



MEMO

TO: The Planning Commission

DATE: October 25, 2016

**FROM: Jason Thompson, Director
Department of Planning and Development**

SUBJECT: PLANNING COMMISSION BY-LAWS AMENDMENT

With the August 8, 2016 Mayor and Council adoption of Ordinance No. 2016-13 (attached) which amends Section 2-284 of the City Code regarding absences from meetings of the Planning Commission, the proposed amendment to the Planning Commission By-laws replaces certain language in Article II, Membership, Appointment, Attendance and Removal of the By-Laws to maintain consistency with the City Code.

In accordance with Article VII, Modification of By-laws, the Planning Commission considered the proposed amendment at the September 27, 2016 Planning Commission Work Session and Regular Meeting and voted (5-0) to postpone final action on the proposed changes until the October 25, 2016 Regular Meeting.

ACTION REQUESTED

Consideration, discussion and affirmative vote to adopt the proposed amendment to the Planning Commission By-laws.

ATTACHMENTS:

- Proposed Amendment to the Planning Commission By-laws
- Ordinance No. 2016-13



By-Laws Planning Commission City of Snellville, Georgia

Article I Establishment

Section 1: The Planning Commission is created per Chapter 2, Administration, Article IV, Boards and Commission, of the City of Snellville Code of Ordinances, and its memberships have been appointed by the Mayor and City Council based on the composition and term requirements as required therein.

Section 2: As allowed by Chapter 2, Administration, Article IV, Board and Commission, the Commission hereby adopts the rules, procedures, and guidelines for the transaction of its business as referenced herein.

Article II Membership, Appointment, Attendance and Removal

Section 1: The Planning Commission shall consist of six members who will be residents of the City of Snellville and who shall be appointed by the Mayor with the confirmation of the City Council. Except for the initial appointments the term of the members shall be for two years. For the purpose of nominating the six members, there shall be six Planning Commission posts, to be designated Planning Commission, posts 1 through 6.

Section 2: ~~The v~~Vacancies on the Planning Commission for unexpired terms shall be filled through nomination by the Planning Commission and appointment by the Mayor with the confirmation of the City Council. ~~for unexpired terms only.~~

Section 3: Any member of the Planning Commission who is absent from three consecutive Planning Commission meetings, either regular or called, without an approved or reasonable excuse, as determined by the Planning Commission Chair, shall automatically be removed from the Planning Commission. ~~and shall not be eligible for reappointment. Any member of the Planning Commission who is absent from three regular Planning Commission meetings in a one year period shall not be eligible for reappointment.~~ The year shall be counted from July 1st through June 30th.

Section 4: Members of the Planning Commission serve at will and may be removed from office by request of the Mayor and the affirmative vote of three members of the City Council.

Section 5: Upon expiration of term of office, a member will continue to serve until a replacement is nominated by the Mayor and confirmed by the City Council.

Article III Elections and Officers

Section 1: The Planning Commission shall elect one of its members as Chairperson and he/she shall serve for one year or until such person is reelected or a successor is named. The Chairperson shall conduct the meetings and vote as any other member. A second Planning Commission member shall be elected from the body as Vice-chairperson and shall serve until such person is reelected or a successor is named. The Vice-chairperson shall conduct the meetings in the absence of the Chairperson.

Section 2: The elections shall be held every year at the regular meeting of the month of July.

Section 3: The Planning Commission shall appoint a secretary, who may be an officer or employee of the City or the Planning Commission.

Article IV Compensation

Section 1: The City Council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the Planning Commission members.

Article V Meetings

Section 1: The regular meetings of the Planning Commission shall be held on the fourth (4th) Tuesday of each month at 7:30 p.m. at the City of Snellville City Hall, located at 2342 Oak Road, Snellville, Georgia 30078.

Section 2: Special meetings of the Planning Commission may be called by the Chairperson, provided public notices are posted as required by law and all members are notified personally, by telephone, or by electronic communications to the designated e-mail address for such communications at the City of Snellville designated e-mail address at least 24 hours in advance of the meeting.

Section 3: A quorum shall be present for a meeting of the Planning Commission to begin. A majority of the members of the Commission (four (4) members) shall constitute a quorum. If a quorum is not attained within twenty (20) minutes of the scheduled meeting time the Chair will reschedule the meeting.

Section 4: All meetings shall be open to the public. The staff is directed to draft an agenda for meetings based on the order of business as follows. The agenda shall be followed unless the Chair makes a motion to hear items in the agenda out of their assigned order.

1. Consideration of minutes of previous meetings
2. Consideration of Old Business
3. Consideration of New Business
4. Announcements
5. Discussion
6. Adjournment

Section 5: All applications to the Planning Commission shall be accompanied by the applicant or agent representing the applicant. Should the applicant or agent for a particular application not be present at the time the subject application is heard, the application shall be moved to the end of the agenda. Should the applicant or agent not be available at the time of reconsideration (second time) at the meeting, the Planning Commission shall vote to defer the application to the next available Planning Commission meeting within which time the applicant shall have met all applicable deadlines for the resubmittal of material or vote to proceed with the hearing and consideration.

Section 6: Consideration of application by the Planning Commission shall be as follows:

1. The Chair identifies the application.
2. The staff presents the application to the Commission.
3. The Commission addresses questions to the staff regarding the application.
4. The Chair calls for the applicant or representative to present the application.
5. The Commission addresses questions to the applicant regarding the application.
6. The Chair opens the application for public comment.
7. The Chair calls for the applicant to present a rebuttal or closing statement.
8. The Commission addresses the questions to the applicant and staff regarding the application.
9. The Chair opens the application for a motion.
10. The Chair calls for a second to the motion.
11. The Chair calls for the discussion on the motion.
12. The Chair calls for a vote on the motion.

Section 7: The Planning Commission must take an action on an application if it is on a scheduled agenda. Decision of the Planning Commission shall be made by affirmative majority vote of the members present. On applications the Commission may move to approve or partially approve; approved and impose conditions related to the application being considered; deny; deny without prejudice; hold for further study not less than 30 days or the next meeting date; or withdraw.

Section 8: A vote on a motion, to approve, resulting in a tie vote of the members present shall constitute a denial motion. A vote on a motion, to *deny*, resulting in a tie vote of the members present does not constitute approval of the motion. The Chair shall ask for a motion for approval, which shall be seconded and voted on and resulting in a tie vote of the members present to dispense of the matter. An abstention shall be counted as a non-vote.

Section 9: The Commission/Secretary shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The Department of Planning and Development shall keep records of its examination and other official actions and shall be available for public record.

Article VI Robert's Rules or Order

Section 1: In the event that a conflict occurs between the rules and procedures of this resolution and Roberts Rules of Order, the rules and procedures of this resolution shall prevail. In all other procedural questions, Roberts Rules of Order shall apply.

Article VII Modification of Bylaws

Section 1: Except for those requirements regulated by the City of Snellville Code of Ordinances, any of these Procedures may be modified by a majority vote of the Planning Commission at any regular meeting, provided the amendment was submitted in writing at a previous meeting and that said notification contains a full statement of the proposed amendments. Any proposed amendment:

- a. Must include existing and proposed texts.
- b. Must include a statement of the purpose and intended effect of the proposed change.
- c. Must be held for 14 days before it is presented to the Planning Commission for action.

Article VIII Powers

Section 1: The Planning Commission shall make careful and comprehensive surveys and studies of existing conditions and probable future developments and prepare plans for future developments and prepare plans for physical, social and economic growth in an effort to promote the public health, safety, morals, convenience, prosperity, or general welfare of the City of Snellville. In carrying out its objectives, the Planning Commission shall have the following specific powers and duties:

1. Prepare a master plan or parts thereof for the development of the City;
2. Prepare and recommend for adoption a zoning ordinance and map for the City;
3. Prepare and recommend for adoption regulations for the subdivision of land within the City limits and to administer the regulations that may be adopted;
4. Prepare and recommend for adoption a plat or plans or an unofficial map showing the exact location of the boundary lines of existing, proposed, extended, unlined, or narrowed streets, public open spaces, or public building sites and provide for the regulation of construction buildings or other structures within such lines;
5. Cooperate with and advise on accepting funds from federal, state or local public or quasi-public agencies; and
6. Exercise all other powers and duties conferred upon municipal Planning Commissions by O.C.G.A. § 36-66-1 et seq., and by any other provisions of state law.

Section 2. The Planning Commission shall work to maintain the significance of the Comprehensive Plan by encouraging that policies and recommended work programs are followed.

Section 3. The Planning Commission bases its decisions on compliance with the established policy of the Comprehensive Plan and through investigation and recommendation with respect to seven (7) factors listed below:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
2. Whether the zoning proposal would adversely affect the existing use of usability of adjacent or nearby property;
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing, streets, transportation facilities, utilities or schools;
5. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan;
6. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal; and
7. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of the City of Snellville.

Article IX Standards of Conduct

Each and every member of the Planning Commission shall:

- Serve the public interest and not profit or advance personal interest;
- Use resources with efficiency and economy;
- Treat all people fairly;
- Use the power of the position for the well-being of the community;
- Listen objectively and openly. Create an environment of honesty, openness, and integrity;
- Avoid the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens, or local government personnel during the public meetings and during the performance of public duties;
- Attend all regularly scheduled meetings relevant to your office;
- Be informed prior to debate. Make a conscientious effort to be prepared for each meeting;
- Stay focused on the overall and long range good of the City;
- Be tolerant. Allow citizens, colleagues, and staff sufficient opportunity to present their views;
- Be respectful and attentive; and
- Follow rules and procedures.

AMENDED and APPROVED this ____ day of _____, 2016.

Joe Williams, Chairman, Post 2

Ida C. Graham, Vice-Chair. Post 3

ATTEST:

Post 1 (*Vacant*)

John Dennis, Secretary

Tod A. Warner, Member, Post 2

APPROVED AS TO FORM:

Maxine Finch-Stutes, Member, Post 5

Anthony O. L. Powell, City Attorney

Bill Kingsbury, Member, Post 6

STATE OF GEORGIA
CITY OF SNELLVILLE

ORDINANCE NO. 2016-13

AN ORDINANCE TO AMEND ARTICLE IV OF THE CODE OF THE CITY OF SNELLVILLE, TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES

WHEREAS the Mayor and the Council of the City of Snellville, Georgia, the governing body of the City of Snellville, Georgia, desire to amend Article IV of the Code of the City of Snellville;

WHEREAS, the Mayor and the Council of the City of Snellville, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the Mayor and Council of the City of Snellville, Georgia deem such amendment to be for the betterment and general welfare of the City of Snellville and its inhabitants;

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

Section 1. Article IV, Division 2 of the Code of the City of Snellville is hereby amended as follows:

Planning Commission: Section 2-284 - Removal and Eligibility, is hereby amended by deleting the following language:

- (a) Any member of the planning commission who is absent from three consecutive planning commission meetings, either regular or called, shall automatically be removed from the planning commission and shall not be eligible for reappointment.
- (b) Members of the planning commission serve at will and may be removed by the mayor from office with a vote of three members of the city council.
- (c) Any member of the planning commission who is absent from three planning commission meetings in a one-year period shall not be eligible for reappointment.

And replacing the deleted language with the following:

- (a) Any member of the Planning Commission who is absent from three consecutive Planning Commission meetings, either regular or called, without an approved or reasonable excuse, as determined by the Planning Commission Chair, shall automatically be removed from the Planning Commission.
- (b) Members of the Planning Commission serve at will and may be removed from office by request of the mayor and the affirmative vote of three members of the city council.

Section 2. Article IV, Division 3 of the Code of the City of Snellville is hereby amended as follows:

Board of Zoning Appeals: Section 2-318 - Absence from meetings; removal of members, is hereby amended by deleting the following language:

- (a) Any member of the board of appeals who is absent from three consecutive board of appeals meetings, either regular or called, shall automatically be removed from the board of appeals and shall not be eligible for reappointment. Any member of the board of appeals who is absent from three board of appeals meetings in a one year period shall not be eligible for reappointment.
- (b) Members of the board of appeals serve at will and may be removed from office by request of the mayor and the affirmative vote of three members of the city council.

And replacing the deleted language with the following:

- (a) Any member of the Board of Zoning Appeals who is absent from three consecutive Board of Zoning Appeals meetings, either regular or called, without an approved or reasonable excuse, as determined by the Board of Zoning Appeals Chair, shall automatically be removed from the Board of Zoning Appeals.
- (b) Members of the Board of Zoning Appeals serve at will and may be removed from office by request of the mayor and the affirmative vote of three members of the city council.

Section 3. Article IV, Division 4 of the Code of the City of Snellville is hereby amended as follows:

Parks and Recreation Advisory Board - Section 2-318 –Absence from meetings; removal of members, is hereby amended by deleting the following language:

- (a) Any member of the parks and recreation advisory board who is absent from three consecutive board meetings, either regular or called, shall automatically be removed from the parks and recreation advisory board and shall not be eligible for reappointment.
- (b) Members of the parks and recreation advisory board serve at will and may be removed from office by request of the mayor, and the affirmative vote of three members of the city council.
- (c) Any member of the parks and recreation advisory board who is absent from three board meetings in a one-year period shall not be eligible for reappointment.

And replacing the deleted language with the following:

- (a) Any member of the Parks and Recreation Advisory Board who is absent from three consecutive Parks and Recreation Advisory Board meetings, either regular or called, without an approved or reasonable excuse, as determined by the Parks and Recreation Advisory Board Chair, shall automatically be removed from the Parks and Recreation Advisory Board.
- (b) Members of the Parks and Recreation Advisory Board serve at will and may be removed from office by request of the mayor and the affirmative vote of three members of the city council.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. This Ordinance was adopted 8/8, 2016. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

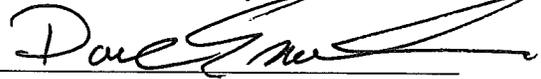
ORDAINED this 8th day of August, 2016.



Tom Witts, Mayor



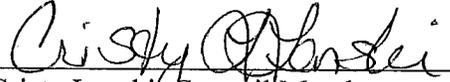
Barbara Bender, Mayor Pro Tem



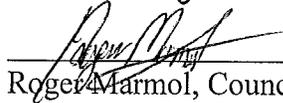
Dave Emanuel, Council Member



Bobby Howard, Council Member

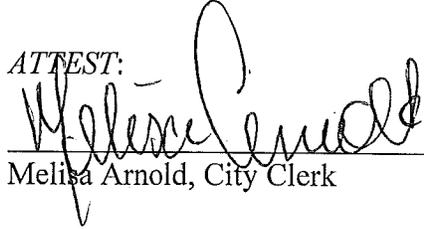


Cristy Lenski, Council Member



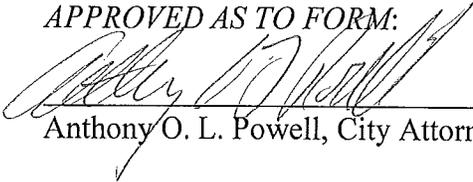
Roger Marmol, Council Member

ATTEST:



Melissa Arnold, City Clerk

APPROVED AS TO FORM:



Anthony O. L. Powell, City Attorney