

Bylaws of the City of Montgomery, Alabama Planning Commission

Crews Reaves
Chairperson

Greg Calhoun
Vice-Chairperson

Ann Clemons

Frank Cook

Buddy Hardwich

Patrick Moss

Pickett Reese

Stan Snyder

Kippy Tate

Thomas M. Tyson,
Executive Secretary

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BYLAWS OF THE PLANNING COMMISSION OF THE CITY OF MONTGOMERY, ALABAMA

SECTION 1: Objectives

The objectives and purpose of the Planning Commission of the City of Montgomery, Montgomery County, Alabama, are those set forth in Sec. 11-52-1 thru 11-52-84, Alabama Code 1975 and Act. 350, Regular Session, 1971; and those powers and duties delegated to the Planning Commission by the Montgomery City Council by Act. No. 618, Regular Session, 1973, and Ordinance No. 28-93, 1993, in accordance with the above mentioned enabling law and legislation. Planning Commission members shall be entitled to all immunities, defenses and indemnity available under Alabama law.

SECTION 2: Officers

- A. Selection and Tenure** – At the first regular meeting each year, the Planning Commission, hereinafter referred to as “Commission” shall elect from its membership a Chairperson, Vice-Chairperson and executive secretary, which are declared elected by the majority vote, five (5), of the membership, nine (9). All officers shall serve a term of one year, or until their successors are selected and assume office. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. Vacancies** – Vacancies in offices shall be filled immediately by regular election procedure Section 2-A.
- C. Chairperson** – The Chairperson shall preside at all meetings and shall have the privilege of discussing all matters before the Commission and to vote thereon. The Chairperson may succeed himself.
- D. Vice-Chairperson** – The Vice-Chairperson shall act in the capacity of the Chairperson in his/her absence and shall have the same powers and privileges.
- E. Executive Secretary** – The executive secretary shall keep the minutes and records of the Commission, shall prepare the agenda of regular, special and sub-committee meetings, shall provide notice of meetings to Commission members, shall arrange proper legal notice of hearings, and shall attend to correspondence of the Commission and such other duties as are normally carried out by an executive secretary. The Executive Secretary shall be appointed by the Commission and shall serve at the discretion of the Commission, shall be an administrative official of the Planning Controls Division, and shall be bonded as required by Sec. 11-52-3 thru 11-52-6, Alabama Code 1975, and Act. No. 350, Section 5, 1971 Regular Session.

SECTION 3: Meetings

- A. **Regular Meetings** – Regular meetings will be held on the fourth Thursday of each month at 5:00 p.m., except in the months of November and December which will be held on the second Thursday, due to national holidays. The meetings will take place in the Council Auditorium in City Hall located at 103 N. Perry St. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, an alternate meeting date will be chosen in the same month as the originally scheduled meeting, if possible. Notice of regular Commission meetings shall be posted on the bulletin board at City Hall at least seven (7) calendar days prior to the meeting.
- B. **Special Meetings** – Special meetings may be called by the Chairperson or executive secretary, or upon written request, to the executive secretary, by at least two members of the commission. The business the commission may perform shall be conducted at a public meeting and notification shall be given in compliance with the Act No. 2005-40 (New Open Meeting Law Act).
- C. **Quorum** – Five (5) members of the nine (9) member Commission shall constitute a quorum for the transaction of business and the taking of official action. Whenever a quorum is not present at a regular or special meeting, no action taken at such meeting shall be final unless and until ratified and confirmed at a subsequent meeting at which a quorum is present.
- D. **Public Records** – All meetings, minutes, records, documents, correspondence and other materials of the Commission shall be open to public inspection.
- E. **Voting** – An affirmative vote of the majority, five (5), of the commission membership, nine (9), is required to take any action on requests before the Commission. In the absence of any provision that rules to the contrary, the rules of procedure provided by Roberts Rules of Order shall prevail.
- F. **Denial** – A reason must be given for denial of any application.

SECTION 4: Agenda

- A. **Items for Consideration** – Applicants desiring to have a subdivision plat and/or development plan placed on the agenda for consideration by the Planning Commission shall submit the plat and/or development plan and all supporting data required by the Subdivision Regulations and Zoning Ordinance to the Planning Commission no later than 27 calendar days prior to the hearing date on which the matter is to be considered. Applicants desiring to have a zoning map amendment placed on the agenda for consideration by the Planning Commission shall submit the application and all supporting data required by the Zoning Ordinance to the Commission no later than 27 calendar days prior to the hearing date on which the matter is to be considered. No petition for zoning map amendment, approval of a subdivision plat, or recommendations on a development plan shall be considered or voted on by the Commission unless such application or petition appears on the agenda, has been delayed at a preceding meeting, or has been placed on the agenda as a confirmation by the Executive Secretary of the Commission.

- B. **Prepare and Distribute** – At least seven (7) calendar days prior to a regularly scheduled meeting, the Executive Secretary shall prepare an agenda of items to be brought before the Commission, and distribute a complete copy of the agenda to each member of the Commission.
- C. **Notification** – A schedule of the regularly scheduled meetings for the year shall be posted on a public bulletin board in City Hall. A short form agenda of items to be considered shall be published in a newspaper of general circulation at least seven (7) calendar days prior to a regularly scheduled meeting. All notifications shall include the type of meeting to be held, date, time and location of said meeting.

SECTION 5: Direct Meeting Notification

- A. **Policy** – It shall be the policy of the Commission to transmit all direct meeting notification by email. This method of public notification shall not incur any additional cost to the City or the registered person receiving the notification.
- B. **Public Registry** – A public notification registry shall be compiled by the Commission staff. Persons wishing to sign up for direct public notification of meetings shall register with the Commission staff for direct public notification. Following application, the applicant's name shall be added to the registry of those who shall receive direct notice of all future meetings, provided that notice may not be given for meetings held within seven (7) calendar days of the receipt of the applications so that the staff may have time to update the list.
- C. **Removal of Name** – A person's name may be removed from the registry if the City has information that indicated the e-mail address is no longer valid or that the applicant is not checking their messages. If the direct notification e-mail is returned more than three (3) times, at that time the applicant's name shall be removed from the direct notification list. Misuse of the e-mail notification in any manner will also result in removal from the list and may constitute grounds to prevent future applicant to receive direct meeting notice by the offending individual.
- D. **Notice Failure and Alternative Methods of Notification** – The City of Montgomery is not responsible in the event of any notice failure that is not due to fault of its own. The City reserves the right to use alternative methods of notification such as fax, telephone and/or mail if, for technical reasons, electronic means are unavailable at the time the notification is needed. Persons wishing to receive public via U.S. Postal Services shall pay in advance the cost of printing and postage of the public notification. Said cost of printing and postage will be determined at the time the notification is compiled.

SECTION 6: Committees

- A. **Establish & Designate** – The Commission may establish such committees as it deems advisable and assign each committee specific duties or functions. The Chairperson shall designate the members of each committee and shall name the Chairperson of each committee. The Chairperson shall fill vacancies on committees as they are created.

B. Actions – No action of a committee of the Commission shall be deemed official until approved by a majority vote, five (5), of the membership, nine (9), of the Commission at a regular or special called meeting of the Commission.

SECTION 7: Hearings

A. Additional Hearings – In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that such hearings will be in the public interest, and the public shall receive proper legal notice as to time and location of public hearings as required by law.

B. Representation – At the time of the hearing, the applicant may appear in his own behalf or be represented by counsel or agent. The applicant shall make his statement, followed by that of anyone for or against the proposal. The applicant shall be given an opportunity for a final rebuttal. The Chairperson shall set a time limit during discussions on petitions, applications, complaints, appeals, communications, etc., and opponents or proponents shall be limited to ten (10) minutes per side. The time limit may be extended by a majority of those voting.

C. Disqualify – Members with a personal or financial interest in any request are required to recuse themselves from voting. It shall be the duty of any party involved in a matter before the Commission to inform the Chairperson if said party had knowledge of any reason why any member of the Commission should disqualify himself from voting on the matter before the Commission. In the event a member fails to disqualify himself from voting on any application or petition when such disqualification is required, the Chairperson shall have the power to disqualify the member from voting on the application or petition in question. If a vote on the matter has been taken prior to such disqualification, the Chairperson shall declare the vote of the disqualified member to be null and void, and the disposition of the appeal or application shall be as if the disqualified member had not voted. In the event such disqualification results in the lack of a quorum, no action shall be taken on the matter. Willful violation of the terms of this section shall be grounds for removal from office in accordance with Section 11-52-3 of the Code of Alabama, 1975, and amendments and supplements thereto.

D. Rehearing of Map Amendments – Applications for map amendments shall not be accepted for consideration by the Commission on any location on which a public hearing has been held within a period of less than one (1) year, unless warranted by significant changes in the conditions surrounding the location in question, or by a significant change in the map amendment application, or by the majority vote, five (5), of the membership, nine (9), at the time the application for rehearing is reconsidered.

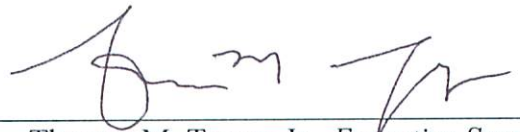
SECTION 8: Amendments

These bylaws may be amended by the majority vote, five (5), of the Planning Commission membership, nine (9).

SECTION 9: Adoption of Bylaws

These bylaws shall become effective upon passage, approval and publication, or as otherwise provided by law.

Adopted on this the 26th day of March, 2015.

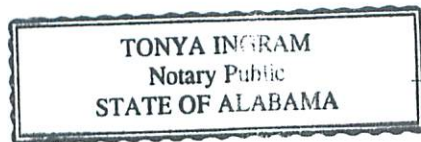


Thomas M. Tyson, Jr., *Executive Secretary*
Montgomery City Planning Commission



Crews Reaves, *Chairperson*
Montgomery City Planning Commission

Sworn and subscribed to before me this 26 day of March, 2015.



Tonya Ingram, Notary Public