

RULES OF PROCEDURE  
PLANNING COMMISSION OF THE CITY OF DECATUR, GEORGIA<sup>1</sup>  
ADOPTED DECEMBER 13, 2022

**Section 1. Regular Meetings.**

Regular meetings of the Planning Commission shall be scheduled on a monthly basis. Such meetings shall be held in Decatur City Hall or at such other public place in the City of Decatur designated by the Commission. Meetings shall be convened at 7:00 o'clock p.m. or at such other specific time as may be determined by the Chair. The Chair may cancel the Commission's regular meeting for any given month when there is no business that needs to be acted on by the Commission, including when no application for Planning Commission action is submitted by the relevant application deadline.

**Section 2. Special Meetings and Workshops.**

The Planning Commission may hold special meetings and workshops with the staff of the Community and Economic Department as needed for technical and other assistance to the Commission, reviews of the Comprehensive Plan and related matters so long as no action is to be taken on applications, rules of the Commission or any other official action. Such special meetings and workshops shall be held at a time and place designated in the notice of such meeting.

**Section 3. Quorum.**

The presence of a majority of the then appointed members of the Planning Commission shall constitute a quorum for any meeting. Commission members shall be deemed to be present if they log into a Commission meeting that is held only by virtual means. Commission members shall not be deemed to be present if they remotely log into a Commission meeting that is being held in-person.

**Section 4. Voting.**

At all meetings of the Planning Commission where official action is to be taken, each member attending and present when a vote is taken on any question shall be entitled to cast one vote on each such question. The vote of a majority of the members present shall be required to adopt one side or the other of any such question. On every such question, the vote of each member shall be recorded in the minutes and the action of the Planning Commission on each application shall be reported to the City Commission on all matters requiring a final vote by that governing body. Any action taken by the Commission may

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<sup>1</sup> These Rules of Procedure are adopted pursuant to the authority granted to the Planning Commission in Section 3.21(g) of the Charter of the City of Decatur and Section 11.1.4.D of the Unified Development Ordinance of the City of Decatur, Part IV of the Code of Ordinances.

be reconsidered on a motion made immediately following the announcement of the vote on such action and prior to the commencement of the following case on the agenda; except for the last case on the agenda in which such motion shall be made prior to the adjournment of the meeting.

If a Commission member abstains from a vote, the Commission member shall state, on the record, the reasons for the abstention. Abstaining Commission members may elect, but shall not be required, to leave the room until after the Planning Commission takes final action on the relevant matter.

In the event there is an even number of voting members present and there is a split vote, such as there is an equal number of votes in favor and an equal number of votes in opposition to the motion, then the vote shall not carry and the decision shall be deemed as a denial.

#### **Section 5. General Rules of Procedure.**

All meetings of the Planning Commission shall be conducted in accordance with Roberts Rules of Order (simplified version) unless otherwise provided in the Rules of the Commission or other applicable law.

#### **Section 6. Decorum.**

No demonstration or other outbursts will be permitted by any person(s) during the meeting and any member of the Commission shall be recognized by the Chair at any time on a point of order directed to action terminating any such demonstration which occurs, and/or the ejection from the meeting of any person or persons responsible for any such disturbance, or such other action deemed necessary to maintain proper order and decorum.

#### **Section 7. Order of Business.**

At all regular meetings of the Planning Commission, the following shall be the regular order of business which shall not be changed for any meeting except by unanimous vote of all members present at such meeting. Any agenda items listed under Unfinished Business, New Business, or Other Business may be reorganized by discretion of the Chair.

- A. Call to order
  
- B. Introduction and rules for conduct of meeting; matters pertinent to the functioning of the Commission.

- C. Introduction of Commission members and supporting planning staff.
- D. Old or Unfinished business
- E. New business.
- F. Other business.
- G. Adjournment.

### **Section 8. Officers.**

The officers of the Planning Commission shall be a chair and a vice-chair elected by the members of the Commission from their membership at its last meeting of each calendar year, the first meeting of the following calendar year, or at the first meeting after a vacancy occurs in either of those positions. The chair and vice chair shall serve one-year terms, or until their successor is elected. The Planning & Economic Development Director, or their designee, shall serve as the Planning Commission secretary.

### **Section 9. Duties and Functions of Officers.**

The duties and functions of the officers of the Planning Commission shall be:

#### *A. Chair.*

1. To preside at all meetings of the Commission and to maintain order and decorum during the course thereof;
2. To call all meetings of the Commission in accordance with these rules and applicable law and to verify that public notices and advertisements for all such meetings are in proper form;
3. To execute official documents on behalf of the Commission and to conduct all correspondence on behalf of the Commission;
4. To determine that all actions taken by the Commission are, in form and substance, properly taken, and to appropriately seek assistance of Decatur city staff, officials, and/or representatives in such respect and, particularly, to obtain opinions from the city attorney where questions of law appear to be involved in any such determination.

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5. To perform all duties delegated to them by the City Commission.

*B. Vice-Chair.*

1. During any period of absence, disability or disqualification of the Chair, the Vice-Chair shall perform all the duties and functions of the Chair.

2. In the event of absence, disability, or disqualification of both the Chair and Vice-Chair, the Commission, by majority vote of those present shall select an Acting Chair who shall then have authority to perform all the duties and functions of the Chair for the duration of that meeting.

*C. Secretary.*

1. To record, transcribe and publish minutes and/or summaries of all meetings of the Planning Commission in appropriate form as required by applicable law and to maintain an appropriate public record thereof;

2. To prepare and mail, post, publish, and communicate all notices required by these rules or by any other applicable law;

3. To prepare and distribute the agenda for all meetings of the Commission;

4. To act as custodian of all written records and other documents of the Commission;

5. To respond to correspondence directed to the Commission under the direction of the Chair and to assist the Chair and the members of the Commission in responding to all such correspondence;

6. To accept the service of legal process on behalf of the Planning Commission and serve as the point of contact for any aggrieved party who has filed a legal appeal in response to an adverse decision or action of the Commission;

7. To certify or attest all official documents or actions of the Commission;

8. To give immediate notice to the Planning Commission and the City Commission of any vacancy that occurs among the members of the Planning Commission.

**Section 10. Discussion of Applications Prohibited outside Commission Meetings.**

No member of the Planning Commission shall discuss any application pending before the Commission with any member of the public or the City Commission except during meetings of the Planning Commission. Notwithstanding the foregoing, Planning Commission members may inform members of the public who inquire of the rules of procedure of the Commission and may direct such persons to appropriate staff members to obtain information regarding applications pending before the Commission. Planning Commission members who provide such information shall advise the Commission Secretary of said occurrence in writing prior to the next Commission meeting.

**Section 11. Participation in Neighborhood Meetings by Members of Commission.**

Commission members that attend any neighborhood meeting or community forum shall not participate in the discussion or vote on any matter that is or will be before the Planning Commission at a public hearing. The Planning Commission member that was in attendance shall state for the record that they attended the meeting or forum, but did not participate, for the purpose of transparency. A Planning Commission member shall recuse themselves from the public hearing and the vote if they were a participant in the discussions and/or voted on that matter during the neighborhood meeting or community forum.

**Section 12. Conflicts of Interest.<sup>2</sup>**

No Commission member shall knowingly vote or participate in the discussion, hearing, or deliberation of any item coming before the Commission where the member:

- (1) Has a financial interest in the subject matter of the proceeding, or is a party to the proceeding, regardless of whether that financial interest is held in the name of the member, the member's spouse, or the member's minor child(ren);
- (2) is a direct or indirect party to the proceedings; or
- (3) has an indirect financial interest that could be substantially affected by the outcome of the proceedings.

Any Commission member who is present but disqualified by the foregoing standards shall be counted in determining a quorum. However, Commission action shall be determined by an affirmative vote of the majority of qualified members.

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<sup>2</sup> This Section 12 is supplementary to the requirements of O.C.G.A. § 36-67A-1, et seq. (Conflict of Interest in Zoning Actions) and any other applicable state law.

No member of the Commission shall appear for, represent, or advise any party in or with respect to any matter pending before the Commission in which such member shall sit. Notwithstanding the foregoing, a member may inform any person on any matter of the Commission's practice or procedures.

### **Section 13. Public Hearings; Presentations.**

Board members, staff, applicants and applicant representatives need to be present and in-person when the meetings are held in-person. The applicant(s) and others supporting an application shall be provided a reasonable opportunity to present reasons and arguments in favor of the approval thereof to the Planning Commission. At the conclusion of the presentation by the applicant and any supporters, those opposed to the application shall be allowed a reasonable opportunity to present reasons and arguments for such opposition. The Commission chair shall have the authority to establish reasonable time limits for each individual speaker prior to the start of the hearing for that agenda item, in an effort to better manage an open meeting effectively, but the total time for each side shall not be less than ten (10) minutes or as prescribed by Georgia law, whichever is longer. The applicant and applicant representatives shall be provided a reasonable opportunity to present a rebuttal to the Planning Commission, of which the Commission Chair may also establish a time limit prior to the start of the rebuttal.

Any party with an interest in any application may submit any written, illustrated, or other materials in support of their position to the Secretary no later than 5:00 PM the day prior to the relevant Planning Commission meeting or during the public hearing. Any written, illustrated or other materials received according to said deadline shall be deemed as properly presented to the Planning Commission and entered into the public record.

### **Section 14. Site Inspections.**

Members of the Commission may inspect a site (without trespassing) that is the subject of an application pending before the Commission or may view supplemental materials which the Secretary may cause to be prepared for the Commission showing the subject site and its environs. The failure of any member to visit any site shall not preclude said member from full participation in the deliberations of the Commission regarding such application.

### **Section 15. Minutes.**

The Secretary shall assure that a taped audio or audio/video recording is made of the proceedings of each regular and special meeting of the Commission. The minutes of each meeting of the Planning Commission shall specifically show at least the names of the

members present, a description of each item of business considered, the identity of the persons making and seconding motions or other proposals made, an accurate record of the vote of each member on any question decided by the Commission, a reasonable summary of the substance of statements made by person(s) having the floor at any time during a meeting, and of findings of fact, conclusions of law, and other actions by the Commission, as required by applicable law.

### **Section 16. Supporting Documents.**

All documents, maps, drawings, photographs, letters, and other writing properly presented to the Planning Commission with respect to any application or other matter considered by the Commission shall be kept by the Secretary as a part of the official records of the Planning Commission. With the consent of the Chair, the owner of any such part of the record may substitute a true, correct, and complete copy for the original.

### **Section 17. Remote Virtual Hearings**

When necessary, and pursuant to the Open Meetings Act, O.C.G.A. 50-14-1, Commission meetings may be held via a virtual teleconferencing platform, using the current Planning Commission Rules of Procedures for in-person hearings with the following modifications:

#### **A. Submission of Application Materials:**

1. Applicants will be required to submit any additional application materials to the Commission Secretary no later than 5:00 PM the day prior to the relevant virtual Planning Commission meeting.
2. Commission members may be sent application materials/documents via electronic transmittal by the Secretary prior to the hearing.

#### **B. Submission of Public Comment:**

1. Any party with an interest in any application may submit any written, illustrated, or other materials in support of their position to the Secretary no later than 5:00 PM the day prior to the relevant Planning Commission meeting or during the public hearing. Any written, illustrated or other materials meeting received according to said deadline shall be deemed as properly presented to the Planning Commission and entered into the public record.
2. Properly presented public comment will be posted online.

#### **C. Hearing Agendas and Staff Reports:**

1. Hearing agendas and supporting materials will be posted online.
2. Staff reports will be posted online.

D. Hearing Procedures:

1. At the beginning of the meeting, all participants except the Chair will be muted.
2. In accordance with these rules, individuals wishing to speak will be recognized and allowed to speak by using the applicable platform's indication feature (e.g., raising their hand in Zoom) or by emailing the Commission Secretary.
3. When unmuted all speakers are required to state their full legal name and address before beginning their substantive comments.
4. The conduct of the virtual meeting platform will be managed by the planning staff during the meeting.
5. As needed, to limit talking over each other, the Chair will acknowledge a Commission member who wishes to speak or ask questions.

E. Recording and Reporting:

1. Meetings will be recorded (visual and audio) in the relevant virtual meeting platform.
2. The Secretary shall maintain for public inspection copies of the audio and/or audio/video recordings of Commission meetings, subject to and in accordance with the City's applicable records retention schedules.

F. Contingency Planning:

1. If the live feed is lost, the Commission will wait at least 10 minutes for it to be reestablished. If the feed is not reestablished then the meeting will be cancelled, and applications not heard will be rescheduled to the next available Commission meeting.
2. If an applicant loses their connection and cannot be reconnected, the Chair will take a vote to move that matter to the end of the meeting and the planning staff will continue to attempt to contact the applicant. Where the applicant cannot be reconnected at that meeting, the Commission will postpone hearing of that matter.
3. If a non-applicant participant loses their connection, planning staff will use reasonable efforts to reconnect the participant. The Commission will have discretion to move the item to the end of the agenda.
4. Meetings will utilize virtual meeting technology. The Planning Commission cannot guarantee it will operate as planned. If participation must be a matter of public record, it is strongly advised that participants email their written public comment per Section 17.B. above.



**Section 18. Controlling Law.**

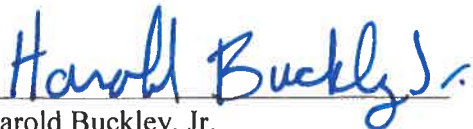
The intent of these Rules of Procedure is to set forth standards and requirements for the conduct of the business of the Planning Commission that supplement and align with all standards and requirements of the Charter and Code of Ordinances of the City of Decatur and the laws of the State of Georgia, specifically including, but not limited to the Zoning Procedures Act, O.C.G.A. § 36-66-1, et seq. and the Open Meetings Act, O.C.G.A. §50-14-1, et seq. To the extent any of the rules set forth herein conflict with such provisions of the City Charter, the City Code or Georgia law, the provisions of the City Charter, the City Code or Georgia law shall control.

**Section 19. Prior Rules Repealed and Superseded.**

Any prior rules of procedure adopted by the Planning Commission of the City of Decatur are hereby repealed and superseded by these Rules of Procedure of the Planning Commission of the City of Decatur.

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I hereby certify that this is a true and correct copy of the Rules of Procedure of the Planning Commission of the City of Decatur, adopted at the regular meeting of the Commission on December 13, 2022, 2022, to be effective December 14, 2022. I further certify that a true and correct copy of these Rules of Procedure was filed with the City Clerk.

  
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Harold Buckley, Jr.  
Chair, Planning Commission  
  
12/14/22  
\_\_\_\_\_  
Date

Attest:

  
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Angela Threadgill  
Secretary, Planning Commission