
- E. Approval of minutes.
- F. Hearing of Visitors - Items Not On The Agenda.
(Speaker slips will be required).
- G. Applications.
(Including all required Public Hearings & the swearing in of all people wishing to address the Commission regarding any public hearing).
- H. Old Business.
- I. New Business.
- J. Committee Reports.
- K. Official Reports:
 - 1. City Attorney.
 - 2. City Engineer.
 - 3. Development Department.
 - 4. Chairman.
- L. Correspondence and Actions.
- M. Poll Members For Comment.
- N. Adjournment.

- 5.13 All officers of the City and members of the public are urged to cooperate with the Chairman and Council Office in making the agenda complete and accurate. Items shall be removed from an agenda by the Clerk with concurrence of the Planning Commission Chairman.
- 5.14 While nothing in these sections will prevent the introduction of New Business not listed on the agenda, the Commission may require additional time to study any matter not included on the agenda.
- 5.15 The Commission may, at their discretion, request that the Zoning Office limit the number of applications accepted for each agenda.
- 5.20 *Committees* - The Chairman may assign special committees for specific purposes. Such committees shall be composed of a minimum of two (2) commission members. The appointment of the Chairman must be confirmed by a motion of the Commission. Such committees will exist only for that length of time required to complete their purpose.

- 5.21 By the Ohio Revised Code, the Community Reinvestment Area Housing Commission requires an appointment by the Planning Commission. The term is for three years and the Clerk shall notify the Commission two months prior to the deadline for the appointment. This appointment may be a Commission member or a resident of the City.
- 5.22 Any special committee established by City Administration or Council may request an appointment by Planning Commission. Such appointment may be made once written request is received by the Council Office.

ARTICLE VI - PUBLIC HEARINGS

- 6.10 The Chairman of the Commission shall give a brief statement or explanation of the item under hearing.
 - A. If there is more than one application pending before the Commission for a particular address at a meeting, the public hearings on each application may be consolidated and held as one.
- 6.11 The time and place of the public advertisement shall be stated prior to the opening of the public hearing.
- 6.12 Prior to the opening of the public hearing, the Development Department may make a presentation of slides, videos, photos, staff comments, or combination thereof, regarding the application in question.
- 6.13 The public hearing shall be opened with the proponents being allowed 7 minutes, the opponents 10 minutes, and 3 minutes for rebuttal by the proponents. Such time schedule would prevail unless extended by the Chairman without opposition by a commission member. Everyone addressing the Commission will approach the lectern and state their names and addresses for the record.
 - A. Questions from Commission members prior to closing of the public hearing shall be allowed.
 - B. A public hearing may be closed at any one meeting and reopened at the next regular meeting, or to a date certain if so specified, without additional newspaper advertising or notification of contiguous property owners.
- 6.14 Anyone who wishes to address the Commission during a public hearing may do so after being sworn in by the City Attorney, or his designee. The Chairman shall advise any person who wishes not to be sworn in that unsworn testimony shall not be considered by the Planning Commission in rendering its decision.

The oath given to persons wishing to address the Commission shall be the same as or similar in nature to the following: "Do you promise to tell the truth, the whole truth, and nothing but the truth and, if so, answer I do."

It shall be incumbent upon any party requesting a verbatim record of the proceedings to advise the Council office prior to the meeting that such a record will be needed. Requesting party may make arrangements to have a court reporter present, at their own expense.

ARTICLE VII - MOTIONS

- 7.10 When a question is before the Commission, under discussion, and/or a motion has been made, no motion shall be proper except the following:
- A. Motion to adjourn.
 - B. Motion to recess.
 - C. Motion to request that discussion end and the vote be called.
 - D. Motion to postpone until a stated future time, which can be to any date, not just to the next regular meeting.
 - E. Motion to refer to a standing or special committee.
 - F. Motion to amend a motion under discussion.
 - G. Motion to postpone for an indefinite time (not applicable to items requiring Gahanna City Council action).
- 7.11 Vote Without Discussion - Relative to the motions listed in Section 7.10, exclusive of Item F, motions will go immediately to a vote without discussion, except for a brief explanation by the person requesting the motion.
- 7.12 A motion to amend is susceptible to but one amendment. An amendment, once rejected, may not be moved again in the same form, or moved for reconsideration.
- 7.13 If a motion to postpone for an indefinite time is carried, the principal question shall be declared lost.
- 7.14 A motion to reconsider may be made by any member during the meeting at which the vote on the original issue was taken, regardless of their vote on the original motion.
- 7.15 A motion to bring any matter from postponement, or to bring any matter from committee, shall be in order at any succeeding meeting. Such motion

shall go to a vote without discussion, except for a brief explanation by the person making the motion.

- 7.16 All motions shall be put in a positive manner.
- 7.17 All motions shall require a second, except a motion to adjourn which can be without opposition.
- 7.18 A motion to postpone until a stated future time or for an indefinite time shall be debatable only as to the motion itself.
- 7.19 The commission member making a motion may speak for or against the motion during discussion.
- 7.20 The reading of any item into the record and any discussion, public hearing, recommendation, referral or vote is to be considered an action taken by the Commission on such item although it may not be the final action.

ARTICLE VIII - VOTING

8.10 *Definitions:*

- A. Quorum - Four or more members of the Commission.
- B. Simple Majority - More than half of the votes cast.

- 8.20 *Rules* - Voting on all items shall be oral and open. The clerk shall call the roll and each Commission member shall respond "yes", "no", or "abstain". A member of the Planning Commission may abstain from a vote on such matters but only upon stating upon the public record that the reason for such abstention is a conflict of interest on the matter to be voted upon. The basis for such conflict need not be stated. No other comments shall be made during the voting.

An abstain is considered as a vote not cast (reference 8.10B). The order of voting by the Commission members shall rotate with each successive vote. After the voting is completed, the Chairman shall announce the results.

- 8.21 The member making or seconding a motion may either vote "yes" or "no" on the motion.
- 8.22 A regular motion receiving a simple majority "yes" vote is approved, adopted, carried, or recommended.
- 8.23 A regular motion receiving a simple majority "no" vote is disapproved, not adopted, not carried, or failed.
- 8.24 Any motion receiving a tie vote is disapproved, not adopted, not carried or failed.

- 8.30 All motions resulting in a recommendation to Council requiring legislative action shall be submitted to Council in the form of a draft ordinance as prepared by the City Attorney. Such ordinance may be accompanied by a memorandum of justification as may be required to fully define the position of the Commission.

ARTICLE IX - DEBATE BY COMMISSION

- 9.10 The Chairman shall control debate according to the following rules:
- A. No person shall be permitted to speak on any motion longer than that period of time, or number of times, which is considered appropriate by the presiding officer.
 - B. While members of the Commission may yield to other persons, the limitations outlined in Section 9.10(a) still prevail.
 - C. The presiding officer may refuse the floor to any person when tactics are obviously dilatory and not in the best interest of the Commission.

ARTICLE X - ELECTED OFFICERS AND APPOINTED OFFICIALS OF THE CITY AS THEY RELATE TO THE COMMISSION.

- 10.10 Elected officers and appointed officials of the City of Gahanna, except as provided by the Charter of the City of Gahanna, may be requested to attend Commission meetings, and answer any proper questions directed to them by the Commission.
- 10.11 Such requests of elected officers and appointed officials shall be made at least 24 hours prior to the scheduled meeting.
- 10.12 The notice shall state the time, place and purpose of the meeting.