



CITY OF NEWARK

Planning Commission

City Hall, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4330 | E-mail: planning@newark.org

AGENDA

Tuesday, March 22, 2022
7:30 P.M.

HYBRID IN-PERSON/VIRTUAL MEETING

REFER TO THE END OF THE AGENDA TO REVIEW OPTIONS FOR PARTICIPATING IN THE MEETING REMOTELY OR IN-PERSON.

IF YOU ATTEND THE MEETING IN PERSON, A FACE COVERING IS RECOMMENDED BUT NOT REQUIRED. LIMITED PUBLIC SEATING WILL BE AVAILABLE IN THE CITY COUNCIL CHAMBERS CONSISTENT WITH CDC GUIDELINES.

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular Planning Commission meeting of February 8, 2022.

(MOTION)

C. WRITTEN COMMUNICATIONS

D. ORAL COMMUNICATIONS

Members of the public are invited to address the Planning Commission on any item not listed on the agenda. Public Comments are generally limited to 5 minutes per speaker. Please note that State law prohibits the Commission from acting on non-agenda items.

E. PUBLIC HEARINGS

- E.1 Hearing to consider U-21-03, a Conditional Use Permit to allow a recycling center

facility at 6711 Central Avenue (APN 092-0074-301). The subject site is zoned General Industrial and has a General Plan Land-Use designation of General Industrial – from Contract Planner Sharma.

(MOTION TO CONTINUE HEARING)

F. STAFF REPORTS

G. COMMISSION MATTERS

G.1 Consideration of an amendment to the Planning Commission By-laws Article 3 (Meetings), Section 3.00 (Time) to change the regular meeting time from 7:30P.M. to 7:00P.M. .

G.2 Report on City Council actions.

H. ADJOURNMENT

HYBRID IN-PERSON/VIRTUAL MEETING NOTICE

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Assembly Bill 361. Members of the public may attend the meeting in person, virtually via Zoom, or watch it via YouTube. If you attend the meeting in person, a face covering is recommended but not required. The City Council Chambers will have limited public seating consistent with CDC Guidelines.

Chair Becker, Vice Chair Fitts, and Commissioners Aguilar, Otterstetter, and Bogisich may be attending this meeting via teleconference. Teleconference locations are not open to the public. In the event that any members of the Planning Commission elect to attend this meeting via teleconference, all votes conducted during the teleconferencing session will be conducted by roll call vote.

How to view the meeting remotely:

Livestream online at YouTube: <https://www.youtube.com/channel/UC383NGSxaPwZP1IkJbo2T8A>
Copy/paste the YouTube URL into your browser if the link does not automatically open.

This meeting will broadcast on Comcast Channel 26.

How to participate in the meeting remotely, via Zoom Webinar:

From a PC, Mac, iPad, iPhone or Android device: <https://us06web.zoom.us/j/88311045473>

From a telephone dial 1 669 900 6833, Webinar ID 883 1104 5473

Provide live, remote public comments when the Chairperson calls for comments. Use the raise your hand feature in Zoom to be called upon by the Secretary.

For frequently asked Zoom questions, please go to [Agendas and Minutes](#) and select the Frequently Asked Questions link.

Submission of Public Comments: Public comments received by 4:00 p.m. on the Planning Commission meeting date will be provided to the Planning Commission and considered before Planning Commission action. Comments may be submitted by email to planning@newark.org.

No question shall be asked of a Planning Commissioner, city staff, or an audience member except through the Chairperson. No person shall use vulgar, profane, loud, or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the Chairperson for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.

Commission Meeting Access/Materials:

The agenda packet is available for review at [Agendas and Minutes](#). The packet is typically posted to the City website the Friday before the meeting, but no later than 72 hours before the meeting.

Pursuant to Government Code 54957.5, supplemental materials distributed less than 72 hours before this meeting, to a majority of the Planning Commission, will be made available for public inspection at this meeting and will be posted, if time allows, at [Agendas and Minutes](#). Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection. For those persons who require special accommodations, please contact the Administrative Support Specialist at least two days prior to the meeting at planning@newark.org or 510-578-4330.

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CITY OF NEWARK

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MINUTES

Tuesday, February 8, 2022

A. ROLL CALL

Chairperson Aguilar called the meeting to order, via teleconference, at 7:33pm. Present were Commissioners Fitts, Otterstetter, Becker, and Bogisich (all via teleconference).

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, December 14, 2021

MOTION APPROVED

Commissioner Becker moved, Commissioner Fitts seconded, to approve the Minutes of the regular Planning Commission meeting on December 14, 2021. The motion passed 5 AYES.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider Night Co., a Conditional Use Permit to allow a restaurant with live entertainment within a shopping center facility at 39055 Cedar Blvd. #198 (APN 901-0188-001-00). The subject site is zoned NC: Neighborhood Commercial and has a General Plan Land-Use designation of Neighborhood Commercial – Shaveta Sharma, Contract Planner

Contract Planner (CP) Sharma provided the project overview including the project location, zoning, applicant requests, staff findings, and recommendation. CP Sharma discussed the project proposal in greater detail, including the proposed use for live entertainment inside the restaurant and conceptual property use. CP Sharma summarized the findings made in support of the proposed project. CP Sharma also noted that the proposed project is categorically exempt from CEQA and the project received public comments regarding noise concerns. CP Sharma noted that the conditions of approval addresses soundproofing and insulation to comply with the noise ordinance. In addition to the conditions of approval, the modified conditions of approval including keeping the back door closed at all times during the operation, no alcohol allowed in the public space, and required added security once expected occupancy is to be in excess of 100 people, the project will not create detrimental impacts in the neighborhood.

Commissioner Bogisich asked that if the live singer is not accompanied by a live band, will it be acapella or if music is in the background.

Property owner, Fallon Tran, clarified that music will be in the background while the singer is performing.

Commissioner Becker asked if Condition H meant that if one noise complaint will trigger a noise study. Deputy Community Development Director (DCDD) Interiano clarified that when noise complaints are received, a Code Enforcement officer will conduct an inspection to verify the noise levels. If there are violations, then staff can request the property owner to conduct a noise study. DCDD Interiano confirmed that it is at the Community Development Director's discretion to require a noise study.

Property owner, Fallon Tran, provided a brief background on the property, biography of the applicant, Eddie Lu, steps to increase security, and minimize noise by soundproofing the restaurant. Ms. Tran clarified that it is a restaurant, not a nightclub.

Commissioner Becker asked for confirmation that if the live singer is on stage singing to background music, that it will not be at a volume where diners will not be able to converse and that the stage is not for dancing but just for the live singer to perform. Ms. Tran confirmed that there will be no dancing and that the live singer will not be amplified, and the music will be soft and subdued.

Chair Aguilar asked if at any point during the day if there will be a different type of music. Ms. Tran translated for the applicant, Eddie Lu, that the restaurant will not turn into a nightclub. Ms. Tran clarified that when there is no live performer, music will be played overhead.

Chair Aguilar asked what the hours the applicant will have a live performer. Mr. Lu answered that the restaurant would open at 5pm and intends to have live performers from 8pm-10pm. Chair Aguilar reiterated that the current Conditions of Approval states that live music must cease at 9pm. Ms. Tran asked if that condition can be amended to 10pm instead considering the Mr. Lu will soundproof the restaurant to reduce noise levels.

Chair Aguilar opened the public hearing.

Moti Jain, a resident behind the restaurant, stated he has two small children and work in the evening hours and is concerned that the noise from the restaurant will disturb him and his children.

Elizabeth Agredano of 6225 Port Pl expressed concern at the possible noise from the restaurant, the added truck traffic from deliveries, gathering in the parking lot and littering of cigarettes from restaurant patrons. Ms. Agredano asked who will inspect the restaurant to ensure the soundproofing is completed to code. DCDD Interiano answered that the Planning and Building Inspection departments will work together to ensure the improvements to the building are completed to code.

Ms. Agredano asked who the public can contact to file noise complaints. DCDD Interiano stated the public should contact the business owner first to address the noise issue. If the issue is not corrected, the public can contact the Community Development Department at planning@newark.org.

Moti Jain stated there are a lot of wild animals in the area due to the waste from the restaurant.

Ms. Agredano concurred that wildlife dumpster diving is an issue in their area.

Chair Aguilar asked what the process for Newark residents is to report these issues. DCDD Interiano stated these issues should be brought to the attention of the City's Community Preservation department at compres@newark.org.

Chair Aguilar closed the public hearing.

Commissioner Otterstetter asked if the current property is operating as a restaurant and that all live music will be limited to the indoor area and not outside. DCDD Interiano confirmed the property is currently a restaurant and Ms. Tran confirmed the live music will not be outdoors.

Commissioner Otterstetter asked if the applicant has conducted a sound test before investing into soundproofing the restaurant. Ms. Tran stated the applicant was waiting until the Conditional Use Permit was permitted before soundproofing the restaurant. If the Conditional Use Permit is approved, Mr. Lu will ensure that all construction and building upgrades are to code.

Commissioner Bogisich commented that in her residential neighborhood that does not have any restaurants or stores, they have a lot of wildlife as well. She does not believe that wildlife is an issue unique to areas with restaurants.

Commissioner Fitts asked if the applicant agrees to the conditions of approval besides the request to amend the live entertainment hours. Mr. Lu and Ms. Tran agrees to the conditions of approval.

Chair Aguilar asked staff what 60 decibels is equivalent to. Community Development Director (CDD) Turner replied that 60 decibels is equivalent to two people having a normal conversation about 1 meter apart. It is the average sound level of a restaurant or office.

Chair Aguilar commented that without a noise and parking study, how closely the restaurant abuts nearby homes, and how quiet 60 decibels are, he's not prepared in voting in favor or against this project. CDD Turner clarified that sound is measured at the property line and not occurring inside the restaurant itself.

Chair Aguilar asked which restaurants in the area that are similar in nature as the proposed project. Ms. Tran stated that the new restaurant will sound similar to the existing restaurant since Mr. Lu is sound proofing the restaurant.

Commissioner Fitts commented that if the new restaurant's noise level is equivalent to the current restaurant and that all conditions can be met, then he is in favor of the project.

Commissioner Bogisich concurred that if all the conditions are met and believes the soundproofing of the restaurant will help in reducing noise from the live singer.

Commissioner Becker commented that he is comfortable with supporting this application with the caveat that staff will work with the applicant to ensure all the conditions are met. He would like a commitment from the applicant that testing with a sound meter on the exterior of the restaurant will be completed prior to the opening of the restaurant.

Chair Aguilar commented that since there is currently no hard data regarding the sound level, he does not feel informed enough to approve the application.

Commissioner Becker moved, Commissioner Fitts seconded, to approve the resolution, with the amendment to change the limits of live music from 9pm to 10pm and to incorporate the conditions of approval by the Police Department. The motion passed 3 Ayes and 2 Nays.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

CDD Turner reported that on January 13, 2021, City Council heard staff recommendations on Project Homekey at the Town Place Suites hotel. The staff recommendation was to allow staff to apply for the State of California Homekey grant in the amount of \$39M to convert the Town Place Suites hotel to affordable housing. The City is partnering with Allied Housing and Abode Services through the Homekey program. Staff is preparing a website with FAQs to better inform the community about project Homekey. Staff will know if we are successful in receiving the grant in mid to late March 2022. If the City receives the grant, there are necessary steps such as an affordable housing agreement and renovations, prior to converting the building to 124 units of affordable housing.

G.2 Election of Officers

Commissioner Fitts moved, Chairperson Aguilar seconded, to nominate Commissioner Becker to Chair. The motion passed with 5 AYES.

Commissioner Otterstetter moved, Commissioner Becker seconded, to nominate Commissioner Fitts to Vice Chair. The motion passed with 5 AYES.

G.3 Amend Meeting Time in Planning Commission By-Laws

CDD Turner explained that per the Planning Commission By-Laws that the meetings are to begin at 7:30pm. To start at a different time, the By-Laws will need to be amended. Commissioners have expressed interest in starting the meeting at 7:00pm. Amended by-laws with the red lined

changes will be presented at a regular Planning Commission meeting. Then the vote will be taken at the following meeting.

CDD Turner reminded the Commission that the League of Cities Planning Commission Academy is coming up and to sign up if they haven't done so already.

H. ADJOURNMENT

Chairperson Aguilar adjourned the regular Planning Commission meeting at 9:15 pm.

Respectfully submitted,

STEVEN TURNER
Secretary



DATE: March 17, 2022

TO: Planning Commission

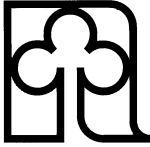
FROM: Steven Turner, Community Development Director 

SUBJECT: March 22, 2022 Planning Commission Agenda Item E.1- Staff Request for Continuance to a Date Certain

Staff requests that the Planning Commission continue Item E.1 on the March 22, 2022 regular meeting agenda to a date certain of April 12, 2022:

E.1 Hearing to consider a Conditional Use Permit to allow a recycling center facility at 6711 Central Avenue (APN 092-0074-301). The subject site is zoned General Industrial and has a General Plan Land-Use designation of General Industrial.

Staff requests the continuance to resolve project-related issues that arose after the item was publicly noticed. These issues are expected to be resolved prior to the April 12, 2022 regular meeting.



G.1 Consideration of an amendment to the Planning Commission By-laws Article 3 (Meetings), Section 3.00 (Time) to change the regular meeting time from 7:30P.M. to 7:00P.M. – from Community Development Director Turner.

Background/Discussion – On February 8, 2022, the Planning Commission expressed an interest to amend the Planning Commission by-laws that would allow Planning Commission meetings to begin at 7:00P.M. Planning Commission meeting dates and start time are provided in by-laws Article 3, Section 3.00. Per this section, meetings are to begin at 7:30 P.M. At the February 8, 2022 meeting, staff indicated that the proposed change to Article 3 would be presented at an upcoming regular Planning Commission meeting.

Attachment A includes the Planning Commission by-laws with the proposed amendment to Article 3, Section 3.00 that changes the meeting start time from 7:30P.M. to 7:00PM. This change would result in a Planning Commission meeting start time that is consistent with the City Council’s meeting start time. A consistent 7:00P.M. time would reduce potential community confusion for these public meetings.

As provided in the by-laws Article 12, Section 12.00 (Amendments), the by-laws may be amended, revised, or repealed by the affirmative vote of a majority of the Commission. Proposed amendments, revisions, or repeal must be submitted at a regular meeting of the Commission and may not then be voted upon until the next regular meeting.

The proposed amendments in Attachment A are submitted for the Planning Commission’s consideration. If there are no objections, at the next regular meeting, staff will submit a recommendation accept the proposed amendments.

Action – No action is necessary at this time.

Attachment A: Planning Commission By-Laws with Proposed Amendment

BY-LAWS OF THE PLANNING COMMISSION
OF THE CITY OF NEWARK

ARTICLE I NAME

SECTION 1.00 NAME

The name of this Commission shall be the Planning Commission of the City of Newark hereinafter referred to as "Commission", as fixed by Ordinance No. 39 of the CITY OF NEWARK creating this Commission until changed by the City Council of the CITY OF NEWARK by ordinance or resolution.

ARTICLE 2 DUTIES

SECTION 2.0 DUTIES

This Commission shall perform any duties imposed upon it by ordinance, resolution, or special request, of the City Council of the CITY OF NEWARK in addition to all duties imposed by applicable state and federal law.

ARTICLE 3 MEETINGS

SECTION 3.00 TIME

The regular meetings of the Commission shall be held on the second and fourth Tuesdays of each month. However, when the day fixed for any regular meeting of the Commission falls on a day designated by law as a legal or national holiday or Christmas Eve, such meeting shall be automatically adjourned to the next day unless the conflicting meeting date is rescheduled to an alternate date by a consensus of the Commission. Time of said meetings shall be 7:~~00~~³⁰ P.M. (Amended, March 27, 2012, April 24, 2007 and June 7, 1988)

SECTION 3.01 PLACE

All regular meetings of the Commission shall be held in the Council Chambers, 37101 Newark Boulevard, Newark, unless otherwise noticed. (Amended, November 22, 1966) (Amended, March 24, 2015)

SECTION 3.02 ADJOURNED MEETINGS

The Commission may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the Secretary may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in Section 3.03 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order of notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of adjournment. When a regular or adjourned regular meeting is adjourned as provided in this Section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by the by-laws or other rule. (Amended, July 8, 1980)

SECTION 3.03 SPECIAL MEETINGS

A special meeting may be called at any time by the Chairperson of the Commission, or by a majority of the members of the Commission, by delivering personally or by mail written notice to each member of the Commission and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Commission. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes has filed with the Secretary of the Commission a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. (Amended, July 8, 1980)

SECTION 3.04 CANCELLATION OF MEETINGS

In the absence of items under Hearings and Staff Reports as provided in Section 7.00, the Secretary may cancel any regular meeting. Notice of the canceled meeting shall be provided in the same manner as notice of a regular meeting.

(Added, March 27, 2012)

ARTICLE 4 OFFICERS

SECTION 4.00 OFFICERS

The officers of the Commission shall consist of a Chairperson, a Vice Chairperson and a Secretary. (Amended, July 8, 1980)

SECTION 4.01 ELECTION

The offices of Chairperson and Vice Chairperson shall be elective and the persons so elected shall serve for a term of one year or until their successor is elected. Elections shall be held annually at the first regular meeting after the City Council has made all appointments to any terms expiring in December. (Amended, July 8, 1980)

SECTION 4.02 SECRETARY

The Secretary shall be a department head of the staff of the City of Newark assigned to assisting the Commission and shall not be a member of the Commission entitled to vote. It shall be the duty of the Secretary to keep a record of all meetings of the Commission, to accept in the name of the Commission documents and correspondence addressed to it and to present all such correspondence to the Commission.

SECTION 4.03 CHAIRPERSON

It shall be the duty of the Chairperson to preside over all meetings of the Commission and the Chairperson shall have the right to vote on all questions. The Chairperson shall see that the laws of the City pertaining to activities of the Commission, and the rulings of the Commission are faithfully executed. The Chairperson shall sign all documents on behalf of the Commission after the same have been approved by the Commission and shall perform such other duties as may be imposed upon the Chairperson by the Commission. (Amended, July 8, 1980)

SECTION 4.04 VICE CHAIRPERSON

It shall be the duty of the Vice Chairperson to perform all the duties of the Chairperson in the absence of the Chairperson, with the same force and effect as if performed by the Chairperson. (Amended, July 8, 1980)

SECTION 4.05 CHAIRPERSON PRO TEM

If both the Chairperson and Vice Chairperson are absent, the Commission shall elect a Chairperson Pro Tem, who shall perform all the duties of the Chairperson. (Amended, July 8, 1980)

SECTION 4.06 SECRETARY PRO TEM

In the absence of the Secretary, the Commission may elect a Secretary Pro Tem.

ARTICLE 5 QUORUMS

SECTION 5.0 QUORUM

A majority of the Commission shall constitute a quorum for the purpose of conducting business. (Amended, March 24, 2015)

SECTION 5.01 ABSENCE OF QUORUM

In the absence of a quorum the members present shall adjourn to an agreed upon time and place or adjourn to the next regular meeting.

ARTICLE 6 AGENDA

SECTION 6.00 AGENDA

All reports, communications, documents or other matters to be submitted to the Commission shall be delivered to the Secretary as far in advance of each Commission meeting as time for preparation shall permit. The Secretary shall arrange a list of the matters to be brought before the Commission according to the order of business and furnish each member of the Commission with a copy of the agenda 24 hours in advance of the meeting. No matter may be considered by the Commission other than those matters on the agenda, without the consent of a majority of the Commission present at the meeting.

ARTICLE 7 ORDER OF BUSINESS

SECTION 7.00 ORDER OF BUSINESS

All meetings of the Commission shall be open to the public and all persons shall be permitted to attend any meeting of the Commission. Promptly at the hour set by law on the day of each regular meeting, the members of the Commission and the Secretary shall take their regular places in the Council chambers and the business of the Commission shall be taken up for consideration and disposition in the following order:

1. Roll Call
2. Minutes
3. Written Communications
4. Oral Communications
5. Hearings
6. Staff Reports
7. Commission Matters
8. Adjournment

The regular order of business may be suspended by a majority of the members present.

ARTICLE 8 RULES OF DEBATE

SECTION 8.00 PRESIDING OFFICER MAY DEBATE AND VOTE, ETC.

The Chairperson may move, second and debate from the Chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Commissioner by reason of acting as the presiding officer. (Amended, July 8, 1980)

SECTION 8.01 GETTING THE FLOOR; IMPROPER REFERENCES TO BE AVOIDED

Every member desiring to speak shall address the Chair, and, upon recognition by the presiding officer, the member shall be confined to the question under debate, avoiding all personalities and indecorous language. (Amended, July 8, 1980)

SECTION 8.02 INTERRUPTIONS

A member, once recognized, shall not be interrupted when speaking unless it be to call that member to order, or as herein otherwise provided. If a member, while

speaking, be called to order, the member shall cease speaking until the question of order be determined, and, if in order, the member shall be permitted to proceed. (Amended, July 8, 1980)

SECTION 8.03 PRIVILEGE OF CLOSING DEBATE

The Commissioner moving the adoption of an action shall have the privilege of closing the debate.

SECTION 8.04 MOTION TO RECONSIDER

A motion to reconsider any action taken by the Commission may be made either during the same meeting or at a recessed or adjourned special meeting, or at a subsequent meeting, excepting that actions requiring public hearing notice or the consent of parties regarding conditions and requirements, may not be reconsidered in violation of known law, legal procedures, or the legal or civil rights of applicants or the general public. If made at the same meeting or at a recessed or adjourned special meeting, such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time thereof and have precedence over all other motions, or while a member has the floor it shall be debatable. If made at a subsequent meeting other than a recessed or adjourned special meeting, such motion may be made by any member. (Amended, July 8, 1980)

SECTION 8.05 REMARKS OF COMMISSIONERS WHEN ENTERED IN MINUTES

A member of the Commission may request, through the presiding officer, the privilege of having an abstract of the member's statement on any subject under consideration by the Commission entered in the minutes. If the Commission consents thereto, such statement shall be entered in the minutes. (Amended, July 8, 1980)

SECTION 8.06 SYNOPSIS OF DEBATE WHEN ENTERED IN MINUTES

The Secretary may be directed by the presiding officer, with consent of the Commission, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Commission.

ARTICLE 9 ADDRESSING THE COMMISSION

SECTION 9.00 PERMISSION OF COMMISSION

Any person desiring to address the Commission may do so at the time designated by the presiding officer. Any person desiring to address the Commission at a time other than that designated as "Hearings" and "Oral Communications" may do so only after first securing permission of a majority vote of the Commission present.

SECTION 9.01 ADDRESSING THE COMMISSION AFTER MOTION MADE

After a motion is made by the Commission, no person shall address the Commission without first securing the permission of a majority of the Commission present to do so.

SECTION 9.02 MANNER OF ADDRESSING COMMISSION; TIME LIMIT

Each person addressing the Commission shall step up before the Commission, shall give his or her name and address in an audible tone of voice for the records, and unless further time is granted by a majority of Commission present, shall limit his or her address to the time limit currently in effect to address the City Council. All remarks shall be addressed to the Commission as a body and not to any member thereof. No person, other than a Commissioner and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the presiding officer. No question shall be asked a Commissioner except through the presiding officer. (Amended, July 8, 1980) (Amended, March 24, 2015)

ARTICLE 10 VOTING

SECTION 10.00 SILENCE CONSTITUTES AFFIRMATIVE VOTE

Unless a member of the Commission states that he or she is not voting, the member's silence shall be recorded as an affirmative vote. (Amended, July 8, 1980)

ARTICLE 11 DECORUM

SECTION 11.00 BY COMMISSION MEMBERS

While the Commission is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay nor interrupt the proceedings or the peace of the Commission nor disturb any member while speaking, or refuse to obey the orders of the Commission or its presiding officer, except as otherwise herein provided.

SECTION 11.01 PERSONS

Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Commission or otherwise shall be forthwith, by the presiding officer, barred from further audience before the Commission unless permission to continue be granted by a majority vote of the Commission.

ARTICLE 12 AMENDMENTS

SECTION 12.00 AMENDMENTS

These by-laws may be amended, revised, or repealed by the affirmative vote of a majority of the Commission. Proposed amendments, revisions, or repeal must be submitted at a regular meeting of the Commission and may not then be voted upon until the next regular meeting. (Amended, March 24, 2015)