

**BYLAWS OF THE PLANNING COMMISSION
OF THE CITY OF HAGERSTOWN
IN THE STATE OF MARYLAND
As Amended November 8, 2006
As Amended May 30, 2018
As Amended February 27, 2019
As Amended due to National Emergency April 1, 2020**

Article I: Name of Commission

The name of this organization shall be the Hagerstown Planning Commission.

Article II: Authorization

Section 1. The authorization for the establishment of this organization is set forth in the Land Use Article of the Annotated Code of Maryland, amended.

Article III: Membership

Section 1. Members shall be appointed by the Mayor and thereafter confirmed by the City Council.

Section 2. The Commission shall consist of seven (7) members, one of whom may be a member of the City Council to serve in an Ex-Officio capacity concurrent with his/her official term of office.

Section 3. The term of each member shall be five (5) years, or until his/her successor takes office.

Section 4. All members of the said Commission shall reside in the City of Hagerstown.

Section 5. Each member of said Commission shall be entitled to one (1) vote.

Section 6. All members may serve with such compensation as the Mayor and City Council deem appropriate.

Section 7. Members may, after a public hearing, be removed by the Mayor and City Council for inefficiency, neglect of duty, or malfeasance in office. Vacancies occurring otherwise than through the expiration of term, shall be filled for the unexpired term by the Mayor and City Council.

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Article IV: Officers

Section 1. The Commission shall elect a Chair and a Vice Chair from the appointed members of the Commission.

Section 2. The terms of the Chair and Vice Chair shall be for one (1) year, with eligibility for re-election.

Section 3. Chair – presides at all hearings and meetings of the Commission; assures proper order of the Commission and the public in all proceedings; signs all documents of the Commission; and represents the Commission before legislative and administrative bodies.

Section 4. Vice Chair – shall act for the Chair in his/her absence.

Section 5. Chair-pro-temp – where both the Chair and Vice Chair are absent from a hearing or meeting, the remainder of the citizen members of the Planning Commission shall elect a Chair-pro-temp from among their own number by majority vote.

Article V: Election of Officers

Section 1. The election of officers shall be on an annual basis, taking place during the 7:00 p.m. meeting in April of each year.

Section 2. Nominations shall be made from the floor at the 7:00 p.m. April meeting and election of officers, in accordance with provisions of Article IV of the Bylaws of the Planning Commission, shall immediately follow thereafter.

Section 3. A candidate receiving a majority vote of those present shall be declared elected and shall serve for one (1) year, or until his/her successor shall take office.

Section 4. Vacancies in office shall be filled immediately by regular election procedure.

Article VI: Meetings

Section 1. Regular Meeting – a noticed official meeting, open to the public, during which the Planning Commission may hold public hearings,

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consider development review cases, and ordinance or planning matters, deliberate and take substantive votes on specific items. A regular meeting shall be held on the second Wednesday of each month at 4:00 p.m. and on the last Wednesday of each month at 7:00 p.m. in City Hall, Hagerstown, Maryland. In the event of a conflict with holidays or other events, a majority vote at any meeting may change the date of such meeting. Mandated public hearings shall only be conducted at a 7:00 p.m. meeting, whether it be a regularly scheduled meeting or a special meeting scheduled to accommodate the public hearing. If there shall be no business before the Planning Commission when the agenda is published, the Chair may cancel a meeting, however the Commission shall meet, at a minimum, quarterly.

Section 2. Special and Emergency Meetings – in the event of an emergency or other need to deviate from the regular meeting schedule, the Chair, with the assent of a majority of citizen Planning Commission members contacted by telephone or email, may call an emergency meeting without notice; such meeting is open to the public; publicly accessible minutes shall carry the specific justification for such meeting.

Section 3. All meetings or portions of meetings at which official action is taken shall be open to the general public and the media. However, the Commission may meet in closed session for those purposes permitted pursuant to State law. At any open session, the general public is invited to listen and observe. Except in instances when the Commission expressly invites public testimony, questions, comments, or other forms of public participation, no member of the public attending an open session may participate in the session.

Section 4. Unless otherwise specified, Roberts Rules of Order shall govern the proceedings at the meetings of this Commission.

Section 5. The Planning Commission can, by resolution, adopt rules for the conduct of its meeting, either in general or in specific cases.

Section 6. During all Planning Commission proceedings, members of the public have an obligation to remain in civil order. Any conduct which interferes with the equitable rights of another to provide comment or which interferes with the proper execution of Commission affairs may be ruled by the Chair as “out of order” and the offending person directed to remain silent. Once having been so directed, if a person persists in disruptive conduct, the Chair may entertain a motion to “eject” the person from the Planning Commission hearing or meeting. Where the person fails to comply with the successful motion to eject, the Chair may then call

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upon civil authority to physically remove the individual from the chamber for the duration of the hearing or deliberation on that item.

Section 7. A member of the public, including any representative of the news media, may photograph, record sound or take video of discussions of the Commission at an open session, if the device:

- a. is operated from the person's seat or from a fixed position that does not block the view of any other person;
- b. is operated without a flash or any other form of artificial light;
- c. does not create a noise that disturbs members of the Commission or other persons attending the session.

Except with unanimous consent of all members of the Commission, no device, other than those used by the Commission itself may be placed on tables used by members of the Commission or its staff. A representative of the news media who desires arrangements for use of a device in a manner not consistent with the provisions of this section may request such special arrangements in advance by contacting the Director of Planning and Code Administration. A recording of an open session made by a member of the public, or any transcript derived from such a recording, may not be deemed a part of the official record of any proceeding of the Commission.

Article VII:

Quorum and Voting Requirements

Section 1. A majority of the members of the Planning Commission shall constitute a quorum.

Section 2. A majority of the Planning Commission members voting at a meeting at which a quorum is present shall be required to pass a motion.

Section 3. At the request of any member of the Planning Commission, a vote shall be recorded by roll call.

Section 4. Abstention from voting shall not be counted in the determination of a motion but shall be recorded.

Section 5. A Commission member may not participate in a matter before the Commission if prohibited from doing so under Chapter 33-3 of the City's Code of Ethics. In the event that any member shall be prohibited from participation, he/she shall disclose that he/she will not be participating in the discussion or vote on the matter due to a conflict of interest. The secretary shall so record in the minutes that a vote was not cast by such member.

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Section 6. If a member will be absent with good cause but wishes to participate in a meeting or if the absence of the member impacts the ability to conduct the business of the Commission, the member may participate via phone or other communication device provided the member is familiar with the material to be reviewed at the meeting.

Article VIII: Order of Business

Section 1. The order of business at regular meetings shall be:

- a. Roll Call.
- b. Approval of Minutes.
- c. Development Cases.
- d. Planning Commission Business.
- e. Adjournment.

Section 2. The order of business at public review meetings shall be:

- a. Sign-in sheets by agenda item, listing printed name, signature, address of persons wishing to testify, and indication of support or opposition to items.
- b. Call to order and determination of quorum.
- c. Open public review meeting and explain format.
- d. Presentation by staff.
- e. Presentation by the applicant.
- f. Testimony of the proponents.
- g. Testimony of the opponents.
- h. Concluding comments of the applicant.
- i. Request of Chair for a motion to close public review meeting.

Section 3. Business of interest to citizens or guests present at a Commission meeting may be introduced by the Chair at any time after the reading of minutes of previous meetings and action thereon, irrespective of the order of business.

Section 4. A motion from the floor must be made and passed in order to dispense with or change the order of business for any item on the agenda not addressed under Section 1 of Article VIII above.

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Article IX: Hearings

In addition to those required by law, the Commission may hold public review meetings and/or workshops when it decides that such hearings and/or workshops will be in the public interest.

Article X: Staff

The Planning division of the Planning and Code Administration Department of the City of Hagerstown shall serve as the staff of the Commission, and shall handle the preparation and distribution of Commission agendas and minutes, provide notice to all Commission members; arrange proper and legal notice of hearings; attend to correspondence of the Commission, as approved by the Commission; and have such other duties as may, from time-to-time, be assigned to the Commission.

Article XI: Separability

Should any article of the Planning Commission bylaws be found to be illegal, the remaining articles shall remain in effect.

Article XII: Amendments

Section 1. These bylaws may be amended by a majority vote of the entire membership of the Planning Commission.

Section 2. Adoption or amendment of bylaws takes effect immediately following a successful vote.

Article XIII: Emergency Procedures Due to COVID19 Pandemic Emergency

Section 1. This Article is adopted as a temporary measure due to the ramifications of the national COVID19 Pandemic emergency. It is for the purpose of maintaining and fulfilling the Planning Commission's duties in an environment where direct assembly of the Commission, clients and the public is contrary to public health and emergency declarations issued by the President of the United States, the Governor of the State of Maryland and the Mayor of the City of Hagerstown.

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Section 2. In accordance with Article VI, Section 5, this Article is for the purpose of meeting the current emergency and shall expire forty-five (45) days after the Mayor of the City of Hagerstown officially ends the City's State of Civil Emergency, unless sooner revised, amended and/or extended by the Planning Commission by a majority vote of all Planning Commission Members.

Section 3. All foregoing provisions of these Rules of Procedure shall remain in full force and effect unless in conflict with this Article.


Section 4. In the furtherance of Article VII of these Bylaws, the Commission may conduct its meetings, when absolutely necessary, on an online digital meeting platform with live online digital broadcasting to the general public with the assistance, and resources, provided by the City of Hagerstown. This may be done provided that sufficient notice is provided to the public and press of the venue and information is provided on how to access the online platform and video feed. In addition, any documents to be reviewed at such meeting shall be posted at least five calendar days prior to the meeting on the City's website.

Section 5. For a member to be considered a participant of a meeting as defined by this Article, such member must have, at a minimum, an audio connection to the digital meeting platform.

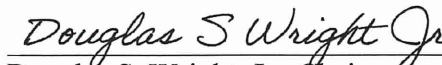
Section 6. The public and the press are prohibited from attending the meeting in person. In-person attendance by applicants and their design professionals are prohibited, unless a determination is made by the Planning and Code Administration Department staff, and approved by the Chair, that the plan is of such complexity that the attendance of one representative of the design firm is necessary for complete review of a proposal. Except for the member chairing the meeting, Planning Commission members are strongly encouraged to participate remotely and not attend the meeting in person.

Section 7. A video copy of the meeting shall be maintained by the Planning and Code Administration Department for a period of six months after minutes of said meeting are approved by the Planning Commission.

4/1/2020
Date Approved


Debra C. Calhoun, Secretary

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By: 
Douglas S. Wright, Jr., Chair