

**TOWN OF MORGANTOWN, INDIANA
PLAN COMMISSION**

RESOLUTION NO. 2017-1

A RESOLUTION TO ADOPT BYLAWS AND RULES OF PROCEDURE

WHEREAS, the Morgantown Advisory Plan Commission ("Plan Commission") may adopt bylaws and rules of procedure pursuant to which it conducts business and public hearings;

WHEREAS, the Commission at its regular meeting on July 13, 2017 considered and discussed proposed Bylaws and Rules of Procedure, a copy of which is attached to and made a part of this Resolution;

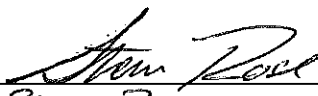
WHEREAS, the Commission, after discussion, and upon motion duly made, seconded, and approved by a majority vote, adopted the Bylaws and Rules of Procedure, as presented.

NOW, THEREFORE, BE IT RESOLVED, by the Advisory Plan Commission of the Town of Morgantown, Indiana, that:

Section 1. The attached Bylaws and Rules of Procedure are hereby approved and adopted by the Morgantown Advisory Plan Commission, effective as of July 13, 2017.

Section 2. All bylaws and rules of procedure, previously adopted by the Morgantown Plan Commission, to the extent they are in conflict with the By Laws and Rules of Procedure adopted by this Resolution, are hereby expressly repealed.

Adopted on this 13th day July, 2017.



Steve Rose, President of
the Morgantown Plan Commission

**MORGANTOWN ADVISORY PLAN COMMISSION
BY-LAWS & RULES OF PROCEDURE**

I. Officers, Members and Employees

1. At its first meeting each calendar year, the Plan Commission shall elect from its members a president who shall serve in that office until a successor is elected.
2. The Plan Commission may elect from its members a vice-president who shall serve in that office until a successor is elected. The vice-president shall have authority to act as president of the Plan Commission in the president's absence.
3. Upon resignation or replacement of the president or vice- president, as a member of the Plan Commission, the Plan Commission shall elect a successor at its next meeting.
4. The Plan Commission shall appoint and fix the duties of a secretary, who is not required to be a member of the Plan Commission. The secretary shall also be charged with duties as required under applicable state statutes. The Plan Commission may hire employees to perform functions and discharge duties of the Plan Commission and retain legal counsel as deemed necessary or appropriate by the members.
5. The appointing authority may remove a member from the Plan Commission for cause. A member who is removed may, within thirty (30) days after receiving notice of removal, appeal the removal to the Morgan County circuit or superior court. If a member fails to attend three (3) consecutive Plan Commission meetings, the Plan Commission president shall submit to the appointing authority a recommendation and request for that member to be removed for cause.

II. Meetings

1. Regular meetings of the Morgantown Plan Commission shall be held on the second Thursday of each month, at 6:30 p.m., at the Morgantown Fire Department, 269 Highland, Morgantown, Indiana
2. Special meetings may be called by the president or any two (2) members of the Plan Commission, upon written request to the secretary. The secretary shall send to all members, at least three (3) days prior a special meeting, written notice. Written notice is not required if the date, time, and place of a special meeting is decided and announced at a regular meeting at which all members are present.
3. The order of business at regular meetings shall be:
 - a) Call to order
 - b) Roll Call
 - c) Reading and adoption of minutes of previous meetings

- d) Report of officers and committees, if any
 - f) Report of zoning administrator and staff
 - g) Old business
 - h) New business
 - i) Adjournment
4. The president of the Plan Commission shall preside over meetings, decide questions of order, and preserve decorum in the meeting room.
 5. No one who is not a member may address the Plan Commission except by consent of the president.

III. Official Action

1. A majority of the members of the Plan Commission who are qualified to vote shall constitute a quorum. Action by the Plan Commission shall not be official unless it is authorized by proper vote of a majority of the members during a regular or properly called special meeting.
2. In the event a quorum of the members is not present at a meeting of the Plan Commission, all matters on the agenda of that meeting will be included on the agenda for the next regular meeting or, at the discretion of the president, transferred to the agenda of a special meeting.
3. Decisions of the Plan Commission shall be by vote of the members. The president may, in his/her discretion, call for a roll call vote of the members. All members present shall vote on every question unless they are disqualified under Indiana Code Section 36-7-4-223. A member of the Plan Commission is disqualified and may not participate in a hearing or vote concerning a zoning decision if:
 - (1) the member is biased or prejudiced or otherwise unable to be impartial;
 - or
 - (2) the member has a direct or indirect financial interest in the outcome of the zoning decision.

IV. Minutes and Records

1. The secretary of the Plan Commission shall prepare and keep minutes of its meetings and record the vote of each member, on each question presented, or indicate that a member is absent or did not vote because of disqualification or abstention. Minutes shall be presented to the Plan Commission for approval at the next regular meeting. Upon approval, minutes shall be signed by the president and attested to by the secretary

2. The minutes of Plan Commission and all of its records shall be filed in the office of the Plan Commission and are public records.

V. Public Hearings; Notice Requirements

1. A petitioner who seeks to amend the zoning ordinance or secure approval of a land use or development request, or other matter under the jurisdiction of the Plan Commission, shall file with the Plan Commission two (2) copies of the appropriate application and related documents, in forms approved by the Plan Commission, at least 15 days prior to the next regularly scheduled Plan Commission meeting.
2. The Plan Commission may require that a petitioner provide all additional information it deems relevant to its consideration of a specific request.
3. If the Plan Commission finds that an application is in good order, with sufficient information, and submitted in proper form, it shall set a time for a public hearing on the matter.
4. The petitioner shall prepare the legal advertisement of the public hearing and shall arrange for it to be published pursuant to Indiana Code Chapter 5-3-1, at least ten (10) days prior to the hearing. In addition, the petitioner shall, by certified mail, return receipt requested, notify all owners of property located within three hundred feet of the subject property, at least ten (10) days prior to the hearing. The petitioner shall bear the expense of the published and mailed notices, as required.
5. At least three (3) days prior to the public hearing, the petitioner shall deliver to the secretary of the Plan Commission a publisher's affidavit, attesting that notice by publication was provided, and proof that notice of the hearing was mailed to all surrounding property owners as required.

VI. Conduct of Public Hearings

1. At a public hearing before the Plan Commission, the petitioner shall first present the facts and arguments in support of the request. Comments and questions from the Plan Commission members may be presented during the presentation. Each person who wants to comment on the request must address the president and be recognized before speaking. The president may limit a speaker's comments to ensure that all persons wishing to speak have the opportunity.
2. The president shall close the public hearing after the Plan Commission has heard from all interested persons. The president shall then read written comments, if any.
3. The petitioner may then briefly respond to comments and the Plan Commission may ask additional questions. The Commission may then consider and vote on the request.

4. The Commission, in its discretion, by vote of the majority, may continue a hearing and/or the vote on any request.

VII. Final Disposition of Cases

1. The final disposition of any request shall be in the form of a vote of the majority of the members, at a properly called meeting, at which a quorum is present.
2. The Plan Commission may dismiss an application for lack of prosecution or lack of jurisdiction. A petitioner's failure to appear at a meeting at which that petitioner's application is to be considered by the Plan Commission shall be deemed to be a lack of prosecution.
3. A request that is denied by the Plan Commission or withdrawn by the petitioner may not be reconsidered by the Plan Commission for twelve (12) months, unless the Plan Commission grants an exception.

IX. Effective Date

1. These Bylaws and Rules of Procedure of the Morgantown Plan Commission, having been approved by the affirmative vote of a majority of the members at the regular meeting of the Plan Commission held on the 13th day of July, 2017, shall be in immediate force and effect.

X. Repeal

All bylaws and rules of procedure, previously adopted by the Morgantown Plan Commission, to the extent they are in conflict with these By Laws and Rules of Procedure, are hereby expressly repealed, as of the effective date of these rules.