

BY-LAWS OF THE COUNTY OF SUMMIT
PLANNING COMMISSION

PREAMBLE

By virtue of Chapter 141 of the Codified Ordinances of the County of Summit, the Summit County Planning Commission (“Commission”) is established and authorized to exercise the powers and duties vested in Planning Commissions by general law, including but not limited to Sections 711.10 and 713.23 of the Ohio Revised Code, and granted to the Commission by the Codified Ordinances of Summit County. To provide for the orderly exercise of these powers, the Commission adopts the By-Laws set forth herein.

ARTICLE 1 – MEMBERS

The Commission shall consist of nine members appointed by the County Executive and confirmed by County Council; one member of County Council elected to represent a District; and one member of County Council elected to serve at large, for a total of 11 members. The appointed members shall serve for terms of three years and Council members shall serve for terms of four years; provided, however, that both appointed and council members shall continue to serve until their successors are confirmed by County Council or their reappointment is not confirmed by Council.

ARTICLE 2 – OFFICERS

Section I. Powers and Duties

The Commission shall elect from its members the following officers:

A Chairperson who shall preside at all hearings and meetings of the Commission; assure proper order of the Commission and the public in all Commission proceedings as provided herein; sign all approved plats, written contracts and other obligations of the Commission; approve the agenda for Commission meetings as provided herein; appoint members to Commission committees as provided herein; represent the Commission before legislative and administrative bodies; and provide such other and further duties as may be required or requested by the Commission or set forth herein.

A Vice-Chairperson who shall perform all the duties of the Chairperson in case of the Chairperson’s absence or disability and perform such other and further duties as may be required or requested by the Commission.

A Secretary who shall keep or supervise the keeping of minutes of all meetings of the Commission; sign approved plats and other Commission documents as required by the Chairperson or the Commission; ensure that proper notice of Commission hearings and meetings is given as provided herein; and perform such other and further duties as may be required or requested by the Commission or set forth herein.

Section II. Election of Officers

The election of officers shall be held at the Commission's first regular meeting in January of each year, except that the Commission by majority vote of members present may postpone the election of officers to the first regular meeting in February. Officers shall hold office until a successor is elected and qualified. If any officer shall not be able to perform his or her duties by reason of death, resignation, disqualification or any other cause, the Commission shall elect at its next regular meeting one of its members to replace that officer and complete that officer's term. The replacement officer shall serve until a successor is elected and qualified.

Elections shall be held as follows: Any member may place any member's name in nomination. No second is necessary. If only one member's name is placed into nomination for an office, that member may be elected by acclamation. If more than one member's name is placed into nomination for an office, each member present shall write one person's name on a ballot. The ballots shall then be collected, read aloud, and recorded. A majority of votes cast shall be required to elect. In the event that no member receives a majority, the procedure of nomination and balloting shall be repeated.

ARTICLE 3 – MEETINGS

Section I. – Dates, Times, Locations

The Commission shall meet in regular session on the last Thursday of each month at 3:00 p.m. in County Council Chambers, 7th Floor, Ohio Building, 175 S. Main St. in Akron, unless such date is impracticable because of holidays or scheduling conflicts, in which case the Commission may schedule the regular meeting for the same time and place but on a different date.

Special Commission meetings may be held by written request of the Commission Chairperson or three members of the Commission. Special meetings shall be held no earlier than 3:00 p.m. in County Council Chambers, but may be held on any day requested.

Section II. – Open to Public

All meetings of the Planning Commission shall be open to the public except as provided in general law.

Section III. – Meeting Agendas

The Commission Chairperson shall prepare or approve the preparation of the agenda for every meeting of the Planning Commission, except that an item may be added to a meeting agenda prior to any meeting by request of three members of the Commission. At any Commission meeting, the agenda may be altered by the Commission.

Section IV. – Quorum

To conduct business or take any actions at any Commission meeting, a quorum of six members is required. A majority of members present and constituting a quorum is necessary to take action.

Section V. – Notice of Meetings

Each year the Commission shall adopt a schedule of its regular meetings for the next year which shall be widely disseminated to the general public and the news media in the County. Notice of any special meetings of the Commission shall be given to all members no later than 24 hours before the meeting unless there is an emergency. In addition, notice of special meetings of the Commission shall be widely disseminated.

Section VI. – The Order of Business

The order of business of the Commission shall be as follows:

- A. Roll Call
- B. Reading and approval of minutes, with or without corrections
- C. Business items
 - a. Old Business
 - b. New Business
 1. Zoning Items
 2. Subdivision Items
 - i. Receipt of Concept Plan Application(s)
 - ii. Preliminary Plan(s)
 - iii. Improvement Plan(s)
 - iv. Final Plat(s)
 3. Road Vacations
 4. Utility and Easement Agreements
 5. Variance Items
 6. Riparian Variance Items
- D. Reports of standing committees
- E. Report of special committees
- F. Reports from Planning Director
- G. Comments from public
- H. Comments from Commission members
- I. Adjournment

Section VII. – Conduct of Persons Appearing Before Commission

During all meetings of the Commission, members of the public shall be given a reasonable opportunity to speak. The Chairperson shall reasonably control the length of time an individual may address the Commission and may rule out of order and stop public comments that are abusive, inflammatory or irrelevant to Commission business.

Any conduct by a member of the public that interferes with the rights of others to speak or with the orderly transaction of business by the Commission may be ruled out of order by the Chairperson. If the person persists in disorderly conduct, the Chairperson may request from the Commission a vote to eject the person from the meeting. Where a person fails to comply with a vote of the Commission to eject, the chairperson may call upon civil authority to physically remove the person from the meeting.

Section VIII. – Robert’s Rules of Order

Except as provided otherwise herein, the conduct of Commission meetings shall follow Roberts Rules of Order.

ARTICLE 4 – TAPE-RECORDINGS, MINUTES, RECORDS

Section I. – Tape-recording of Commission Meetings

All meetings of the Commission shall be tape-recorded and said tapes shall be retained for at least three years unless a written request is received by the Secretary to retain them for a longer period.

Section II. – Minutes

The Secretary shall ensure that minutes are taken of all meetings of the Commission that accurately reflect the actions taken by the Commission and summarize any pertinent discussion leading to an action.

The Commission shall correct, if necessary, and approve the minutes of each meeting. The Secretary shall sign the minutes, certifying that they have been reviewed and approved by the Commission, and ensure that they are maintained as a permanent record of the Commission.

Section III. – Commission Records

The Secretary shall ensure that actions taken or recommendations made by the Commission are appropriately noted on plans, plats, applications and other official documents.

ARTICLE 5 – COMMITTEES

Section I. – Permanent and Temporary Committees

The Commission may create either Permanent or Temporary Committees.

The creation of either Permanent or Temporary Committee(s) shall be upon the recommendation of either the Chairperson or three (3) members of the Commission. Any recommendation to create a permanent or temporary committee shall be made by motion at a regular or special meeting of the Commission and subject to approval by majority vote of Commission members at that meeting. Any motion to create a committee shall state whether the committee is permanent or temporary and set forth with specificity the purpose, scope and, if applicable, duration of the proposed committee.

Section II. – Membership

Each committee shall have at least three (3) members who are current members of the Commission. A Committee may have as many additional Commission members as the Commission deems appropriate providing that an odd number of Commission members are appointed to each committee.

Membership on committees shall be for a one (1) year term and shall be established upon the recommendation of the Chairperson and approval of the majority of Commission members present at the regular or special meeting at which the committee was created. If for any reason a committee member becomes unable to complete his or her term, then the Chairperson of the Commission shall appoint another Commission member to complete the remainder of the term.

The members of each created committee shall select a Chair of the committee at the earliest practical time and no later than the first committee meeting. The Chair of each committee shall preside over the committee meetings and ensure proper order of the committee proceedings. In the event a committee is unable to select a Chair, the Commission shall select a committee chairperson by majority vote at the Commission's next regular or special meeting,

Section III. – Dates, Times, Locations

Each committee of the Commission shall establish a regular date (monthly, quarterly, etc.) and time to meet in the in the County Council Chambers. The date and time of meetings shall be determined by a majority vote of committee members. The committee Chair shall convey the regular meeting time and the meeting time of any special meetings to the Commission Staff who shall cause the public notice required by law, if any, to be effectuated.

Section IV. – Open to the Public

All meetings of Planning Commission committees shall be open to the public except as provided in general law.

Section V. – Committee Meeting Agendas

Committee Chairs shall prepare or approve the preparation of the agenda for every meeting of the committee he or she chairs, except that an item may be added to a committee agenda prior to the meeting by any committee member. At any committee meeting, the agenda of the meeting may be altered by a majority vote of the committee members.

Committees may invite nonmembers to attend all or some committee meetings for the purpose of advice, consultation or expertise and to otherwise assist the committee in the conduct of its business. However, no person who is not a Commission member and duly appointed to sit on a committee may be a committee member or vote on any committee matter.

Section VI. – Quorum for Committees

To conduct business or take any action at any committee meeting, a quorum of two members is required. A majority of members present and constituting a quorum is necessary to take action.

Section VII. – Notice of Meetings

Each committee shall adopt a schedule of its regular meetings as provided for in Article 5, Section 3 of these By-laws. Notice of regular meetings shall be disseminated to the general public as provided for by law. The committee Chair shall inform the Commission staff of the schedule of meeting and Staff shall assure the committee meetings are in conformity with any public notice requirements under Ohio law. Notice of any committee special meeting shall be given to all committee members at least 24 hours before the meeting unless there is an emergency. The committee Chair shall also inform the Commission staff of the time and place of any special meeting of the committee. Staff shall assure the any committee special meeting is in conformity with any public notice requirements under Ohio law.

Section VIII. – Robert’s Rules of Order

All committee meetings shall be conducted in accordance with Robert’s Rules of Order.

ARTICLE 6 – CONFLICT OF INTEREST

A Commission member who has a conflict of interest in a matter coming before the Commission shall not participate formally or informally in discussing the matter before the Commission or with Commission members and shall abstain from voting on the matter.

A member of the Planning Commission shall be considered to have a conflict of interest whenever that member:

- A. Or his or her immediate family has a financial interest in the matter before the Commission; or
- B. Is a principal, partner, corporate officer or member of the Board of Directors of a business providing products or services to an applicant before the Planning Commission or holds an ownership interest of more than one percent in the business; or
- C. Is the applicant, builder, civil engineer, architect, land use lawyer, subcontractor or consultant of a project that is before the Planning Commission.

A member of the Planning Commission is also considered a “public official” under Ohio Ethics Laws and is subject to Chapters One and Twenty-nine of the Ohio Revised Code.

This Article is intended to provide guidance to members of the Commission regarding what actions or relationships may constitute a conflict of interest; however, it is not intended to be an exhaustive list.

ARTICLE 7 – AMENDMENT

These By-laws may be amended from time to time only in accordance with the following procedure:

- a. The Chairperson may, or on a petition of five members, shall deliver a copy of the proposed amendment to the Secretary at least 15 days in advance of the next regular meeting of the Commission.
- b. The Secretary shall thereafter, but not less than ten days prior to the next regular meeting of the Commission, forward to each member of the Commission a copy of such proposed amendment together with a notice that it will be the subject of action at the next regular meeting of the Commission and such amendment shall be deemed adopted upon receiving the affirmative vote of a majority of the members of the Commission present and constituting a quorum.

ARTICLE 8 – DUTIES OF PERSON SUBMITTING A SUBDIVISION AGENDA ITEM

Section 1 – Applicant’s Duty to Appear

The Staff of the Summit County Planning Commission shall inform all Applicants submitting subdivision Agenda items coming before the Commission of the time and date the items will be considered by the Commission and shall further inform the applicant that their presence or the presence of their representative is necessary before the Commission will take their proposal under consideration. Staff shall convey this information to the applicant in writing.

Section 2 – Failure to Appear

If neither the applicant nor the applicant’s representative appears before the Commission, after notice as set forth above, then the subdivision proposal of the applicant shall be deemed to be constructively tabled and will be removed from the current agenda and will not be considered by the Commission at that time.

Section 3 – Tabled Items

Any item constructively tabled, as set forth above, shall be placed on the agenda of the next regularly scheduled meeting of the Planning Commission and the Staff will send the applicant further notice informing them that their presence or the presence of their representative is necessary before the Commission will take their proposal under consideration.

Section 4 –Appearance Waiver

Upon motion and unanimous assent of Commission members present, and for good cause shown, the Planning Commission may waive the requirement that the applicant or the applicant’s representative appear before the Commission prior to the Commission taking an applicant’s proposal under consideration.

The above By-Laws of the County Of Summit Planning Commission were adopted by resolution at the September 17, 2009 County of Summit Planning Commission meeting.

Attest:

The undersigned Secretary of the County of Summit Planning Commission certifies that the foregoing is a true and accurate copy of the By-Laws of said Commission.

Secretary

Date