

# MEDINA COUNTY PLANNING COMMISSION BYLAWS

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TABLE OF CONTENTS

<u>Description</u>	<u>Page</u>
Preamble	1
Mission Statement	2
Section I - Procedures	
Article 1.01 - Powers and Duties	2
Article 1.02 - Meetings	2
Article 1.03 - Quorum	2
Article 1.04 - County Planning Commission Actions	2
Article 1.05 – Consent Calendar	2
Article 1.06 - Notice of Meetings	3
Article 1.07 - Order of Business	4
Section II - Membership	
Article 2.01 - Composition of County Planning Commission	4
Article 2.02 - Alternates	4
Article 2.03 - Vacancies	5
Article 2.04 - Term	5
Section III - Officers of the County Planning Commission	
Article 3.01- Executive Officers	5
Article 3.02 – President, Vice President & 2 <sup>nd</sup> Vice President	5
Article 3.03 - Duties of the President	5
Article 3.04 - Duties of the Vice President	5
Article 3.05 – Duties of the 2 <sup>nd</sup> Vice President	6
Article 3.06 - Other Officers	6
Article 3.07 – Planning Commission Members’ Responsibilities and Conduct	6
Section IV – Secretary of the County Planning Commission	
Article 4.01 Duties of the Secretary	6
Section V - Expenditures and Disbursements	
Article 5.01 - Disbursements	7
Article 5.02 - Expenditures	7
Article 5.03 - Budget	7
Section VI - Planning Services	
Article 6.01 - Municipality Privileges	7
Article 6.02 - Township Privileges	8
Article 6.03 - Reports	8
Article 6.04 - Report of Progress on Planning	8
Article 6.05 - Fees for Extra Services	8
Section VII - Committees	
Article 7.01 - Appointments	8
Article 7.02 - Committee Reports	8
Article 7.03 - Citizens' Committees	8
Section VIII - Advisory Representatives	
Article 8.01 - Citizens	9
Article 8.02 - Governmental Agencies	9
Article 8.03 - Organizations	9
Section IX - Amendments	
Article 9.01 - Procedure for Amendments	9

## PREAMBLE

By virtue of the adoption of a Resolution by the Board of County Commissioners of Medina County, Ohio, the MEDINA COUNTY PLANNING COMMISSION (sometimes hereinafter referred to as the "COMMISSION") has been activated with powers given to County Planning Commissions under the laws of the State of Ohio, particularly Revised Code 713.22 at Seq. Such Resolution provides for the creation of a County Planning Commission composed of eight (8) citizen members and the three (3) members of the Board of County Commissioners. This County Planning Commission of eleven (11 ) members has the right to exercise the powers and duties of a County Planning Commission.

Subject to the provisions of all applicable statutes and in order to carry out the duties and functions of the County Planing Commission vested in it by virtue of a Resolution of Organization and the Statutes of the State of Ohio, it is hereby determined to be necessary and desirable that the following by-laws be adopted:

## Medina County Planning Commission Mission Statement

The mission of the Medina County Planning Commission is to assist local units of government by providing land planning guidance and further to create and administer Medina County Subdivision Regulations that promote sound, orderly development benefiting the citizens of Medina County. (Amended 9/03/03)

### SECTION I – PROCEDURES

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#### Article 1.01 - Powers and Duties:

The County Planning Commission shall have all the powers and duties now or hereafter granted or prescribed for County Planning Commission by the Constitution or Laws of the State of Ohio. It shall determine its own rules and order of business and shall keep a journal of its proceedings.

#### Article 1.02 - Meetings:

- 1) Regular Meetings - The County Planning Commission shall hold a regularly scheduled meeting, monthly, with the exception of the month of August, when a meeting will not be held. At the first such meeting, each year, the County Planning Commission shall set up the schedule of dates, time and place of regular meetings for the remainder of the year. (Amended 2/07/07)
- 2) Special Meetings - The President may call a special meeting of the County Planning Commission, at any time; and, shall call a special meeting upon a written demand therefore signed by at least three (3) of the County Planning Commission members setting forth reason for the demand. The agenda for a special meeting shall be limited to the reason for which the meeting was called.
- 3) Emergency Meetings - In the event of an emergency, any Executive Officer may call for an emergency meeting. At the emergency meeting only those items for which the meeting was called shall be discussed. The local press shall be notified in advance of any emergency meeting being held. (Amended 3/1/00)
- 4) Rules of Order - All meetings of the County Planning Commission shall be conducted under The Modern Rules of Order, published by the Pennsylvania Bar Institute, as adopted by the County Planning Commission.

#### Article 1.03 - Quorum:

A quorum shall consist of six (6) members. No official business of the County Planning Commission shall be conducted without a quorum present. The affirmative votes of at least the majority voting in attendance at any meeting shall be necessary to adopt any resolution. (Amended 3/1/00)

#### Article 1.04 - County Planning Commission Actions:

All actions of the County Planning Commission shall be by resolution, adopted as herein provided, either in writing or upon oral motion. Such resolutions, upon adoption, however, shall be reduced to writing and recorded in its journal.

#### Article 1.05 – Consent Calendar:

- 1) Eligibility criteria for placement on a Consent Calendar:
  - a. Items that are routine, standard, non-controversial, and self-explanatory.
  - b. The following are some examples:
    - Preliminary Plan Extensions
    - Final Plats where everything is in order
    - Minor text amendments i.e. changes in format or non-substantive housekeeping items.

- 2) Procedure:
- a. The Commission shall review applications scheduled on its Meeting Agenda and Consent Calendar. Items on the Meeting Agenda will be heard by the Commission in open session. Items on the Consent Calendar will be acted upon based on submitted materials and staff recommendations without further public comment.
  - b. The scheduling of items on the Meeting Agenda and Consent Calendar shall be at the sole discretion of the Commission and staff, and nothing shall preclude the Commission from amending or changing the scheduling at a public meeting.
  - c. The staff shall prepare a written staff report with recommendation for each item on the Consent Calendar and the Commission will review.
  - d. The Commission shall conduct public review of items in accordance with a proposed Agenda released to the public before the Commission meeting. The Commission shall dispose of other items by adoption of a Consent Calendar, as appropriate. The Commission may amend the Meeting Agenda, Consent Calendar at the public meeting as it may deem appropriate.
  - e. An application may be placed on the Consent Calendar if the applicant and staff agree that the proposed item has no known objection by an affected government agency, neighborhood organization or affected person. Any relevant terms or modifications agreed upon by the applicant and staff may be included as conditions of the approval.
  - f. At the request of any Commission member, the Chairperson may remove any item from the Consent Calendar and place it on the Meeting Agenda for individual consideration by the Commission at the meeting. A request from any other group or person to remove an item from the Consent Calendar should be made to the staff in advance of the meeting and shall be considered as a preliminary matter at the meeting.
  - g. The Chairperson may also remove any item from a duly noticed Meeting Agenda and place it on the Consent Calendar, provided there is no objection from the applicant, any Commission member, or any affected group or person present and wishing to comment on the item.
  - h. The Commission may approve the Consent Calendar on a voice vote. (Amended 3/4/09)

Article 1.06 - Notice of Meeting:

The County Planning Commission's Secretary shall mail or deliver written notice of each regular or special meeting of the County Planning Commission to each member of the County Planning Commission not more than ten (10) days, nor less than five (5) days before such meeting. Notice of any meeting shall state the purpose for which such meeting is called and shall include a proposed agenda of matter to be considered at the meeting. (Amended 3/4/09)

Article 1.07 - Order of Business:

The order of business of the County Planning Commission should be as follows:

- 1) Roll Call
- 2) Minutes
- 3) Correspondence
- 4) Consent Calendar
- 5) Old Business
- 6) New Business
- 7) Planning Director's Report
- 8) Public Participation
- 9) Any other items of business as necessary
- 10) Adjournment

(Amended: 2/6/08)

(Amended 3/4/09)

**SECTION II – MEMBERSHIP**

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Article 2.01 - Composition of County Planning Commission:

In accordance with Chapter 713.22 of the Ohio Revised Code, the County Planning Commission shall consist of eleven (11) voting members, three (3 ) of whom are the Board of County Commissioners, and eight (8) members appointed by the Board of County Commissioners. Each member may designate an alternate according to the by-laws in Article 2.02. The eight (8) members may or may not hold public office. The eight (8) members shall be appointed by the Board of County Commissioners from persons nominated as follows:

- 1) Three (3) of the eight (8) members shall be appointed from Municipal Corporations, one to be nominated by the City of Medina, one to be nominated by the City of Brunswick, and one to be nominated by the City of Wadsworth.
- 2) Three (3) of the eight (8) members shall be from the unincorporated area of the County and shall be nominated by the majority of the Townships.
- 3) Two (2) of the eight (8) members shall be selected at the discretion of the Board of County Commissioners, one residing in a Village of the County and nominated by a majority of the Village Mayors, and the other residing in an unincorporated area of the County and selected by the Board of County Commissioners.

If no nomination is received within forty-five (45) days following a vacancy, the Board of County Commissioners shall appoint, at their discretion, a member to fill said position as according to these bylaws.

Article 2.02 – Alternates:

The Board of County Commissioners will designate, or County Planning Commission member may recommend an alternate who will serve at the pleasure of the member who makes the designation, and represent the same discipline. Said alternate will be a resident of the county and serve in the absence of that member. An alternate may or may not hold public office. (Amended 3/4/09)

- 1) To designate an alternate for a member of the Board of County Commissioners, the Board member shall send a letter of appointment to the alternate and deliver a copy of said letter to the Clerk of the Board of County Commissioners. At the next regular meeting of the Board of County Commissioners, the Clerk shall inform the Board of the designation of the alternate, and the Board shall have the designation entered into the journal.
- 2) To designate an alternate for any other member of the County Planning Commission, the member shall send a letter of appointment to the Board of County Commissioners designating

an individual to serve as that member's alternate. At the next regular meeting of the Board of County Commissioners, the Clerk shall inform the Board of the designation of the alternate, which designation the Board may either approve or disapprove. The Board shall enter its decision in the Board's journal and if the alternate is approved, designate the name of the alternate on the journal. The Clerk of the Board shall notify the Commission member of the Board's action, and the Commission member shall inform the alternate.

- 3) Removal of an alternate shall be made by a letter of removal, delivered and journalized by the same method that the alternate was designated.
- 4) Once an alternate is designated for a member of the County Planning Commission, if that Commission member is absent from a County Planning Commission meeting, the alternate has the right to vote and participate in all proceedings and actions of the County Planning Commission at that meeting as if that alternate were the Commission member.
- 5) Alternates shall serve the same term as the Commission member who designates them.

Article 2.03 - Vacancies:

Any membership vacancy occurring during a term, shall be filled for the unexpired term, in the same manner as the vacated member was first appointed.

Article 2.04 - Term.

The members shall be appointed for terms of three (3) years. (Revised 3/1/00)

**SECTION III – OFFICERS OF THE COUNTY PLANNING COMMISSION**

Article 3.01 - Executive Officers:

The Executive Officers of the County Planning Commission shall be its President, Vice President and 2<sup>nd</sup> Vice President.

Article 3.02 - President, Vice President and 2<sup>nd</sup> Vice President:

The President, Vice President and 2<sup>nd</sup> Vice President shall each be elected by the County Planning Commission from its appointed membership at its regular January meeting each year, to take office immediately upon election. Each shall hold office until; the regular January meeting next after his/her election, or until his/her successor is elected and qualified.

Article 3.03 - Duties of the President:

The President shall preside at all meetings of the County Planning Commission and except to the extent as hereinafter otherwise provided, sign all written contracts and obligations of the County Planning Commission. He/she shall be, ex officio, a member of all committees and shall perform all the duties incident to the office, and such other and further duties as may from time to time be required or requested of him/her by the County Planning Commission.

Article 3.04 - Duties of the Vice President:

The Vice President shall perform all the duties of the President in case of his/her absence or disability, and such other and further duties as may from time to time be required or requested of him/her by the County Planning Commission. In addition to the above duties, the Vice President shall act as the finance officer of the County Planning Commission. (Amended 3/4/09)

Article 3.05 - Duties of the 2nd Vice President:

The 2<sup>nd</sup> Vice President shall perform all the duties of the President in case of the absence of both the President and Vice President, and such other and further duties as may from time to time be required or requested of him or her by the County Planning Commission.

Article 3.06 - Other Officers:

The County Planning Commission may appoint or elect such other officers as it shall deem necessary who shall have such authority and shall perform such duties as assigned by the County Planning Commission. (Amended 1/5/94)

Article 3.07 – Planning Commission Members Responsibilities and Conduct:

- 1) Members of the County Planning Commission are encouraged to take such time as is necessary to prepare themselves for hearings and meetings upon receipt of the agenda packet, including:
  - a. Seeking clarification of agenda packet materials
  - b. Viewing sites
- 2) Members of the Planning Commission should make every effort to attend meetings, or make arrangements for their alternate to attend. Each member who has knowledge that he/she cannot attend a scheduled meeting shall notify the Department of Planning Services' staff at the earliest possible opportunity.
- 3) A Planning Commission member with a conflict of interest in an item before the Commission must state that a conflict of interest exists, and abstain from participation in the public hearing, work session, emergency meeting, or regular meeting on that item. In the case of an abstention, the Planning Commissioner member shall vacate the room.
- 4) Upon announcing the intent to abstain and the reason for abstaining, the President shall acknowledge the proposed abstention for the record.
- 5) The interest of that Planning Commission member may be represented before the Planning Commission by a specifically designated representative or legal agent at the public hearing or work session, and testimony entered into the record. (Amended 3/4/09)

**SECTION IV – SECRETARY OF THE COUNTY PLANNING COMMISSION**

Article 4.01 – Duties of the Secretary

- 1) The Director of Planning Services shall serve as Secretary of the County Planning Commission. The Director shall be appointed by the Board of County Commissioners and shall serve as set forth in the Operating Policies and Procedures of the Medina County Department of Planning Services. The Director may assign some or all of the duties of the office to one or more employees of the Department, who shall in performance of such duties, report to the Director.
- 2) The Director shall appoint a Recording Secretary to the County Planning Commission from among the employees of the Department. The duties of the Recording Secretary shall include such clerical or administrative duties as assigned by the Director to be performed at times other than during a County Planning Commission meeting for the purpose of supporting the responsibilities of the County Planning Commission under these By-laws. The Director in his or her capacity as Secretary of the County Planning Commission shall serve as an ex-officio member of the County Planning Commission without voting privileges. The Director, and the Department in assistance to the Director, shall provide technical and administrative support and perform planning consultation to the County Planning Commission. The Director, representing the Department, may express an opinion concerning matters considered

by the County Planning Commission within the scope of the County Planning Commission's Mission, Powers, and Duties, which differs from the position of a member of the County Planning Commission or that of the County Planning Commission as a body, without affecting any further course of action or consequence of the County Planning Commission, or the Director.

- 3) The Secretary shall keep or supervise the keeping of minutes of all meetings of the County Planning Commission and its committees in books provided for the purpose and shall perform such other and further duties as may be required or requested of him/her by the County Planning Commission. He/she shall also forward copies of the minutes of all meetings of the County Planning Commission to each member.

## **SECTION V - EXPENDITURES AND DISBURSEMENTS**

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### **Article 5.01 - Disbursements:**

All disbursements of the County Planning Commission shall be by Purchase Order drawn on the Auditor of Medina County, signed by the Director or his/her authorized representative.

### **Article 5.02 - Expenditures:**

All expenditures, commitments or contracts for expenditures shall be made in accordance with the laws governing the expenditure of County funds as stipulated by the Ohio Revised Code.

### **Article 5.03 - Budget:**

The procedures for adoption of the budget shall be made in accordance with general County budget procedures. (Amended 3/1/00)

## **SECTION VI - PLANNING SERVICES**

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### **Article 6.01 – Municipality Privileges:**

Any municipality may participate in discussions regarding planning and zoning of local interest at all meetings of the Medina County Planning Commission. In addition, any municipality, without payment, will be entitled to the following services and assistance from the Department of Planning Services' staff::

- 1) A review and report regarding any preliminary plan for a subdivision of a limited area, as determined by the Director, filed with the municipality in which a subdivision is proposed.
- 2) Consultation by local planning officers with staff members of the Department of Planning Services on minor planning and zoning problems.
- 3) The occasional attendance by staff members of the Department of Planning Services, as determined by the Director, at meetings of the Municipal Planning Commission or legislative body to render advice and assistance on specific local planning and zoning matters.
- 4) The use of library and research materials of the Department of Planning Services.
- 5) Technical support – GIS based mapping: Provide up to ten (10) maps annually. Additional maps can be purchased. (Amended 9/3/03)
- 6) Zoning text and map amendment reviews for incorporated areas with an existing Memorandum of Understanding. (Amended 2/07/07)

### **Article 6.02 - Township Privileges:**

Any township may participate in discussions regarding planning and zoning of local interest at all meetings of the Medina County Planning Commission. In addition, any township, without payment, Will be entitled to the following assistance and services from the Department of Planning Services' staff:

- 1) A review and report regarding any plan for a subdivision.
- 2) Consultation with local zoning or planning officers by staff members of the Department of Planning Services on planning problems.
- 3) The occasional attendance by staff members of the Department of Planning Services, as determined by the Director, at meetings of the Township Zoning Commission or legislative body to render advice and assistance on specific local matters.
- 4) The use of the library and research materials of the Department of Planning Services. Technical support – GIS based mapping: Provide up to ten (10) maps annually. Additional maps can be purchased. (Amended 9/03/03)

Article 6.03 – Reports:

At all regular County Planning Commission meetings, a report shall be made of all action taken and meetings held since the last regular meeting of the County Planning Commission. However, in the event that the next regular meeting of the County Planning Commission is more than thirty (30) days following the date of any action taken, a report shall be delivered to each County Planning Commission member within, and no later than, thirty (30) days following the date of such action.

Article 6.04 - Report of Progress on Planning:

At each regular meeting of the County Planning Commission, the Director shall cause a report or reports to be presented on planning then in progress or under consideration. If possible, drafts of the proposed report or reports shall be mailed to the members of the County Planning Commission in advance of the meeting to consider such report.

Article 6.05 - Fees for Extra Services:

All charges for services rendered on extra services agreements shall be determined on the basis of cost of staff time, material and travel, plus overhead.

**SECTION VII – COMMITTEES**

Article 7.01 – Appointments:

Appointments to all committees of the County Planning Commission shall be made by the President, and the County Planning Commission shall be represented on each committee by at least one (1) member, who will serve as Chairperson, in addition to the County Planning Commission President.

Article 7.02 - Committee Reports:

All committee reports shall be in writing to the County Planning Commission for authorization of issuance, approval of contents or recommendations for further study before being released.

Article 7.03 - Citizens' Committees:

To make certain that County residents will be provided the opportunity to have their feelings known on all major and pertinent issues, the County Planning Commission shall form Citizens' Task Force Committees to review and advise on major and pertinent proposals and actions of the County Planning Commission. The committees will make known to the County Planning Commission the questions and suggestions of the County residents regarding all major and pertinent issues. The committees shall adopt rules of order and working procedures.

## **SECTION VIII - ADVISORY REPRESENTATIVES**

### Article 8.01 - Citizens:

To make certain that all residents of the County have equal opportunity to express their advice on all issues affecting areas where they have expertise, the County Planning Commission, through the Director, shall request said advice on each issue.

### Article 8.02 - Governmental Agencies:

All local governmental agencies affected by any issues under study by the County Planning Commission shall be notified and advice requested.

### Article 8.03 - Organizations:

The County Planning Commission shall make a good-faith effort to notify any local organization which has taken an active part in any issue under study by the County Planning Commission, thereby being notified of such study and their advice requested accordingly.

## **SECTION IX – AMENDMENTS**

### Article 9.01 - Procedure for Amendments:

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

- 1) The President may, or on petition of at least five (5) members shall, deliver a copy of the proposed amendment to the Secretary at least fifteen (15) days in advance of the next regular meeting of the County Planning Commission.
- 2) The Secretary shall thereafter, but not less than ten (10) days prior to the next regular meeting of the County Planning Commission forward to each member of the County Planning 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 County Planning Commission and such amendment shall be deemed adopted upon receiving the affirmative vote of at least two-thirds (2/3) of the members of the County Planning Commission.  
(Amended 2/1/84)