

**Subject Matter:** Council Meeting Procedures  
**Date First Presented by Council at Public Meeting:** July 2, 2007  
**Date of Second Reading and Adoption:** July 23, 2007

**TOWN OF SHARPSBURG  
COUNTY OF COWETA  
STATE OF GEORGIA**

**ORDINANCE NUMBER 07-12  
(as enacted)  
TOWN OF SHARPSBURG, GEORGIA**

**PREAMBLE FINDINGS OF FACTS**

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

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

**WHEREAS**, public participation and access to the governmental decision making process is a key element of our democratic system.

**WHEREFORE THE MAYOR AND THE COUNCIL OF THE TOWN OF SHARPSBURG HEREBY ORDAINS THE FOLLOWING ORDINANCE AS FOLLOWS:**

**ARTICLE I**

**Section 1-1  
Open Meetings**

All meetings of the Mayor and Council shall be held in accordance with the provisions of § 50-14-1 *et seq.* of the Official code of Georgia Annotated.

**Section 1-2  
Executive Sessions**

Executive sessions of the Council may be held for the purpose of discussing topics exempted from public access requirements by § 50-14-2 and § 50-14-3 of the Official Code of Georgia Annotated.

**(a) Non-Exempt Topics.** If a Council Member attempts to discuss a non-exempt topic during an executive session, the Mayor shall immediately rule that Council Member out of

order and such discussion shall cease. If the Council Member persists in discussing the non-exempt topic, the Mayor shall adjourn the meeting immediately.

**(b) Procedure For Entering Into Executive Sessions.** No executive session shall be held except pursuant to a majority affirmative vote of the Council Members taken in a public meeting. The minutes of the public meeting shall reflect the names of the Council Members present, those voting for the executive session, and the specific reasons for the executive session. All votes on items discussed in executive session shall be taken in an open meeting.

**(c) Executive Session Minutes.**

**(1) Executive Sessions Discussing Real Estate Acquisition.** Minutes of an executive session in which the acquisition of real estate is discussed shall be taken in the same manner as minutes of an open meeting and available for public inspection except that portion of the minutes identifying the real estate shall be redacted until such time as the acquisition of the real estate has been completed, terminated, abandoned or until court proceedings have been initiated.

**(2) Other Executive Sessions.** Minutes of executive sessions devoted to any topic other than land acquisition may be maintained by the Clerk at the direction of the Mayor. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure, except that disclosure of such portions of minutes identifying real estate to be acquired by the Council may only be delayed until such time as the acquisition of the real estate has been completed, terminated or abandoned or court proceedings have been initiated.

**(d) Mayor and 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 affidavit shall be notarized and filed with the minutes of the open meetings.

**Section 1-3  
Visual and Sound Recordings**

Visual, sound and visual and sound recordings shall be permitted for all public hearings.

**Section 1-4  
Quorum**

A quorum must be present for conducting meetings of the Council. Three Council Members or the Mayor and two Council Members shall constitute a quorum and shall be authorized to transact business of the Town Council. It is the duty of the Mayor to enforce this rule. Any Council Member may raise a point of order directed to the Mayor if he or she believes that a quorum is not present. If, during the course of a meeting, a Council Member or Council Members leave and a quorum no longer exists, the meeting may not continue. If a quorum is not attained within thirty minutes, the meeting may be rescheduled by the Mayor with the approval of the Council Members present.

**Section 1-5  
Mayor**

The Mayor, as presiding officer, 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 Council Members. The Mayor shall be impartial and conduct the meetings in a fair manner. The Mayor may not introduce motions or second motions except that the Mayor may introduce or second a motion to go into executive session as authorized by this ordinance. The Mayor may vote on all Town matters.

**Section 1-6  
Organizational Meeting**

The Town Council shall meet for organization on the first Monday in January following the municipal election. The meeting shall be called to order by the Town Clerk and the oaths of office shall be administered to any newly elected Members. Following the induction ceremonies of new Members, the Council by majority vote shall elect one of their Members to be Mayor Pro-Tem. Said Mayor Pro-Tem shall serve for a term to coincide with the term for which the mayor and Town Council were elected or until his successor is elected and qualified. The Mayor Pro-Tem shall fulfill the duties of the Mayor if the Mayor is not in attendance.

**Section 1-7  
Presiding Officer**

If the Mayor and the Mayor Pro-Tem are absent or otherwise unable to serve as presiding officer at a meeting in which a quorum of Council Members is present, the remaining Council Members shall select a Council Member to serve as presiding officer of the meeting until either the Mayor or Mayor Pro-Tem is present at the meeting.

**Section 1-8  
Parliamentarian**

The Town Clerk shall serve as the parliamentarian for the Council meetings.

**Section 1-9  
Amendments to the Rules**

Any amendments to the Council Meeting Procedures shall be submitted by a Council Member in writing to the Town Clerk three business days before a regular meeting of the Council. The proposed amendment shall be included in the agenda for that meeting and distributed to all Council Members. All amendments require a two-thirds vote of the Council to be adopted.

## **Section 1-10 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 Council Members 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 Council may waive time-consuming procedures and formalities imposed by state law.

## **Section 1-11 Regular Meetings**

Regular meetings of the Mayor and Council shall be held at 6:30 p.m. on the first Monday of each month. All regular meetings shall be held in the A&O Bridges Community Center in Sharpsburg. 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 board.

## **Section 1-12 Meetings and Rescheduled Regular Meetings**

The Mayor and 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 for any reason. Other special meetings may be scheduled by the Mayor or at the request of at least two Council Members. Whenever a rescheduled regular meeting or any other special meeting is to be held at a time or place other than the regularly scheduled time or place, written notice of the change shall be posted for at least 24 hours at the regular meeting place. In addition, written or oral notice shall be given by the Town Clerk at least 24 hours in advance of the meeting to either the legal organ of the county or a newspaper having general circulation at least equal to that of the legal organ, as well as to each Member of the Town governing authority.

**(b) Meetings With Less Than 24 Hours Notice.** When emergency circumstances occur, the Council may hold a meeting with less than 24 hours notice to the public. When such meetings are to be held, the Town Clerk shall provide notice to the legal organ of the county or a newspaper with a general circulation at least equal to that of the legal organ and to each Member of the Council as soon as possible. The notice shall include the subjects expected to be considered at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media.

**(c) Meetings During a State of Emergency.** When it is imprudent, inexpedient or impossible to hold 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 Council may meet anywhere within or outside of the county. Such a meeting may be called by the Mayor or by any two Council Members. At the meeting, the public business may

be transacted during the emergency. Any action taken in such meetings shall have the same effect as if performed at the regular meeting site.

### **Section 1-13 Order of Business**

All regular Council meetings shall substantially follow an established order of business. The order shall be as follows:

- I. Call to order
- II. Pledge of Allegiance
- III. Establish Quorum
- IV. Minutes
- V. Invited guests
- VI. Consent agenda (if used)
- VII. Business
- VIII. Reports from Committees and Staff
- I. Public Comments
- X. Adjournment

### **Section 1-14 Agenda**

The Town Clerk, with the advice of the Mayor and Council, shall prepare an agenda of subjects to be acted on for each meeting. The agenda shall be made available to the Council Members at least two business days before every 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. To be considered, this request shall be submitted in writing to the Town Clerk and received at least three business days before the meeting or the agenda work session.

**(b) Changing The Agenda.** The order of the agenda may be changed during a meeting at the discretion of the Mayor. A new item, other than a zoning decision, may be added to the agenda by a majority vote of the Council only if it becomes necessary to address the item during the meeting.

**(c) Agenda Must Be Made Public.** The agenda of all matters to come before the Council shall be made available to the public upon request and shall be posted at the meeting site at least two business days before every Council meeting, but not more than two weeks prior to the meeting.

### **Section 1-15 Consent Agenda (if used)**

A consent agenda may be prepared by the Town Clerk for the 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 shall read all of the items on the consent agenda. If a Council Member

objects to an item being on the consent agenda, the Mayor shall move that particular item 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 of the Council. The Consent Agenda shall be made available to the public at least two business days before every Council meeting.

### **Section 1-16 Decorum**

All Council Members shall conduct themselves in a professional and respectful manner. All remarks shall be directed to the Mayor and not to individual Council Members, staff or citizens in attendance. Personal remarks are inappropriate and may be ruled out of order. A Council Member may not speak at a meeting until he or she has been recognized by the Mayor. All comments made by a Council Member shall address the motion that is being discussed. Council Members must motion for recess if they want to confer with another Council Member or Mayor. The Mayor shall enforce these rules of decorum. If a Council Member 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 Council to debate the issue and decide by majority vote.

### **Section 1-17 Voting**

Passage of a motion shall require the affirmative vote of a majority of Council Members present and voting at a meeting at which a quorum is present. Unless otherwise specified in these procedures, a majority shall mean at least one-half of the Council Members present plus one Council Member, excluding abstentions. When a two-thirds majority is specified, a majority vote shall mean at least two-thirds of the Council Members present excluding abstentions.

### **Section 1-18 Abstentions**

A Council Member shall vote on all motions unless he or she has a conflict of interest preventing him or her from making a decision in a fair and legal manner. If a conflict of interest does exist, the Council Member shall state they have a conflict of interest and abstain from the vote.

### **Section 1-19 Public Participation**

Public participation in meetings of the Mayor and Council shall be permitted in accordance with the provisions of this section.

**(a) Public Comments.** The final agenda item of the meeting shall be reserved for comments from the public. The following procedures will guide oral presentations by members of the public at Town Council Meetings:

1. All members of the public wishing to address the Council shall prior to the meeting or before item five (V) of the agenda complete a Audience Participation Form and present it to the Town Clerk; provided, however, that if the individual wishes to oppose a rezoning action and has contributed more than \$250 to the

campaign of a Council Member, the individual shall file a campaign disclosure form as required by O.C.G.A. § 36-67A-3 at least five calendar days prior to the first hearing by the Council Members.

2. When called upon, the person should stand and state his/her name and address for the record, and, if speaking for an organization or other group, identify the group represented.
3. All remarks should be addressed to the Town Council as a whole, not to individual members.
4. Questions, if any, should be directed to the presiding officer who will determine whether, or in what manner, an answer will be provided.
5. Individuals may be limited to three minutes each, but may be extended with approval of a majority vote of the Council. Individual's comments shall be limited to their chosen topics.

**(b) Public Participation on Agenda Items.** By a majority vote, the Council may allow public comment on an agenda item at the time the item is being considered by the Council. These comments shall be limited to the subject that is being debated. Members of the public may be limited to three minutes each, but may be extended with approval of a majority vote of the Council. Anyone wishing to speak at any Council meeting must be recognized by the Mayor before addressing the Council.

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

**(d) Public Hearings.** The Council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the Council. Hearings may be held immediately prior to, during or following a meeting of the Council or at such other places and times as the Council may determine. At least 10 minutes per side must be allowed. No official action shall be taken at any such public hearing. Hearings on zoning decisions shall be governed in accordance with the zoning policies and procedures.

## **Section 1-20 Meeting Summary**

A summary of the subjects acted upon in a meeting and the names of the Council Members present at a meeting shall be written and made available to the public for inspection within two business days of the adjournment of the meeting.

## **Section 1-21 Minutes**

The Town Clerk shall promptly record the minutes for each Council meeting. The minutes shall specify the names of Council Members present at the meeting, a description of each motion or other proposal made at the meeting, the name of the Council Member who proposed each motion, the name of the Council Member who seconded each motion, and a

record of all votes. The name, address and subject matter from the Public Comments will be recorded.

In the case of a roll call vote, the name of each Council Member voting for or against a proposal shall be recorded. It shall be presumed that a Council Member has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the Council. The Council shall approve the minutes before they may be considered as an official record of the Council. The minutes shall be open for public inspection once approved as official by the Council but in no case later than immediately following the next regular meeting of the Council. A copy of the minutes from the previous meeting shall be distributed to the Council at least one business day before the following meeting. The minutes of the previous meeting shall be corrected, if necessary, and approved by the 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 Town Clerk.

### **Section 1-22 Committees**

The Mayor, with the concurrence of the Council, may create committees of members of the Council to study any issue before the Council. Any such committees may make recommendations to the Council Members but no committee shall be empowered to make any final decision on any matter before it for consideration. In addition to Council Members, committees may include other officials, staff or citizens at large. Whenever a committee is created, its duties, limitation on the scope of its duties, and the times, places, and periods of time for which the committee may operate shall be determined by the Mayor with the concurrence of the Council. The Mayor shall serve as an ex officio member of all committees. Committee meetings shall be open to the public and shall comply with the requirements of this meeting organization ordinance and state law.

## **ARTICLE II**

This Ordinance shall be codified at Chapter One, of the Town's Code of Ordinances entitled: "Council Meeting Procedures."

## **ARTICLE III**

This Ordinance shall become immediately effective upon its second reading and adoption by the Town Council in a manner consistent with the laws of the State of Georgia and of the Town of Sharpsburg.

## **ARTICLE IV**

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such an illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

## **ARTICLE V**

The repeal of any stricken, deleted or repealed language of this ordinance of the now former language of the Town of Sharpsburg (“ Former Language”) shall not be construed or held to repeal the Former Language as to any offense committed against such Former Language or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the Former Language, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the herein newly enacted language (“New Language”) takes effect, save only that proceedings thereafter shall conform to the New Language, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of the New Language, such provision may be, by the consent of the party affected, applied to any judgment announced after the New Language takes effect.

## **ARTICLE VI**

Town ordinance number 04-01 entitled “Council Meeting Procedures” adopted January 5, 2004 is repealed in its entirety.

All other ordinances and parts of ordinances in conflict herewith are here by expressly repealed.

**[signatures on next page]**

APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF SHARPSBURG, at a regular meeting of the Mayor and Council on the 23<sup>rd</sup> day of July, 2007, by the following voting for adoption:

Absent  
Wendell L. Staley, Mayor

James Clay Cole  
J. Clay Cole, Council Member

Larry W. Hyde  
Larry W. Hyde, Council Member

Absent  
Derrick G. McElwaney, Council Member

Standly D. Parten  
Standly D. Parten, Council Member

Attest:

Donna M. Camp  
Donna M. Camp, Town Clerk