

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2019 - 50

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY TO AMEND PART I, CHAPTER 2 “ADMINISTRATION”, ARTICLE II “BOARD OF COMMISSIONERS”, SECTION 2-35 “AGENDA, DUTIES OF THE PRESIDING OFFICER, MINUTES, QUORUM, PUBLIC COMMENT”, SECTION 2-35-05 “PUBLIC COMMENT”; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT ORDAINED BY THE CLAYTON COUNTY BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED

WHEREAS, the Board of Commissioners has adopted a procedure for taking public comments at its meetings as found in Section 2-35-05 of the Code of Ordinances; and

WHEREAS, O.C.G.A. § 36-66-5(a) further authorizes local governments to adopt policies and procedures governing calling and conducting hearings for zoning decisions to include specifying a minimum time period at hearings on proposed zoning decisions for presentation of data, evidence, and opinion by proponents of each zoning decision and an equal minimum time period for presentation by opponents of each proposed zoning decision in an amount no less than ten minutes per side; and

WHEREAS, the Board recognizes that the democratic process encourages the participation of its citizens, and that the citizens have a right to be heard; and

WHEREAS, the Board desires to state that it is the policy of the Board that it fully supports and encourages public participation and therefore establishes the following policy with respect to receiving public comments at the regular meetings of the Board for general

issues and those relating to zoning decisions and that it is in the best interest of the County to establish this policy.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF CLAYTON COUNTY, GEORGIA, AND IT IS HEREBY ORDAINED

Section 1. The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by amending Part I, Chapter 2 “Administration”, Article II “Board of Commissioners”, Section 2-35 “Agenda, duties of the presiding officer, minutes, quorum, public comment”, Section 2-35-05 “Public comment” to read as follows:

“Section 2-35-05. Public comment.

(a) The board welcomes public comment; however to manage available time, public comment will be limited to three minutes per speaker at each regular business meeting of the board of commissioners, however in no event shall the public comment period last longer than 30 minutes at any single meeting. At the end of the thirty minute public comment period, if any member of the public who has signed up to speak has not been reached, that person shall have the right to be carried forward to the next regular business meeting of the board and shall be placed at the top of the list at that meeting. Any member of the public wishing to make comment must sign up with the clerk prior to the call of the meeting.

(b) Notwithstanding the time limitations set forth in subsection (a) above, applicants or citizens may also speak for or against an item that is considered by law to be a zoning decision and each side will have ten minutes to present its case. The Board of Commissioners may, upon majority vote, allot more time for each side to present its case. The Clerk shall be responsible for keeping time. In the event there is more than one speaker per side, speakers must divide their time in order to complete their full presentation within the ten-minute time allotment. When the buzzer sounds to indicate that time has run out, the speaker will be expected to immediately cease speaking and to leave the podium area. Prior to speaking on a zoning issue, speakers must complete a speaker card and present it when approaching the podium. If a speaker has physical (non-electronic) documents for the Commissioners, the speaker shall provide 8 copies when approaching the podium. Five copies are for the Commissioners and the remaining copies are for the Zoning Administrator, the county attorney and the clerk. Applicants or citizens speaking in favor of an item shall speak first and applicants in zoning ordinance cases shall have the right to reserve time for rebuttal. Opponents of a zoning decision item shall have no right of rebuttal. Once the speakers have finished speaking, staff shall make a recommendation for action to the commission. At this point, speakers are no longer allowed to speak unless called to the podium by an individual commissioner to answer questions or provide information. When speaking, speakers shall talk directly into the microphone and begin by stating their name, address and the name of any organization they represent. Abusive, profane or derogatory language will not be permitted. Holding up signs,

clapping and yelling to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing will be permitted to show support for or opposition to a speaker's position."

Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 3. If any part of this Ordinance shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.


Section 4. This Ordinance shall become effective upon its approval by the Board of Commissioners.

SO ORDAINED, this ___ day of May, 2019.

CLAYTON COUNTY BOARD OF COMMISSIONERS



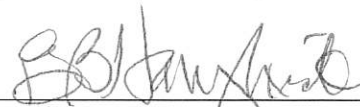
JEFFREY E. TURNER, CHAIRMAN



FELICIA FRANKLIN-WARNER, VICE CHAIR



SONNA GREGORY, COMMISSIONER



GAIL B. HAMBRICK, COMMISSIONER



DEMONT DAVIS, COMMISSIONER

ATTEST:



BRENDA B. JAMES, CLERK