



Agenda
Huntington Planning Commission
Monday, April 5, 2021 – 5:30pm

1. Preliminaries
2. Call to Order
3. Roll Call
4. Approval of the February 2021 Minutes
5. Old Business
 - a. Annual Report 2020
 - b. A proposal amending, modifying, and adopting the Planning Commission Rules and Procedures for the orderly disposition of business.
6. New Business
7. Other Business or Announcements
8. Adjournment

2020 Annual Report of the Huntington Planning Commission



Huntington, West Virginia

Prepared by:
Mayor's Office of Planning and Development
Breanna Shell, Planning Director
Patricia Usher, Zoning Officer
January 2021

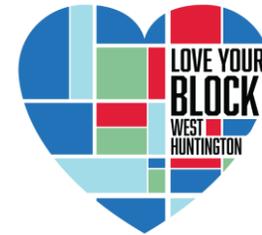
Introduction

In 2020, the COVID-19 pandemic brought a particular set of challenges for the city to transition to a digital, work-from-home format to the extent possible. The Planning Division endeavored to continue to better our administrative processes, strengthen targeted community development efforts, and make progress on the implementation of Plan2025 while creating procedures to foster a safe environment for the public and staff. In addition to our day-to-day permitting process, the Planning Division also oversaw 15 public hearings between the Board of Zoning Appeals and the Planning Commission. The Planning Division has experienced the loss of experience staff and gain of staff throughout the year, and with the most recent loss of the city's Planner, 2021 will bring additional staffing challenges.

Below is a summary of the past years accomplishments in community projects and in attending to the work of the Board of Zoning Appeals and Planning Commission.

Love your Block West Huntington

Love Your Block (LYB) is a series of community projects selected by the residents and business owners in West Huntington. This program provides funding for mini-grant projects and ideas developed by community members to improve their neighborhoods and blocks through low cost, high impact change.



Love Your Block volunteers believe their efforts increase public safety and community ownership of private and public spaces. Past projects include turning vacant lots into public gardens, painting over graffiti with colorful murals, removing trash from playgrounds, and helping neighbors with simple home repairs. Community volunteers are making their neighborhoods better places to live, work, and play.

The Love Your Block program in Huntington, West Virginia began when the city was chosen as one of ten cities awarded \$25,000 to be used for funding that supports volunteer-fueled solutions developed by the community for the community. In addition, two AmeriCorps VISTA members serve in each winning city's city hall to build capacity and raise awareness. The program is made possible with support from Cities of Service, Bloomberg Philanthropies, and the Corporation for National and Community Service (CNCS).

Currently the Love your Block program has been able to continue with support of the City of Huntington and a partnership with the Preservation Alliance of WV and the WV state AmeriCorps program.

Over the last two years the mission of Love Your Block West Huntington has been to provide the community with an opportunity to work with local government and revitalize their neighborhood. LYB has worked to empower residents to make the changes they want in their community. Over the past two years, with residents help LYB has:

- awarded 12 mini-grants (7 small home repairs and 5 neighborhood improvement projects),
- attended 42 meetings, trainings, and events, and
- removed 2,872 pounds of trash.
- There have been a total of 1,838 volunteer hours tracked, translating to an estimated \$18,380 in labor!

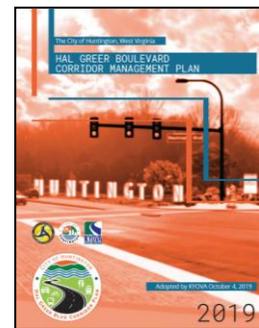
Fairfield Alliance

The Fairfield Alliance is a collaboration of community stakeholders in the Fairfield neighborhood including AD Lewis Community Center, Cabell Huntington Hospital, the Black Pastors association, Marshall University, Huntington Housing Authority, residents, City of Huntington, Coalfield Development Corporation, Unlimited Future and more. In 2019 one of the main projects of the Fairfield Alliance was creating the Fairfield Innovation Plan which was funded through the HUD Choice Planning grant. This plan was completed in February of 2020. Since that time the Fairfield Alliance also created a new community development corporation and hired an executive director. Although the Alliance took a break during the middle of 2020 due to trying to focus on other projects and capacity to work in an online environment, the Alliance met just recently in January of 2021 and there were lots of projects to report and share.



Hal Greer Boulevard Complete Streets Plan

Towards the end of 2019 the Hal Greer Boulevard Complete Streets Plan was completed, showcasing years of hard work and collaboration to completely redesign Hal Greer Boulevard with safety and functionality at the forefront. With the help of the leadership of the City of Huntington, Marshall University, Cabell Huntington-Hospital and the Neighborhood leadership we were able to get the support of the WV Division of Highways to fast-track the design and construction of Hal Greer Boulevard in line with the Corridor Management Plan. This past year has really accelerated that project and is on track to create final construction level plans for the Fall of 2021 to be able to construct improvements to the route from 3rd Avenue to Washington Boulevard.



Highlawn Brownfields Plan

2017 saw the completion of a robust plan for revitalization of the Highlawn and Marshall University neighborhoods with the final Highlawn Brownfields Plan. This plan highlights research into potential brownfield properties and reuse opportunities including a proposed future land use plan and market study. The Huntington Municipal Development Authority (HMDA) is taking the lead on moving this plan forward and negotiating with existing property owners and finding funding to implement the plan. Work continued on this goal with the HMDA taking ownership over one of the properties and further refining the Highlawn Brownfields Plan as new information came to light. A major change came from the decision of Marshall University to purchase property for the creation of the MU Baseball stadium. As this continues to develop the Planning staff, HMDA, MU and the residents/business owners of Highlawn will continue to work together to improve and implement the plan.



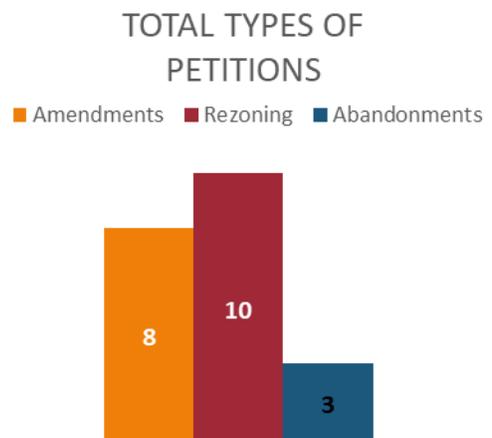
Zoning Ordinance Update

This past year saw major revisions to the Zoning Ordinance and the Zoning Map. In the coming year, the Planning Division looks forward to further strengthening the goals in Plan2025 the Future of Huntington by targeted revisions of the zoning ordinance. This revision will focus on the neighborhoods of Fairfield, West Huntington, and the core of Downtown. The hope is to create a more place-based neighborhood specific code within areas that are seeking economic development opportunities.

Overall, we hope to continue partnerships with other departments and community members to better educate citizenry about the vision behind the regulations and work to be proactive to improve the system to create a stronger City of Huntington.

Planning Commission

In 2020, the Planning Commission heard twenty-one (21) petitions over the course of seven (7) meetings. Of the twenty-one petitions, there were eight (8) Amendments to the Zoning Ordinance, ten (10) Rezoning, and three (3) Abandonments. Of the twenty-one petitions, nineteen (19) were moved forward to Council with favorable recommendations; two (2) were withdrawn.



Amendments to the Zoning Ordinance

There were eight (8) changes to the Zoning Ordinance in 2020. Combined with the seven (7) that were made in 2019, the Zoning Ordinance is well on its way to being a reflection of Plan2025. Considerable changes were made throughout the year to reorganize and clarify regulations in order to produce a document that will improve ease of use and therefore overall customer service.

The biggest change made to the Zoning Ordinance and Zoning Map was the split of the General Industrial District into Light Industrial and Heavy Industrial. This was achieved through large scale rezonings of the industrial areas of the city and the defining of the two new districts, especially in regards to the distribution and regulation of uses and the physical design of new construction.

Other important elements of the Zoning Ordinance changes included:

- A complete restructuring of the permitted and conditional uses into a chart, streamlining the requirements for ease of use for staff and citizens (PC 20-06)
- Improvements to the parking and driveway requirements (PC 20-06)
- Redefining the requirements for home occupations (PC 20-13)
- Strengthening our fair housing regulations (PC 20-14) and
- Improving and clarifying elements of the sign ordinance (PC 20-16)

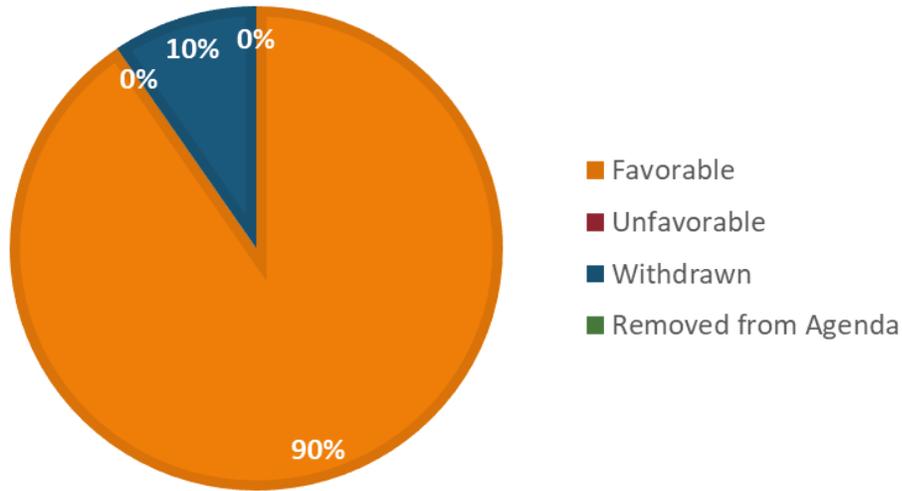
The above were just a few highlights of the important work of the Planning Commission this last year and the details on all petitions can be found below:

Petition	Amendment Changes
PC 19-05	Amendments to the City of Huntington Zoning Ordinance creating Article 1334 I-2 Heavy Industrial in the City of Huntington Zoning Ordinance and amendments to Article 1333 I-1 General Industrial to add newly defined permitted uses and special permitted uses, change the district name to Light Industrial and Commercial, add development standards, adjust the area and setback standards, and bring it into alignment with the Comprehensive Plan update, Plan 2025.
PC 19-12	Amendments to the City of Huntington Zoning Ordinance creating Article 1334 I-2 Heavy Industrial in the City of Huntington Zoning Ordinance and amendments to Article 1333 I-1 General Industrial to add newly defined permitted uses and special permitted uses, change the district name to Light Industrial and Commercial, add development standards, adjust the area and setback standards, and bring it into alignment with the Comprehensive Plan update, Plan 2025.
PC 19-16	A petition to rezone from I-1 General Industrial District to the proposed I-2 Heavy Industrial District, property located at 208 Hal Greer Blvd, 1604-1606 Commerce Ave, and 217 17th St. Cabell County Tax Map 8, Parcels 7, 8, and 9; Map 9, Parcels 13 and 126.

PC 20-01	A petition to rezone a parcel from R-1 Residential District to C-1 Neighborhood Commercial District, the property is located at 1510 Norway Ave, Cabell County Tax District 05, Map 47, Parcel 141.
PC 20-02	A petition to abandon a portion of 24th Street between 4th Ave and 5th Ave. The petitioned abandonment is situated between Cabell County Tax District 05, Map 20, Parcels 43 and 45.
PC 20-03	A petition to rezone from R-4 Residential District to C-1 Neighborhood Commercial District, property located at 1522 9th Avenue. Cabell County Tax District 5, Map 31, Parcel 132.
PC 20-04	Amendments to the City of Huntington Zoning Ordinance Article 1327 C-1, Neighborhood Commercial District to add Tattoo Parlors as a Special Permitted Use and Article 1329 C-2, Highway Commercial District to add Tattoo Parlors as a Permitted Use.
PC 20-05	A petition to abandon 15 feet of the easterly portion of 15th Street between Columbia Avenue and Charleston Avenue. The portion to be abandoned is adjacent to Cabell County Tax Map District 05, Map 46, Parcels 175, 176, 177, 178, 180, 181, 182, 183, 184, 185, 186, and 187.
PC 20-06	A petition to create Article 1320 – Permitted Uses; Amend Article 1315 Definitions to create new definitions, amend existing definitions, and add a new measurements section; Amend Articles 1321, 1323, 1325, 1327, 1329, and 1331 to remove permitted uses, special permitted uses, and bulk and area requirements, and add development requirement charts and amend supplementary regulations; Amend Article 1337 Special Zoning Districts to add a permitted use chart; Amend Article 1341 General Regulations for clarification, reorganization, and adjust additional regulations for various uses; Amend Article 1343 Off Street Parking by amending Table 1343.A Parking Requirements, automobile parking design principles, bike parking standards, location and design of driveways, handicapped parking to include additional ADA standards, and reorganizing various sections; Amend Article 1351 Site Plan Review to add additional requirements related to other amendments and adjust review time requirements; Amend Article 1355 to reflect definition changes and add legal nonconforming structures; Amend Article 1359 Special Permit to change Special Permit to Conditional Use; Amend Article 1367 to reflect WV state code. These amendments will bring the city’s zoning ordinance further into alignment with the Comprehensive Plan update, Plan 2025.
PC 20-07	A petition to abandon a portion of 24 th Street at the intersection of 4 th Ave. The petitioned abandonment is situated between Cabell County Tax District 05, Map 20, Parcels 43 and 45.
PC 20-08	A petition to rezone from R-4 Residential District to C-1 Neighborhood Commercial District, property located at 1942, 1944, and 1946 9th Avenue. Cabell County Tax District 5, Map 31, Parcels 357, 358, and 359.

PC 20-09	A petition to rezone from R-4 Residential District to C-1 Neighborhood Commercial District, property located at 1942, 1944, and 1946 9th Avenue. Cabell County Tax District 5, Map 31, Parcels 357, 358, and 359.
PC 20-10	A petition to rezone property to C-1 Neighborhood Commercial District from R-2 Residential District, the property is located at 312, 314, 316, and 324 18th Street W, Cabell County Tax District 7, Map 40, Parcels 121, 122, 123, and 124.
PC 20-11	A petition to rezone properties to C-1 Neighborhood Commercial District from R-5 Residential District, the properties are located between 5th Avenue and 6th Avenue north to south and 5th Street and 4th Street east to west.
PC 20-12	A petition to rezone properties to C-1 Neighborhood Commercial District from R-5 Residential District, the properties are located between 5th Avenue and 6th Avenue north to south and 4th Street and 3rd Street east to west.
PC 20-13	A petition to amend Article 1341 General Regulations regarding Home Occupations and Article 1357 Filing Fees.
PC 20-14	A petition to amend Article 1313 of the Zoning Ordinance to promote fair housing.
PC 20-15	A petition to rezone parcels located generally between the Downtown and Highlawn district as follows: Location 1: all parcels from Commerce Avenue to the Ohio River between 13th Street and 17th Street, excluding land owned by the United States of America north of the flood wall, commonly known as Harris Riverfront Park; and all parcels from 2nd Avenue to the Ohio River between 17th Street and the centerline of 21st Street when continued to the Ohio River; and the +/- 31.6 acre parcel owned by CSX Transportation Inc. along the Ohio River between 15th Street and 22nd Street. Current zoning for Loc. 1: General Industrial District proposed zoning for Loc. 1: Heavy Industrial District Location 2: the properties located between Commerce Avenue and 2nd Avenue between 19th Street and 19 1/2 Alley, and two parcels located at the corner of 2nd Avenue and 20th Street more specifically Cabell County Tax District 5, Map 9, Parcels 60 and 61. Current zoning for Loc. 2: Highway Commercial District Proposed zoning for Loc. 2: Light Industrial District
PC 20-16	A petition to amend Article 1345 Sign Regulations and Site Lighting to adjust regulations for free-standing signs, wall signs, and changeable copy signs.
PC 20-17	A petition to amend Article 1315 Definitions and Measurements, Article 1317 Establishment of Districts and Zoning Map, Article 1320 Permitted Uses (including chart), Article 1333 Light Industrial and Commercial District, and Article 1334 Heavy Industrial District
PC 20-18	A petition to amend the Residential Districts Article 1321, Article 1323, and Article 1325, to adjust the Development Requirements and Supplementary Regulations for the districts

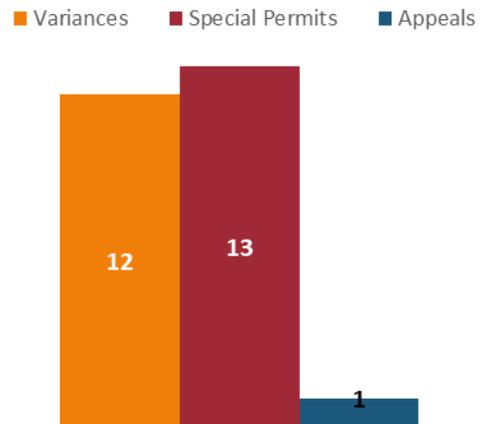
DECISIONS FOR ALL PC PETITIONS



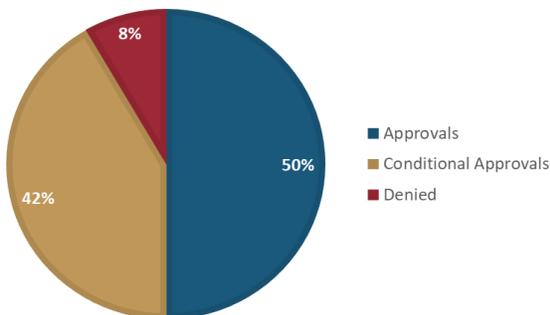
Board of Zoning Appeals

In 2020, the Board of Zoning Appeals (BZA) had twenty-six (26) petitions over the course of seven (7) meetings. It is a decrease for the Board from 2019, which had seven (7) meetings and forty-two (42) petitions. Of the twenty-six (26) petitions, eleven (11) petitions were requests for Variances, thirteen (13) were requests for Special Permits, and one (1) was an Appeal of the decision of the Planner. Out of the total petitions that were heard, twenty-two (22) were approved, one (1) was denied, three (3) were withdrawn.

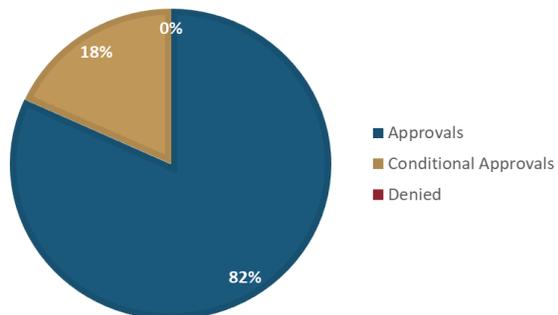
TOTAL TYPES OF PETITIONS



DECISIONS FOR VARIANCES



DECISIONS FOR SPECIAL PERMITS



This year the BZA membership continued to excel in their roles, taking each petition very seriously. The members exercised their ability to put conditions on their approvals so that the intent of the zoning ordinance was implemented.

Attendance for the BZA was consistent with most members only missing one or two meetings over the course of the year, and the alternates stepping in when needed ensured we had a quorum at all meetings.

Conclusion

Overall, 2020 proved to be another dynamic year in planning in the City of Huntington even under the unusual circumstances brought on by the pandemic. New businesses were started - especially Home Occupations - existing businesses expanded, and the comprehensive plan update was advanced in the creation of several new elements within the zoning ordinance.

The future of Huntington looks bright, and 2021 is sure to be another critical year in continuing the positive momentum as we move forward to update our zoning ordinance in line with Plan2025.

**THE CITY OF HUNTINGTON,
CABELL AND WAYNE COUNTIES, WEST VIRGINIA
PLANNING COMMISSION
ADOPTED (DATE)**

RULES OF PROCEDURE

RULE 1. PURPOSE AND AUTHORITY:

The purpose of these rules is to provide the City of Huntington Planning Commission (hereinafter “Commission”) with such written procedures necessary for the orderly disposition of the business as required by West Virginia Code §8A-2-11, the City of Huntington Charter §8.4, and the Zoning Ordinances of the City of Huntington, West Virginia, (hereinafter “City Code”) by codifying the means by which that business is to be transacted. These rules shall, where applicable, clarify ambiguous language of the Commission’s enabling laws as well as specify the procedure in situations not addressed in the West Virginia Code or the Zoning Ordinances.

RULE 2. ORGANIZATION:

A. OFFICERS.

1. The Officers of the Commission shall consist of a Chairperson and a Vice-Chairperson. The Chairperson shall preside at the hearings and meetings, shall decide all points of order, shall see that proper procedure is followed, and shall sign the Minutes of the Commission, or in the absence of the Chair, the Vice-Chairperson shall assume all duties of the Chair. If necessary, an acting-Chair may be designated by the Chair.
2. Duties of Officers. The duties and powers of the officers of the Planning Commission are as follows:
 - a. Chair:
 1. To preside at all meetings of the Planning Commission;
 2. To call meetings of the Planning Commission;
 3. To set the agenda; and
 4. To sign documents of the Planning Commission.
 - b. Vice Chair: During the absence, disability, or disqualification of the Chair, or upon the request of the Chair, the Vice Chair shall exercise all the duties and be subject to all the responsibilities of the Chair. The Vice Chair shall also maintain any other responsibilities that are assigned to him/her by the Chair.
 - c. The Chair and Vice Chair and other officers shall be elected by a majority vote of the Planning Commission at the first regular meeting of the calendar year, and may be reelected.
 - d. Temporary Chair: If both the Chair and Vice Chair are absent from a meeting, the Planning Commission shall, by a majority vote of those members present, elect a temporary Chair for that meeting.

- e. Chairing the Meetings: The person chairing the meeting shall make every effort to facilitate the orderly discussion of the Planning Commission and to guide the Commission in providing direction to staff and making recommendations to the City Council.
- B. **CONTACT INFORMATION.** The Office of the Commission is the Planning and Zoning Office, Room 2, City Hall, 800 Fifth Avenue, Huntington, West Virginia, 25701 and shall be open for the transaction of business from 8:30 a.m. to 4:30 p.m. each weekday. All communications to the Commission shall be addressed to the Planning Commission. Electronic mail may be sent to the City Planner whose contact information is available on the City website.

RULE 3. ATTENDANCE

Per Article 14.17 of the City Code, should a Commissioner fail to attend sixty (60) percent of the regularly scheduled meetings of the Commission within a calendar year, that office may be declared vacant and a new Commissioner may be appointed by the Mayor and affirmed by the Huntington City Council.

RULE 4. COMMENCEMENT OF ACTION

- A. **APPLICATION.** Any person who wishes to bring an item before the Planning Commission under the provisions of West Virginia and/or City Code must do so, in writing, on a form provided by the Office of Planning and Zoning. Such application shall be filed in the Office of Planning and Zoning Office with the City Planner and be accompanied by the appropriate filing fee and required documentation. All applications must be submitted at least six weeks prior to the meeting at which the petition is to be heard. Application forms are available from the Planning and Zoning Office.
- B. **FILING FEE.** The filing fee shall be in compliance with City Code § 1357. All filing fees and costs shall be paid by the Petitioner before the matter will be noticed. The filing fee is nonrefundable.
- C. **SITE PLANS.** For Minor Development(s) and Major Development(s), in addition to the application(s), a detailed site plan drawn to scale with the direction of North clearly indicated on the drawing must be submitted by the Petitioner. Major Development(s) site plan submission shall also be subject to the rules of the Development Ordinance within City Code.
- D. **AGENDA.** Each petition that is properly filed with the required information and filing fee, and accepted by the planner, shall be numbered serially for placement on the agenda and placed upon the calendar of the Commission by the City Planner for the appropriate meeting date. Once the file is complete, the City Planner or designee shall assign a number to the petition.

Matters shall not be placed on the agenda unless all required information, prerequisites, and filing fee are provided. A checklist will be provided by the staff to aid in the submittal process.

RULE 5. MEETINGS

A. TIME AND PLACE.

1. Regular Meetings

Regularly scheduled meetings will commence on the first Monday of each month at 5:30 p.m. in City Council Chambers unless modified by a majority of the Commission Members in accordance with §8A-8-5 of the West Virginia Code. Meetings shall be held not less than once every other month, Charter §8.4.

2. Special Meetings

The Planning Commission shall meet for special meetings at the call of the Chair or a majority of the Planning Commission. Notice for a special meeting must be in writing, include the date, time and place of the special meeting, and be sent to all members at least two days before the special meeting. Written notice of a special meeting is not required if the date, time and place of the special meeting were set in a regular meeting.

3. Open and Televised Meetings

The meetings shall be conducted in accordance with the Televised Meetings Ordinance, City of Huntington Ordinance §535.

B. QUORUM. The Planning Commission must have a quorum to conduct business. A quorum is a majority of the members including vacant positions. At the designated time for the meeting the Chair or Vice-Chair shall call the meeting to order. If a quorum of members is not seated at that time, the Chair will declare a recess for up to fifteen (15) minutes. At the end of this period the Chair will call the meeting to order and have the City Planner, or designee, make a roll call of all the members' names and make record of those present. If a quorum is not present at this time, the Chair will announce when the scheduled agenda shall be heard and declare the meeting adjourned until the next regularly scheduled meeting or until an agreed upon time by the Commission and Petitioner(s). Special Call Meetings will be held in accordance with § 8A-2-7. (b) or (c) of the West Virginia Code.

C. NOTICE.

1. The City Planner, or designee, shall be responsible for providing notice of all petitions before the Commission.
2. Notice shall state the date, time and place of the hearing, the names and addresses of all Petitioners, and the matters to be considered by the Commission at the hearing.
3. Notice of all hearings before the Commission shall be published in accordance with W.V. State Code in a newspaper of general circulation.
4. Notwithstanding any other notice requirements, the City Planner shall cause written notice to be to be served as follows:
 - a. Zoning Ordinance Text Amendments: Staff shall make reasonable efforts to serve notice to known interested parties by first class mail.
 - b. Rezoning, Major Development Site Plan Reviews, Appeal of the Planner's Decision on a Major Development Site Plan Requirements, or Abandonments: Written notice

shall be served via first class mail on all property owners and all residents, if they be different from the property owners, within a 400-foot radius of the subject property.

- c. Annexation or adoption of Right-of-way: Written notice shall be served via first class mail on all property owners and all residents, if they be different from the property owners, within a 400-foot radius of the subject property.
5. The City Planner, or designee, will provide informal notice to the best of their ability via first class mail, electronic mail, or hand delivery to the City of Huntington City Council, the Huntington Police Department, the Huntington Fire Department, and any neighborhood associations known to exist in the affected district. Notice also may be published on the City of Huntington website and any social media sites where the City of Huntington maintains an official presence.

D. ORDER OF BUSINESS.

The Order of Business at regular meetings shall be substantially as follows:

1. Call to order.
2. Roll call.
3. Minutes.
4. Hearing of Unfinished Business.
5. Hearing of New Petitions.
6. Good and Welfare
7. Announcements and/or discussion.
8. Adjournment.

All applications and appeals shall be heard in the order noticed unless otherwise ordered by the Commission.

E. SPEAKING ORDER. After the chair brings up a petition for consideration, the testimony shall be made in the following order:

- Applicant or his/her agent
- Staff Report
- Other Persons in Favor
- Persons in Opposition
- Rebuttal by the Applicant
- Closing of Public Comment and Open Discussion by Commission

Except for a spokesperson that is coordinating presentations, no one may speak a second time until all other persons wishing to speak have been heard. Once the applicant, staff and all persons in favor of and in opposition to the application have been heard, the Chair shall close public comment. The Commission may then hold discussion on the application and consider amendments. Following the discussion, the Chair shall ask for a motion, second on the motion and a roll call.

F. APPLICANT AND STAFF RESPONSIBILITIES. It shall be the applicant's responsibility to prepare and present their case to the commission. Staff shall not be expected to present or influence an application for either side, but shall be expected to exercise independent and professional judgment when presenting the staff report.

G. EVIDENCE. After a hearing is completed, no further public comment or other evidence shall be received, unless (a) the evidence is specifically requested by the commission; or (b) the hearing is re-opened by the commission and opportunity is provided to other persons to respond.

H. SUBMITTING EVIDENCE. Persons wishing to submit reports or studies relating to a matter before the commission should submit sufficient copies to staff for public inspection and distribution to commission members at least two weeks prior to the hearing to allow time for the study or report to be distributed to the commissioners for their review. However, the commission will not allow the late filing of material to be used as a delay tactic that infringes upon the rights of people on the opposite side of an issue.

I. ABSENCE OF A RULE. When an issue arises that is not specifically covered by the West Virginia Code, City Code, or these rules, the Commission will be governed by the edition of Robert's Rules of Order currently used by the Huntington City Council.

J. WITHDRAW OR FAILURE TO APPEAR. Prior to relevant notices being printed by the Planning and Zoning Office, a petition may be withdrawn by the Petitioner/Appellant without penalty. After notice has issued, a petition may only be withdrawn after the matter is called for hearing by request to the Commission, upon motion of a Commission Member, and filing fee will be forfeited.

Upon request of the Petitioner and motion by a Commission member, a petition's hearing may be moved to a different date after the case is called. However, no initial petition hearing may be laid over longer than 110 days after advertised notice.

Alternatively, upon the will of a majority of the Commissioners, an item may be taken up by the Commission without the Petitioner present.

K. METHOD OF VOTING.

A rolling roll call vote shall be used at each Commission meeting where a roll call vote is required to be used under these rules. A rolling roll call vote shall mean that at the first roll call vote of the meeting, the City Planner, or designee, shall call the roll in alphabetical order except that the Chairperson's name is called last. Upon each subsequent roll call vote taken at the same meeting, the City Planner, or designee, will then begin the roll call with the next person's name in alphabetical order, so that the same person shall not be required to vote first on all issues: Provided, that the Chairperson shall always vote last.

Items requiring a roll call vote include assessment of quorum, final decision on petitions, requested by the chair, or other Commission members or any time the results of a voice vote is unclear. A voice vote or consensus vote may be used for all other matters.

L. PUBLIC COMMENT. The Planning Commission will enter into the public record all public comments, and any attachments or other supporting materials, including any business or personal information that is provided. All parts of the public record are subject to disclosure under the West Virginia Freedom of Information Act.

The Planning Commission shall receive public comment in two ways: either by in-person attendance of the public meeting or by written comment submitted prior to the meeting.

1. Oral comments. The Chair shall permit any person to make a brief oral presentation at the meeting. Comments are limited to three (3) minutes per speaker unless otherwise authorized by the Chair. The speaker shall give his/her name, address, and indicate if he/she is representing an organization. All comments and questions shall be directed to the Chair. The Planning Commission members may question a speaker on any matter related to his/her comments.
 - a. Time Limits. There shall be a three (3) minute time limit for all parties that address the commission as either the applicant or parties speaking in favor or opposition to a case. The commission may, at their discretion and upon a majority vote of the members present, modify time limit.
 - b. Addressing the Commission. Formal rules of evidence do not apply at the commission meetings. Anyone may appear and speak at a hearing. However, no person may speak until recognized by the chair of the hearing.
 - c. Manner of Addressing the Commissions. Each person addressing the commission shall speak clearly into the microphone located at the lectern and give his/her name and address for the record. All testimony shall be addressed to the commission or president of the hearing.
 - d. Personal and Slanderous Remarks. The chair may declare out of order and terminate testimony that is repetitious, irrelevant, abusive or not within the commission's jurisdiction.
2. Written comments. Any person wishing to comment on an item may do so by submitting his/her written comments to the Planning Office before the meeting or to the Chair during the meeting. These comments will become part of the official record and shall be considered by the Planning Commission in its action.

M. MINUTES AND RECORDS. The City Planner, or designee, shall cause written minutes of each petition heard by the Commission to be created. The City Planner, or designee, shall maintain a permanent written record of all Commission determinations that shall be available to the public upon request. The Commission shall review and approve of said meeting by vote. All hearings shall be recorded and that record shall be retained for a minimum of six (6) years.

N. CONFLICT OF INTEREST. No Commission member shall take any official action as a member of the Commission, including participating in and voting upon, any matter in which the Commission member, or a member of his or her immediate family, or an organization with which the Commission member is associated, has a substantial financial or personal interest. Any Commission member who may have an interest in the issues in a given case shall publicly state that fact on the record at the commencement of the public hearing so that the Petitioner or a Commission member may object to their further participation in the case. Notwithstanding this rule, if a Commission member steps down from participating in a case due to an actual or apparent conflict of interest, said member retains all his/her rights as a citizen of the City of Huntington to address the Commission at the podium as a member of the public. Said Commission member shall not make reference to his/her status as a member of the Commission or make reference to any previous decisions or other current petitions.

O. EX PARTE CONTACT. It is the policy of this Commission that no member shall discuss the merits of any pending petition with any person having an interest in the case prior to the

public hearing. Any interested party wishing to provide information to the Commission prior to the public hearing must do so in writing (including electronic mail) prior to the public hearing by providing such information to the Planning and Zoning Office where it will be included in the public record. In the event a Commission member is spoken to by a citizen about an impending case, the Commission member shall first inform the citizen that he/she may not discuss the case, inform the citizen of his/her right to appear before the Commission or submit a written statement, and disclose the information to the whole Commission at the time of the hearing. Notwithstanding, all written statements shall be subject to §D of these Rules.

P. SITE VISITS. The Commission will base its decisions only on information presented in the public hearing and in the record. Notwithstanding this, a Commission member, at their option, may visit a site that is the subject of an appeal to gather information and perspective on the case. If any information is gathered that is not included in the evidence presented at the hearing, yet pertinent to the decision, the same shall be disclosed to the whole Commission at the hearing. Said visit shall be disclosed in the public hearing and any information learned shall be entered into the record by the Commission member. In no case shall two or more members visit the site together. Commission members shall make reasonable effort to refrain from speaking to anyone on-site at the time of the visit about the pending case.

RULE 6. SUSPENSION OF RULES

The Commission may suspend these Rules by a majority vote of its members present.

RULE 7. RULES TO BE KEPT ON FILE

A true and correct copy of these Rules shall be kept and maintained in the Planning and Zoning Office and shall be available to the public for inspection or copy during normal working hours.

RULE 8. INTERPRETATION OF THE COMMISSION'S RULES

The Commission is the final authority as to the meaning of these Rules. The Commission may, from time to time, make an exception in these rules for extraordinary cases, setting out the reasons therefor.

RULE 9. AMENDMENTS

These rules of procedure and policy may be amended or altered by a majority vote of the Commission and affirmed by the Huntington City Council.

RULE 10. EFFECTIVE DATE

These Rules shall take effect immediately upon their passage by their approval by the City of Huntington City Council and shall remain in full force and effect until further action by the Commission.

RULE 11. REPEAL OF PREVIOUS RULES OF PROCEDURE

Any other Rules of Procedure previously adopted are hereby repealed.

These Rules are hereby adopted, ratified, approved and confirmed by the Planning Commission of the City of Huntington, Cabell and Wayne Counties, West Virginia, on this the _____ day of _____ 2020.

THE PLANNING COMMISSION OF THE CITY OF HUNTINGTON, CABELL AND WAYNE COUNTIES, WEST VIRGINIA

By _____
Brian Gallagher, Chair

By _____
Sarah Walling, Vice-Chair

By _____
Mayor Steve Williams, Commissioner

By _____
Jennifer Wheeler, Commissioner

By _____
Ursulette Ward, Commissioner

By _____
Gerry Holley, Commissioner

By _____
Sean Hornbuckle, Commissioner

By _____
Stephanie Vlahos-Bryant, Commissioner

By _____
, Commissioner