

**AN ORDINANCE ADOPTING AND APPROVING ZONING POLICIES AND  
PROCEDURES FOR THE CITY OF STONECREST, GEORGIA**

**WHEREAS**, well-organized meetings allow the City Council to reach decisions in a fair and consistent manner;

**WHEREAS**, efficiency is served when the process of planning and conducting public meetings is clearly stated and understood by citizens and public officials;

**WHEREAS**, public participation and access to the governmental decision-making process is a key element of an open and transparent organization;

**WHEREAS**, the City Council wishes to adopt rules by which to govern the conduct of its business during zoning hearings pursuant to Article I, Section 1.03(25) of the Charter of the City of Stonecrest;

**WHEREAS**, Official Code of Georgia Annotated section 36-66-5 requires local governments to “adopt policies and procedures which govern calling and conducting” zoning hearings;

**WHEREAS**, the City Council held a public hearing on July 31, 2017 and August 7, 2017 on the adoption of zoning policies and procedures for the City of Stonecrest, Georgia; and

**WHEREAS**, the City Council has determined that these policies and procedures are in the best interests of its citizens in order to establish minimum due process requirements in accordance with state law and the Georgia and US Constitutions.

**SECTION 1.**

**NOW, THEREFORE, BE IT RESOLVED** that the Rules and Procedures for City Council Meetings and Public Hearings for the City of Stonecrest, Georgia, shall be amended to add a Section 25, underlined below, as follows:

**RULES AND PROCEDURES FOR  
CITY COUNCIL MEETINGS AND PUBLIC HEARINGS  
FOR THE CITY OF STONECREST, GEORGIA**

**Section 1. Open Meetings.** All meetings of the Mayor and City Council shall be held in accordance with the provisions of Title 50, Chapter 14 of the Official Code of Georgia Annotated. The public shall be afforded access to meetings other than Executive Sessions, in compliance with Georgia law. Only Executive Sessions held in accordance with Georgia law may be closed to the public.

**Section 2. Executive Sessions.** Executive sessions of the Council may be held for the purpose of discussing topics exempted from public access requirements by Title 50, Chapter 14 of the Official Code of Georgia Annotated. Meetings will only be closed to the public for the purposes allowed within State law, and provisions of State law will be followed for all Executive Sessions.

**(a) Non-Exempt Topics.** If a Councilmember attempts to discuss a non-exempt topic during an Executive Session, the Mayor shall immediately rule that Councilmember out of order and such discussion shall cease. If the Councilmember persists in discussing the non-exempt topic, the Mayor shall adjourn the meeting immediately.

**(b) Mayor or Presiding Officer Affidavit.** The Mayor or other presiding officer shall execute an affidavit stating, under oath, that the Executive Session was devoted to topics exempt from the public access requirements. The affidavit shall include the specific exemption to the open meetings law. The City Attorney shall review and approve the form of the affidavit to be utilized, as well as the completed affidavit to be executed for each Executive Session. The affidavit shall be notarized and filed with the minutes of the open meeting.

**Section 3. Visual and Sound Recordings.** Visual and sound recordings shall be permitted for all public hearings, as long as such recordings are in accordance with State law. The City Manager may designate suitable areas for the placement of recording equipment.

**Section 4. Quorum.** As provided in the City Charter, a quorum must be present for conducting meetings of the City Council. Any Councilmember may raise a point of order directed to the Mayor or presiding officer if he or she believes that a quorum is not present. If, during the course of a meeting, a Councilmember or Councilmembers leave and a quorum no longer exists, the meeting may not continue.

**Section 5. Mayor.** As provided in Article III, Section 3.01(a)(1) of the City Charter, the presiding officer of the City Council shall be the Mayor. As presiding officer, he or she is responsible for the orderly conduct of the meeting. In order to fulfill this duty, the Mayor shall enforce the rules of procedure that are adopted by the City Council. The Mayor shall be impartial and conduct the meeting in a fair manner. The Mayor may name a Sergeant-at-Arms to assist in maintaining the orderly conduct of the Council Meetings.

**Section 6. Mayor Pro-Tempore.** As provided in Section 2.09(b) of the Charter, by a Majority Vote, the Councilmembers shall elect a Councilmember to serve as mayor pro tempore. The Mayor Pro-Tempore shall fulfill the duties of the Mayor if the Mayor is not in attendance. Council shall select a Mayor Pro-Tempore from the Councilmembers at their first meeting following each general election by a Majority Vote. The Mayor Pro-Tempore shall serve a term of two years and until a successor is elected and qualified.

**Section 7. Presiding Officer.** If the Mayor and the Mayor Pro-Tempore are absent or otherwise unable to serve as presiding officer at a meeting and a quorum of Councilmembers is present, the remaining Councilmembers shall select a Councilmember to serve as presiding officer of the meeting until either the Mayor or Mayor Pro-Tempore is present at the meeting.

**Section 8. Parliamentarian.** The City Attorney shall serve as the parliamentarian for City Council meetings.

**Section 9. Amendment to the Rules.** Any amendments to the rules of order may be made by Resolution and require a Majority Vote to be adopted.

**Section 10. Suspending the Rules of Order.** Rules of Order may be suspended in the case of an emergency. A motion to suspend the rules requires a second, is debatable, and requires a two-thirds vote of the Council. Rules governing quorums, voting methods and requirements, the notification to Councilmembers of meetings and rules necessary for compliance with state law may not be suspended; provided, however, that in the event that a state of emergency is declared by the Governor or other authorized state official, the City Council may waive time-consuming procedures and formalities imposed by state law.

**Section 11. Regular Meetings.** Regular meetings of the City Council shall be held at a time determined by a Majority Vote of the City Council but shall include at least one regular meeting per month, as provided in the City Charter Article II, Section 2.09(d). No later than the month of December for each year, the City Council should adopt a schedule detailing an annual Meeting Calendar for the following calendar year that prescribes the dates and times of regular meetings for such following year. All regular meetings shall be held in the City Council meeting room, provided however, that other sites may be used that are within the City and appropriate public notice is given as provided by other sections of this document. A notice containing the foregoing information shall be posted and maintained in a conspicuous place available to the general public at the regular meeting place of the City Council. Prior to the establishment of a regular meeting place, the public notice shall be posted at the location at which the meeting will be held.

**Section 12. Meetings Other than Regular Meetings.** The City Council may meet at times and locations other than those regularly scheduled meetings.

**(a) Special Meetings and Rescheduled Regular Meetings.** A regular meeting may be canceled, rescheduled, recessed or moved to a new location within the City by the Mayor or by a majority of the Council in office for any reason. As provided in Article II Section 2.09(e) of the City charter, special meetings of the City Council may be

held on call of either (1) the Mayor and one (1) council member or (2) three (3) Councilmembers. Notice of such special meetings shall be served on all Councilmembers, the Mayor and the City Manager personally, by registered mail, hand delivery or by electronic means at least 24 hours in advance of the meeting. Such notice of any special meeting may be waived by the Mayor, any Council member or the City Manager in writing before or after such a meeting. Attendance at a meeting shall also constitute a waiver of notice on any business transacted in such Councilmember's presence. Only the business stated in the call may be transacted at the special meeting. Notice to the public shall be given in accordance with State law.

**(b) Meetings with Less than 24 Hours Notice.** When emergency circumstances occur, the City Council may hold a meeting as allowed by State law.

**(c) Meetings During a State of Emergency.** When it is imprudent, inexpedient or impossible to hold City Council meetings at the regular meeting place due to emergency or disaster resulting from manmade or natural causes, as declared by the Governor or other authorized state official, the City Council may meet anywhere within or outside of the city. Such a meeting may be called by either (1) the mayor and one councilmember or (2) three (3) Councilmembers. At the meeting, the Councilmembers shall establish and designate emergency temporary meeting location where public business may be transacted during the emergency. Any action taken in such meeting shall have the same effect as if performed at the regular meeting site.

**Section 13. Order of Business.** All regular City Council meetings shall substantially follow an established order of business. The order shall be as follows:

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Approval of Agenda
6. Review and Approval of Minutes
7. Public Comments
8. Public Hearing (if any)
9. Consent Agenda
10. Announcements
11. Reports and Presentations
12. Old Business
13. New Business
14. Comments by Mayor and Council
15. Executive Session (if needed)
16. Adjournment

**Section 14. Agenda.** The City Manager shall prepare an agenda of subjects to be acted on for each meeting. The meeting agenda shall be approved by the Mayor, and made available to the City Council at least two (2) days before every City Council meeting.

- (a) Requests for Agenda Items.** Members of the public may request that a particular subject be placed on the agenda for a meeting at the discretion of the Mayor. To be considered, this request shall be submitted in writing to the City Manager no later than one (1) week prior to such meeting date.
- (b) Changing the Agenda.** The order of the agenda may be changed during a meeting by a Majority Vote of the City Council. A new item, other than a zoning decision, may be added to the agenda by a Majority Vote of the City Council only if it becomes necessary to address the item during the meeting. An existing item may be removed from the agenda by the Majority Vote of the City Council.
- (c) Agenda Must Be Made Public.** The agenda of all matters to come before the City Council shall be made available to the public upon request and shall be posted at the meeting site as far in advance as reasonably possible, but not less than 24 hours prior to the start of the meeting. Notice of the agenda for emergency meetings will be handled in accordance with State law.

**Section 15. Consent Agenda.** A consent agenda may be prepared by the City Manager and approved by the Mayor for the City Council to unanimously adopt motions on routine items. Any items of business that are expected to receive unanimous approval without debate may be placed on a consent agenda. At the appropriate time of the meeting, the Mayor, or his designee, shall read all of the items on the consent agenda. If a Councilmember objects to an item being on the consent agenda, that particular item shall be moved to the regular agenda. Following the reading of the consent agenda, the Mayor may ask for unanimous approval of the items on the consent agenda. If there are no objections, all the items on the consent agenda shall be approved by a Majority Vote.

**Section 16. Decorum.** All Councilmembers shall conduct themselves in a professional and respectful manner. All remarks shall be directed to the Mayor and not to individual Councilmembers, staff or citizens in attendance. Personal remarks are inappropriate and may be ruled out of order. A Councilmember may not speak at a meeting until he or she has been recognized by the Mayor. All comments made by a Councilmember shall address the motion that is being discussed. The Mayor shall enforce these rules of decorum. If a Councilmember believes that a rule has been broken, he or she may raise a point of order. A second is not required. The Mayor may rule on the question or may allow the City Council to debate the issue and decide by a Majority Vote.

**Section 17. Voting.** Under normal circumstances, passage of a motion shall require a Majority Vote. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the minutes, but any member of the City Council shall have the right to request a roll-call vote and such vote shall be recorded in the minutes.

Except as otherwise provided in the City Charter, a Majority Vote shall be required for the adoption of any ordinance, resolution, or motion. In the event vacancies in office result in less than a quorum of Councilmembers holding office, then the remaining Councilmembers in office

shall constitute a quorum and shall be authorized to transact business of the City Council. A Majority Vote of the remaining Councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

**Section 18. Abstentions.** Neither any Councilmember nor the Mayor shall abstain from voting on any matter properly brought before the City Council for official action except when such Councilmember has a reason which is disclosed in writing prior to or at the meeting and made a part of the minutes.

**Section 19. Public Participation.** Public participation in meetings of the City Council shall be permitted in accordance with the provisions of this section.

**(a) Public Comments.** The floor shall be open for public comments at one (1) point during the meeting. The public comments section will be provided immediately following the approval of the minutes. This public comments period will last a maximum of thirty minutes, and speakers' comments will be limited to two (2) minutes each.

All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council. Individuals will be held to established time limits.

**(b) Public Hearings.** The City Council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the City Council. Hearings may be held immediately prior to, during, or following a meeting of the City Council or at such other places and times as the City Council may determine. Hearings may last up to, but not more than ten (10) minutes per side. These limits may be waived by a Majority Vote. No official action shall be taken during any such public hearing. Hearings on zoning decisions shall be governed in accordance with the zoning policies and procedures. If the applicants of rezoning actions or individuals who wish to oppose or support a rezoning action have contributed more than \$250 to the campaign of a Councilmember, the individual shall file a campaign disclosure form prior to the first hearing by the City Council.

**(c) Decorum.** Members of the public shall not make inappropriate or offensive comments at a City Council meeting and are expected to comply with the rules of decorum that are established for Councilmembers. Individuals violating any rules of the City Council may be ruled out of order by the Mayor. An individual violating the rules of decorum may be removed from the meeting at the direction of the Mayor.

**Section 20. Meeting Summary.** A summary of the subjects acted upon in a meeting and the names of the Councilmembers present at a meeting shall be prepared by the City Clerk and made available to the public for inspection within two (2) business days of the adjournment of the meeting. This summary will be noted as unofficial prior to adoption by the Council of the minutes for the meeting.

**Section 21. Minutes.** The clerk of the City Council shall promptly record the minutes for each City Council meeting. The minutes shall specify the names of Councilmembers present at the meeting, a description of each motion or other proposal made at the meeting, the name of the

Councilmember who proposed each motion; the name of the Councilmember who seconded each motion, and a record of all votes. In the case of a roll call vote, the name of each Councilmember voting for or against a proposal shall be recorded. It shall be presumed that a Councilmember has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the City Council.

The City Council shall approve the minutes before they may be considered as an official record of the City Council. The minutes shall be open for public inspection once approved as official by the City Council but in no case later than immediately following the next regular meeting of the City Council. A copy of the minutes from the previous meeting shall be distributed to the City Council in the agenda package for the following meeting. The minutes of the previous meeting shall be corrected, if necessary, and approved by the City Council at the beginning of each meeting. A Majority Vote is required for approval. Conflicts regarding the content of the minutes shall be decided by a Majority Vote. Upon being approved, the minutes shall be signed by the Mayor and attested to by the clerk of the City Council.

**Section 22. Procedure and Deadline.** The Mayor and City Council are authorized to establish detailed procedures and deadlines as necessary to ensure the effective organization of Council proceedings and orderly handling of business to come before the Council, in accordance with the Rules and Procedures adopted by the Mayor and Council.

**Section 23. Roberts Rules of Order.** This document shall serve as the rules and procedures of the Mayor and City Council. In the absence of applicable rules and procedures which may from time to time be encountered during the public meetings, *Roberts Rules of Order* shall be followed.

**Section 24. Majority Vote.** The term "Majority Vote" shall mean the greater of three (3) affirmative votes or the affirmative vote of a majority of those Council members voting at which a quorum is present. For clarification, the Mayor and each Councilmember when present at a meeting shall have one (1) vote on all matters brought before the Council.

**Section 25. Public Hearings for Zoning Decisions.**

**Sec. 25.1. Appearances and Testimony**

All persons appearing before the City Council for purposes of a zoning hearing shall state their name, address and relationship to the case, and shall then state all facts and arguments relevant to the subject matter of the case. All statements shall be taken as though made under oath.

**Sec. 25.2. Time Limit on Argument.**

Each party shall have ten (10) minutes to present evidence to support their argument for approval or denial of an application. This time is cumulative and applies to the interested party and all other individuals on the same side of the case. The City Council may, at the Mayor' discretion, allow additional time for argument. If a party is granted additional time, the opposing side shall be granted the same amount of additional time.

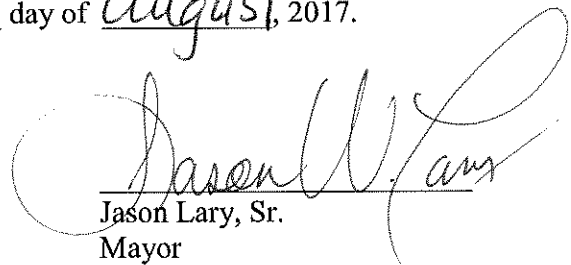
**Sec. 25.3 Order of Argument. Each case shall proceed as follows:**

- a) A sounding of the summary of the application.
- b) Opening statement and argument by the applicant.
- c) Statements of parties supporting the application.
- d) Statement and argument of parties opposing the application.
- e) The applicant may save part of his or her time for rebuttal.

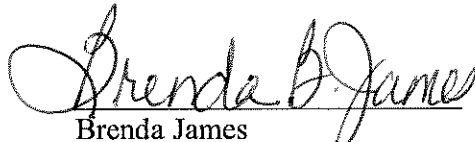
**Section 25.4 Evidence**

- A. ADMISSIBILITY, FORM. Oral statements and documentary evidence submitted to the City Council shall be received when in a form commonly relied upon by reasonably prudent persons in the conduct of their affairs even if the Rules of Evidence applied in the trial of civil non-jury cases in the Superior Courts of Georgia would preclude consideration in the form tendered. Such Rules of Evidence may be used as guides in considering objections. The receipt or exclusion of evidence shall be ordered by the presiding officer in such a manner that hearings will be expedited without substantial prejudice to the interest of any party. Irrelevant, immaterial or unduly repetitious evidence need not be received. The rules of privilege recognized by the law shall be given effect.
- B. OFFICIAL NOTICE. Official notice of technical, scientific or community facts within the specialized knowledge of the City Council may be taken.
- C. RECORD. There shall be an official record maintained by the Clerk, as custodian, for each case. This record shall consist of all oral, documentary, or other evidence of any kind received by the City Council, and shall also be deemed to include: (1) the record(s) of any case(s) previously before the City Council involving the same property and substantially similar or otherwise related issues; (2) a certified copy of the Rules of Procedure; and (3) a certified copy of Chapter 27 of the City of Stonecrest Code of Ordinances.

SO ORDAINED AND EFFECTIVE this the 7 day of August, 2017.

  
\_\_\_\_\_  
Jason Lary, Sr.  
Mayor

Attest:

  
\_\_\_\_\_  
Brenda James  
Interim City Clerk

Approved as to Form: