



**CLINTON CITY PLANNING COMMISSION  
CITY HALL  
2267 North 1500 W Clinton UT 84015**

**Planning Commission Members**

*Chair – Gary Tyler*

*Vice Chair - Tony Thompson*

*Jolene Cressall*

*Dereck Bauer*

*Dan Evans*

*Mark Gregersen*

<b>Date of Meeting</b>	<b>January 15, 2019</b>	<b>Call to Order</b>	<b>7:00 p.m.</b>
<b>Staff Present</b>	Community Development Director Valerie Claussen and Lisa Titensor recorded the minutes.		
<b>Citizens Present</b>	Christy Veil, Shane Judkins, Brady Cox, Susan Cox, Brittney Christensen, Lisa Horrocks		
<b>Pledge of Allegiance</b>	Commissioner Evans		
<b>Prayer or Thought</b>	Commissioner Thompson		
<b>Roll Call &amp; Attendance</b>	Present were: Commissioner’s Dereck Bauer, Dan Evans, Gary Tyler, Jolene Cressall and Mark Gregersen.		
<b>Declaration of Conflicts</b>	<p>Mark Gregersen identified he does not have a conflict of interest with the Pollock Estates discussion however; in 2007 he wrote a letter on the behalf of the surveyor of this development.</p> <p>Commissioner Thompson identified he is an agent with Equity Real Estate but there is no conflict.</p>		
<b>Swearing in of the Planning Commission</b>	Deputy Recorder Lisa Titensor administered the Oath of Office to Planning Commissioners Gary Tyler, Tony Thompson, Jolene Cressall, Dereck Bauer, Dan Evans and Mark Gregersen.		
<b>1) Discussion and possible action on a recommendation to Council on a request by property owners in the Pollock Estates Amended subdivision to dedicate a private easement to the City for acceptance as a public road.</b>			
<b>Petitioner</b>	Brady & Susan Cox, Jarrod & Kelli Irwin, Brittney Christensen (property owners in Pollock Estates Amended Subdivision)		
<b>Discussion</b>	<p>Community Development Director Valerie Claussen prepared the following information for review by the Planning Commission in a staff report.</p> <p><b>Background:</b>            During public comment at the December 11, 2018 City Council meeting, a real estate agent representing a buyer and the potential buyer for a property in Pollock Estates Amended spoke to Council to request the private driveway that services the four lots in this subdivision be dedicated and accepted by Clinton City as a public road. The City Council directed Staff to work with them to get the request heard by the Planning Commission who would provide recommendation to the City Council.</p> <p>(A) The property is located in the vicinity of 1500 West and 600 North.            (B) A formal letter of request was received from the property owners.            (C) Before a road can be accepted as a public street by the City it must meet minimum City street standards. As this road does not meet City street standards, it cannot be accepted as a public street. Staff prepared a FAQ Sheet which answers questions and discusses this item in more detail.            (D) Staff Reports and Planning Commission and City Council Meeting Minutes are attached to the staff report as additional background.</p> <p><b>Recommendation:</b>            Staff recommends that after review of the information and facts included in the staff report, the Planning</p>		

Commission forward a recommendation onto the City Council to deny the request for the private drive easement to be dedicated to the City for a public road, based on the following findings:

- 1) The existing private drive easement does not meet the City's minimum street standards, including but not limited to ROW and paved widths, roadway structure (e.g. asphalt, base, subgrade), or location of utility lines (currently on private property).
- 2) The property was developed in accordance with the zoning ordinance that was in effect at the time of development.
- 3) Every lot's property deed references the Pollock Estates Amended plat. The existing private drive easement has always been delineated on the recorded plat for Pollock Estates Amended, which document is available for review and retrieval by potential buyers and agents during the due diligence period. Furthermore, the owner's dedication of the Plat explicitly states dedication of the private easement is to each lot owner.

The property owners are strongly encouraged to work with a professional (e.g. Real Estate Attorney) to either establish an HOA, or some other kind of formal organization, to collect and manage the funds that will be needed for future and on-going maintenance of the subdivision's private infrastructure.

Commissioner Tyler stated this is not a public hearing however he invited those present who would like to speak to this issue to come forward.

Michael Shane Judkins of Equity Real Estate questioned why the City did not follow up on the development of the HOA. He also asked who maintains the utilities in the easement. The homeowners are asking the City to take over the road because there was no check or balance on the HOA development and the common area was not identified on the plat. He explained that the homeowners are not protected. The legal description shows it is a shared road but not that there is an HOA. He feels the Plat was recorded incorrectly to ensure that the County required the HOA.

Commissioner Tyler explained that everything from the main road on 1500 W back to the homes is the homeowner's responsibility. The City maintains what is in the public right of way. The developer has the responsibility to set up the HOA; it is not a City function.

Mr. Judkins said the dedication plat includes confusing information regarding the utility easement. He read from the dedication plat – strips of easement, public utility drainage purposes and the same to be used as installation maintenance and operation. He said the maintenance and operation of public utilities is what is so confusing. There is nothing on the plat that indicates there should be an HOA. His interpretation is that it is conveying to the City the utilities are to be maintained by the City.

Ms. Claussen responded there were improvements made to the system on 1500 W that the City maintains. The last sentence identifies that each lot owner on the private drive is given responsibility for maintenance on the private road. She clarified that lot 6 was provided with CC&R's.

Commissioner Gregersen asked if the current home owners have considered setting up the HOA and adopting CC&R's.

Mr. Judkins responded that the lot 6 homeowners have been difficult to contact. The homeowners would prefer for the City to take over the road. The Developer did not complete his obligation and the City did not follow up.

Commissioner Gregersen then suggested that the other five home owners mirror the CC &R's of lot 6.

Commissioner Thompson identified that he is a real estate agent with Equity Real Estate. He does not have any association with Mr. Judkins so there is no conflict of interest.

	<p>Commissioner Tyler stated that he understands the homeowners would like the road dedicated to the City however, he referred to the staff report which identifies the existing road does not meet City standards and requirements. The inspections were specific to the utilities in 1500 W. The homeowners maintain ownership of the private road and utilities. The developer chose to pursue the private road because he was able to get more lots. The fire code requirements at the time were met with the private road for the development.</p> <p>Christy Vail of Keller Williams explained she had a buyer for one of the homes and due to this issue the sale failed. There is a cloud over the properties with the current homeowners trying to sell. One homeowner is a single mom who had no idea there was an HOA. This could have affected her ability to qualify for the home loan. The HOA provides a deterrent to home sales. The homeowners would like the road annexed into the City because this development is an exception and would not set a precedent for the City. She asked what the process is to seek this.</p> <p>The Planning Commission and Ms. Claussen explained the only recourse would be reconstruction of the road to City standards at the homeowner’s expense which would be cost prohibitive. The properties are not large enough to accommodate a full size road. The recommendation is to encourage the home owners to work with a professional (e.g. Real Estate Attorney) to collect and manage the funds that will be needed for future and on-going maintenance of the subdivision’s private infrastructure.</p> <p>Ms. Vail said she feels there is some responsibility with the City. It will be a significant cost for the home owners to develop an HOA. There were no checks and balances. Some of the home owners want to move out of this subdivision and are having difficulty selling due to this issue. She clarified the road is currently in excellent condition.</p> <p>Ms. Claussen responded that the deeds of the properties refer to the amended plat that clearly shows a private drive easement. The CC&amp;R’s were not recorded; however the City did review proposed CC&amp;R’s from the developer at one time. CC&amp;R’s were recorded against lot 6. The next step for this development is for some kind of formal organization, such as an HOA; it is not a City matter. The City cannot take over private roads.</p> <p>Commissioner Thompson explained there is no common area in this development, which typically requires an HOA, the issue at hand is the private drive. There are four lots with easements for the private drive and easements for the utilities. The amendment with lot 2 created lots 3, 4, 5 &amp; 6 with the private drive.</p>
<p><b>CONCLUSION</b></p>	<p><b>Commissioner Gregersen made a motion to forward a recommendation onto the City Council that the road not be adopted by the City because the Planning Commission as the land use authority has reviewed and heard information identifying that the road does not meet the legal standards of the City. It is important for the land owners to get together and come to an agreement for road maintenance.</b></p> <p><b>Commissioner Bauer seconded the motion. Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Cressall, aye; Commissioner Thompson, aye; Commissioner Evans, aye; Commissioner Gregersen, aye and Commissioner Tyler, aye.</b></p>
<p><b>2) Review and possible action on the adoption of amendments to the Planning Commission Rules of Procedures.</b></p>	
<p><b>Petitioner</b></p>	<p>Valerie Claussen, Community Development</p>
<p><b>Discussion</b></p>	<p>Ms. Claussen presented the Planning Commission with the proposed revisions to the Rules of Procedures for final review that were previously discussed at the December 4, 2018 Planning Commission meeting and then distributed on December 10<sup>th</sup> and 17<sup>th</sup> for further review.</p> <p>Attachment A is attached to the end of these minutes and is the final adopted version.</p>
<p><b>CONCLUSION</b></p>	<p><b>Commissioner Bauer moved to accept the Planning Commission Rules of Procedure as amended. Commissioner Cressall seconded the motion. Voting by roll call is as</b></p>

	<p>follows: Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Cressall, aye; Commissioner Thompson, aye; Commissioner Evans, aye; Commissioner Gregersen, aye and Commissioner Tyler, aye.</p>
<p><b>OTHER BUSINESS</b></p>	
<p><b>OTHER ISSUES</b></p>	<p><b>a. Approval of December 4, 2018 Meeting Minutes</b>  <i>Commissioner Cressall moved to approve the December 4, 2019 Planning Commission Minutes. Commissioner Thompson seconded the motion. Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Cressall, aye; Commissioner Thompson, aye; Commissioner Evans, aye; Commissioner Gregersen, abstained because he was not present and Commissioner Tyler, aye.</i></p> <p><b>b. City Council Report</b></p> <p><b>c. Commission Report</b>                  Cranefield will be postponed and re-advertised to a later date.</p>
<p><b>ADJOURNMENT</b></p>	<p>Commissioner Bauer moved to adjourn. Commissioner Evans seconded the motion. Commissioners' Cressall, Bauer, Thompson, Evans, Bauer, Gregersen and Tyler voted in favor. The meeting adjourned at 8:51 p.m.</p>

## ATTACHMENT A

### Clinton City Planning Commission Rules of Procedures

Chapter 1.	Organization
Chapter 2.	Rights and Duties of Members
Chapter 3.	Meetings
Chapter 4.	Procedures –
Chapter 5.	Amendment
Chapter 6.	Recording of Rules

#### Chapter 1 Organization.

- (1) Appointment of Chairperson and Vice-Chairperson
- (2) Commission Staff

##### (1) Appointment of Chairperson and Vice-Chairperson

The Commission, at its first regular meeting in December, shall elect by majority vote, a Chairperson and Vice-Chairperson. Said officers shall serve one year (January 1 to December 31).

- (a) The Chairperson to preside at Commission Meetings.

The Chairperson shall preside at all meetings of the Commission and shall give the general direction for the meetings.

- (b) Duties of the Chairperson.

- (i) To take the Chair precisely on the day and at the hour for which the meeting of the Commission has been called, or to which the Commission may have adjourned, and immediately to call the Commission to order, and proceed with the order of business.

- (ii) To announce the business before the Commission in the order in which it is to be acted upon.

- (iii) To receive and submit in the proper manner all motions and propositions presented by the members of the Commission.

- (iv) To put to vote all questions which are properly moved or which necessarily arise in the course of proceedings and to announce the results thereof.

- (v) To inform the Commission when necessary, or when referred to for that purpose, on any point of order or practice

- (vi) It shall be the general duty of the Chairperson of the Commission to authenticate by signature when necessary, or when directed by the Commission all of the acts and proceedings of the Commission.

- (vii) To maintain order at the meetings of the Commission.

- (viii) To present, each December, an annual report to the Mayor and City Council covering the actions of the Commission.

- (c) Duties of the Vice-Chairperson.

The Vice-Chairperson, during the absence of the Chairperson, shall have and perform all the duties and functions of the Chairperson

- (d) Temporary Chairperson.

In the event of the absence of or disability of both the Chairperson and the Vice-Chairperson, the Commission shall elect a temporary Chairperson to serve until the Chairperson or Vice-Chairperson so absent or disabled shall return or the disability shall be removed, as the case may be. In such event, the temporary Chairperson shall have all powers to perform the functions and duties herein assigned to the Chairperson of the Commission.

##### (2) Commission Staff

- (a) Community Development Director

The Community Development Director of Clinton, as appointed by the City Manager, shall serve as staff to the Planning Commission. The staff member shall have the following duties:

- (i) Within four (4) days, unless approved by the Chairperson, of each regularly scheduled Commission meeting, supply each member of the Commission sufficient materials and documents to advise the Commission members of the issues to be discussed at the meeting.

- (ii) To recommend courses of actions in congruence with applicable Clinton City Ordinances.

- (iii) To present reports and materials to Commission members with regard to the City's best interest.

- (iv) To present staff reports, recommendations and comments on any item of business as it is put before the Commission by the Chairperson

- (v) To clarify or explain any point of business as requested by the Chairperson.

- (vi) To call special meetings as deemed necessary with the approval of the Chairman and/or majority of the Commission.

- (b) Secretary

The Community Development Director shall appoint an individual to act as secretary for the Commission. The secretary shall have the following duties:

- (i) To give notice of all Commission meetings as hereinafter provided.

- (ii) To keep and maintain a permanent record file of all documents and papers pertaining to the work of the Commission.

- (iii) To perform such other duties as may be required by these rules.

- (iv) To take, transcribe, and maintain minutes and records of the Commission.

- (v) To attend every session of the Commission, to take roll and record the same, to read all communication,

resolution and other papers which are ordered to be read by the Chairperson of the meeting, and to receive and

bring to the attention of the Commission all messages and other communications from other sources.

**Chapter 2 Rights and Duties of Members.**

- (1) Addressing Members
- (2) Preparation
- (3) Members Shall Attend Meetings
- (4) Conflict of Interest
- (5) Explaining Vote
- (6) Not to Vote Unless Present

**(1) Addressing Members**

Commission members shall be addressed as "Commissioner"

**(2) Preparation**

Members of the Commission shall take such time as necessary to prepare themselves for hearings and meetings.

**(3) Members shall attend meetings**

Every member of the Commission shall attend the sessions of the Commission unless duly excused or necessarily prevented. Any member desiring to be excused shall notify the staff member or secretary. The staff member shall call the same to the attention of the Chairperson during the scheduled meeting. Two unexcused absences shall result in mandatory referral, by the Chairperson, to the Mayor for membership review.

At the discretion of the Chairperson, a Commissioner may be permitted to attend a meeting by electronic means (e.g. teleconference, telephone, etc.) when warranted and properly noticed.

**(4) Conflict of Interest.**

Any member of the Commission who shall feel that a member of the Commission has an actual, apparent, or reasonably foreseeable conflict of interest on any matter that is on the Commission agenda shall explain the apparent conflict to the Commission. The Commission shall then vote to decide whether the

requested disqualification is justified. If it is decided that there is a conflict of interest, the person shall not participate in the discussion and voting of the matter, nor attempt to use his or her influence with the Commission before, during or after the meeting.

(a) There may be a conflict of interest if there are personal, familial, or financial ties between the Planning Commissioner and a proponent or opponent of any item of business.

(b) A Planning Commissioner may appear before the Commission through his/her employment as an advocate or agent for a proponent only after disqualification on the subject matter.

(c) A Planning Commissioner must not sell or offer to sell services or solicit prospective clients or employment by stating an ability to influence decisions.

(d) A Planning Commissioner must not use the power of his/her office to seek or obtain a special advantage that is not in the public interest, or that provides him/her with any fiduciary gain, nor any special advantage that is not a matter of public knowledge.

**(5) Explaining Vote**

After any vote is taken, any member of the Commission desiring to explain his or her vote shall be allowed an opportunity to do so.

**(6) Not to Vote Unless Present**

No member of the Commission shall be permitted to vote on any question unless he or she shall be present when the vote is taken and when the result is announced. No member shall give his or her proxy to any person whomsoever. A Commissioner, who is attending the meeting by electronic means with proper notification, may be permitted to vote on any question, and is deemed present for the purposes of this paragraph.

### Chapter 3 Meetings.

- (1) Place
- (2) Regular Meetings – Time for Notice
- (3) Special Meetings - Rehearings
- (4) Meetings – Matter Considered
- (5) Quorum
- (6) Work Sessions
- (7) Open Meetings Law
- (8) Length of Meeting

#### **(1) Place**

All meetings of the Commission shall be held in the City Council Chambers of the Municipal Building, Clinton, Utah, or at such other place in Clinton City as the Commission may designate. A meeting having been convened at the place designated may be adjourned by the Commission to any other place within Clinton City for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place.

#### **(2) Regular Meetings – Time for Notice**

Regular meetings of the Commission shall typically be held at 7:00 p.m. on the first and third Tuesday of each month. Scheduled Commission Meeting dates will be published annually.

At the discretion of the Chairperson, additional meetings, field trips, or work sessions may be held at other appropriate times.

#### **(3) Special Meetings – Rehearings**

The staff member shall give notice of the time and purpose of every special meeting of the Commission at least two (2) days prior to such meeting. Such notice shall be delivered to each member of the Commission personally, by e-mail, or may be given by telephone to the member of the Commission. Such notice may also be given by United States Mail directed to the member of the Commission to be notified at his or her residence and mailed not less than four (4) days prior to the time fixed for such special meeting.

It is specifically provided, however, that any member may in writing waive prior notice of the time, place, and purpose of such meeting and such waiver, if made, shall be noted on the minutes of the meeting by any member of the Commission, and shall be deemed to be waiver of prior notice of the time and purpose thereof.

#### **(4) Meetings – Matter Considered**

All items on the agenda will be considered at the meeting for which the agenda was prepared. Items discussed, but not fully acted upon may be tabled by the Commission to a later time and date. The time and date must be announced during the meeting when it is tabled. A public hearing need not be re-advertised if a decision is tabled to a later date.

Requests for continuance of matters scheduled for a particular agenda shall be filed with the Community Development Director by Wednesday at Noon preceding the Tuesday meeting so that the printed agenda will reflect the requested continuance.

No appeal or application shall be considered unless the meeting is open to the public.

#### **(5) Quorum**

Four (4) members of the Commission shall constitute a quorum thereof for the transaction of all business, except where unanimous consent of all members present is required. Any member disqualified because of a conflict of interest shall not be considered when determining whether a quorum is constituted. Except as otherwise specifically provided in the rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission.

#### **(6) Work Sessions**

Work sessions may be held as part of a Commission meeting, as a joint meeting with the City Council, or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such work session, except to give directions to Staff regarding the presentation of options for future consideration.

#### **(7) Open Meetings Law**

All meetings of the Planning Commission shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.

#### **(8) Length of Meeting**

At 10:00 p.m. the Planning Commission will finish the item presently being considered, and no additional items will be heard after that time, unless a motion is made by a member of the Commission and approved by a majority of those present requesting to continue the agenda. All items remaining to be heard will be forwarded to the next agenda for consideration.

## Chapter 4 Procedures.

- (1) Agendas
- (2) Order and Decorum
- (3) Motions
- (4) Reconsideration
- (5) Debate
- (6) Amendments
- (7) Voting
- (8) Suspension of Rules

### (1) Agendas

#### (a) Agenda for Meetings

Staff, with the approval of the Chairperson, shall prepare a written agenda for each meeting. At the Chairperson's discretion the order of the items may be changed at the meeting.

The following procedure will normally be observed; however, it may be rearranged by the Chairperson for individual items if necessary for the expeditious conduct of business.

#### (b) Roll Call.

At all meetings before proceeding to business, the roll of the Commission members shall be taken and the names of those present and those absent shall be entered and recorded.

#### (c) Other Agenda Items.

The following items should be included in the agenda to be considered by the Commission:

- (i) Old business
- (ii) New business
- (iii) Approval of prior meeting minutes
- (iv) City Council Report/Director's Report
- (v) Commission Report

### (2) Order and Decorum

#### (a) Order of Consideration of Items

##### (i) Public Hearings

(A) Chairperson introduces item.

(B) The petitioner makes statements of presentation.

(1) The Commission may ask questions of the petitioner.

(C) The staff makes presentations and recommendations.

(1) The Commission may ask questions regarding the staff presentation.

(D) The Chairperson opens the public hearing.

(E) Any members of the public in attendance who would like to speak may make a presentation consistent with provisions established in Section 4(2) (c) *Conduct of Persons before Commission*.

(F) Petitioner makes rebuttal of any points not previously covered.

(G) Commission asks any questions it may have of staff.

(H) The Chairperson closes the Public Hearing, except when a public hearing requires a continuance such that this first requires a motion and vote of approval by the Commission.

(I) Commission discusses the item before them amongst themselves making whatever comments they feel are pertinent. After the discussion, a motion is made and voted upon.

(ii) Discussion Items, Work sessions or other items

(A) Chairperson introduces item.

(B) The petitioner makes statements of presentation.

(1) The Commission may ask questions of the petitioner.

(C) The staff makes presentations and recommendations.

(1) The Commission may ask questions regarding the staff presentation.

(D) Petitioner makes rebuttal of any points not previously covered.

(E) Commission asks any questions it may have of staff.

(F) Commission discusses the item before them amongst themselves making whatever comments they feel are pertinent. After the discussion, if agendized as an action item a motion may be made and voted upon.

#### (b) Time Limits

The Chair may impose equitable time limits, if deemed necessary for the expeditious conduct of the public hearing.

#### (c) Conduct of Persons before the Commission

(i) Persons making presentations or providing comments to the Planning Commission shall address the Commission from the podium or microphone and not from the audience, shall provide their name and address for the record, shall address all comments to the Planning Commission, and may not directly question or interrogate other persons in the audience. No demonstrations, clapping, or "booing" of speakers shall be permitted. If such distractive actions are taking place, the Chair may excuse those involved from the room of the meeting or building, if necessary.

(ii) Persons desiring to address, make oral requests and communications from the audience may be required to sign a "list to present" roster prior to an agenda item. When called forward by the Chair, the speakers shall give their name and address for the record. They will be allowed up to three minutes to make their presentation. All remarks and questions shall be addressed to the Chair and not to any individual Commission Member, staff member or other person. No person shall enter into any discussion without being recognized by the Chair.

### **(3) Motions**

#### **(a) Making a Motion**

Upon review of the full public record on a request and due deliberation among the members of the Planning Commission, any Commissioner but the Chair, may make or second a motion and must be directed to the Chairperson. The motion shall include not only the direction of the motion, but shall also include the recitation of specific findings of fact supporting such motion. A second shall be required for each motion citing compatible findings. Other members of the Commission may support the motion adding compatible findings. A motion shall die in the absence of a second.

#### **(b) Withdrawing a Motion**

After a motion is restated by the Chairperson or read by the secretary, it shall be deemed in the possession of the Commission, but may be withdrawn at any time before division or amendment by the unanimous consent of the Commission.

#### **(c) Motions in Order During Debate**

When a question is under debate, no motion shall be received except:

- (i) To fix the time to adjourn.
- (ii) To adjourn.
- (iii) To continue or table.
- (iv) To amend.
- (v) To substitute.
- (vi) To take a break (recess).

#### **(d) Motion to Adjourn Always in Order – Exceptions.**

A motion to adjourn shall always be in order except when the Commission is voting, and except when a previous motion to adjourn having been defeated, no intervening business has been transacted; but this rule shall not authorize any member to move for adjournment when another member has the floor.

#### **(e) Motion must be Germane**

No motion or proposition on a subject different from that under consideration is in order and no such

motion or proposition shall be admitted under color of amendments

#### **(f) Questions Not Debatable**

Motions to adjourn, to take a recess, or to continue shall be decided without debate, and all incidental questions or order arising after any such motion is made and pending decision thereon shall be decided without debate.

### **(4) Reconsideration**

#### **(a) Who May Move to Reconsider**

If a proposition shall fail to pass on account of not having received a majority vote, any member of the Commission having voted in the negative shall have the right to move for a reconsideration of such proposition. If a proposition shall pass by a majority vote, any member having voted in the affirmative shall have the right to move for a reconsideration of such proposition.

#### **(b) Vote Required For Reconsideration**

Upon a motion to reconsider the vote on any matter, a majority of all the members of the Commission present shall be required to reconsider the same.

#### **(c) Time For Motion to Reconsider**

When a question has been decided by the Commission, any member voting with the prevailing side may move for reconsideration thereof, or give notice that he or she will make such a motion within the time prescribed by the rules. In the event notice of intention to move for reconsideration is given, no further proceedings shall be had on the proposition in question until the motion for reconsideration is made and determined or until the time for making such a motion has lapsed. No motion for reconsideration shall be made, unless made before the adjournment of the meeting of the Commission at which the original motion was taken. Such motion shall take precedence over all other motions and questions, except a motion to adjourn.

### **(5) Debate**

#### **(a) Interruptions and Questions**

No member of the Commission shall interrupt or question another in debate without obtaining his or her consent, having first addressed the Chairperson.

### **(6) Amendments**

#### **(a) Substitution Motions**

All so-called substitution motions and resolutions shall be considered as amendments only, and shall be subject to the rules relating thereto.

#### **(b) Amendments Must Be Germane**

All amendments must relate to the same subject as the original motion, resolution, proposition or ordinance

(c) Tabling Amendment Not to Prejudice Motion

An amendment may be tabled without prejudice to the main motion or question. When an amendment proposed to any pending measure shall be laid on the table, such action shall not carry with it or prejudice such measure.

(d) Order of Action

If any amendment be offered, the question shall be first upon the amendment.

**(7) Voting**

(a) Commission Member Required to Vote, Late Voting

No member may abstain from voting unless there is a conflict of interest. A member entering the chamber after the question is put and before it is decided, may have the question stated, record his or her vote and be counted.

(b) Tie Vote

If a motion for approval of any matter before the Commission receives an equal number of votes in the affirmative and in the negative, and a subsequent motion on the matter is either not made or cannot achieve a majority vote, the matter before the Commission shall be deemed to be denied. Every effort will be made by the Commission to resolve tie votes. The option of continuing an item with the possibility that an odd number of Commissioners would be at a subsequent meeting may be considered.

(c) Procedure of Final Passage of Ordinance Amendments and Rezone Petitions

The vote upon the final passage of amendments to the Zoning and Subdivision Ordinances, amendments to the Master Plan and Rezone Petitions shall be voted upon by ayes and nays given by members on such roll call shall be called by the secretary in the rotation, except that the Chairperson shall be last.

In recording votes on roll call the secretary shall record and report those absent or not voting. The Chairperson shall announce the result.

(d) Procedure of Final Passage of Other Business

The vote, upon the passage of all other business shall be made by signifying a yea or nay upon the request of the Chairperson. A call for those voting yea will be made first by the Chairperson followed by a call for those voting nay. The Chairperson shall announce the result.

(e) Voting or Changing Vote After Decision Announced

When a vote is taken on roll call on any question, no member shall be permitted to vote or to change his or her vote after a decision is announced by the Chair.

(f) Changing Vote Before Decision Announced

On any such vote, any member may change his or her vote before the Chair has announced the decision of the question.

**(8) Suspension of Rules**

(a) Suspension or Alteration of Rules

No standing rules of the Commission shall be altered, amended, suspended or rescinded without the vote of a majority of all members of the Commission.

**Chapter 5 Amendments.**

- (1) Procedure For Amendment

**(1) Procedure For Amendment**

These rules of procedure may be amended at any meeting of the Commission held after not less than fourteen (14) days written notice of the proposal to amend the rules has been received by the members of the Commission. A majority vote is required to amend these rules of procedure.

**Chapter 6 Recording of Rules.**

(1) **Recording – Copies to be Furnished**

(1) **Recording – Copies to be Furnished**

These rules and all subsequent amendments thereto shall be recorded by the Commission Secretary in the book kept for the recording of such business, and the Commission Secretary shall furnish to each member of the Commission a copy thereof in form convenient for reference.