

## CHAPTER 2. CITY ORGANIZATION AND MANAGEMENT

### SECTIONS:

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### SECTION 200 – CITY COUNCIL PROCEDURE

**Sec. 200.01 Time and Place of Meetings.** The City Council shall have regular meetings on the third (3<sup>rd</sup>) Monday of each month at 6:00 P.M. If such date falls on a holiday, the Council shall have its regular meeting on the next following day. Unless otherwise provided, all meetings shall be held in the place designated at City Hall.

**Sec. 200.02 Presiding Officer.** The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the acting Mayor shall preside. In the absence of both, the members shall elect one of their members a temporary chairperson. The acting Mayor and temporary chairperson when occupying the place of the Mayor shall have the same privileges as other members.

**Sec. 200.03 Quorum.** At all meetings of the Council, a majority of the Council members elected shall constitute a quorum to do business, but a minority may adjourn from time to time and may compel the attendance of absentees by such means as allowed by law.

**Sec. 200.04 Order of Business.** At the hour appointed for meeting, the members shall be called to order by the Mayor, and in his or her absence by the acting Mayor, and in the absence of both, by the Clerk. In the absence of the Clerk, the Mayor shall appoint a secretary pro tem. Upon the appearance of a quorum the Council shall proceed to business which shall be generally conducted in the following order:

- A. Call to Order
- B. The Minutes of the preceding meeting and approving the same if correct and rectifying mistakes if any exist shall be by consent agenda
- C. Approval of Claims against the City shall be by consent agenda
- D. Treasurer’s Report
- E. Reports of Committees
- F. Report of City Officers and Communications and Miscellaneous Business
- G. Comments and suggestions from citizens present
- H. Unfinished business from previous meetings
- I. New business
- J. Adjournment

**Sec. 200.05 Powers of Mayor.** The Mayor shall preserve order and decorum and shall decide questions of order subject to an appeal to the Council. The Mayor may make motions, second motions, or speak on any question; provided, however, that in order to do so, upon demand of any one Council Member, he or she shall vacate the chair and designate a Council member to preside temporarily. The Mayor shall be entitled to vote like other members of the Council.

**Sec. 200.06 Speaking.** Every member, previous to his or her speaking, shall address the chairperson and shall not proceed until he or she has been recognized by the chair. He or she shall indulge in no personalities and shall confine his or her remarks to the matter under debate. No member shall speak more than twice on any question, nor more than 5 minutes each time without unanimous consent of the Council. A member called to order shall immediately suspend his or her remarks until the point of order shall be decided by the chairperson.

**Sec. 200.07 Motions and Resolutions.** Every motion and resolution shall be controlled by Roberts’ Rules of Order. A motion may be withdrawn before decision or amendment, or any disposition thereof has been made, or a vote taken thereon.

**Sec. 200.08 Voting.** Votes of the members on any business coming before the Council may be voice vote, standing vote, or in such other manner of voting as may signify the intention of the members.

Every member shall vote in such case unless the Council by majority vote shall excuse a member from voting or the member shall have an interest in the matter being voted upon, in which case the member shall not vote.

All questions shall be put in the order in which they are moved, except in case of privileged questions.

The previous questions shall be put in these words: “Shall the main question now be put?” It shall be admitted on demand of any 2 members, and until decided shall preclude all amendments and debate of the main question.

**Sec. 200.09 Committees.** Committees and the Chairperson of the committee shall be appointed by the Mayor with the consent of the Council. It shall be the duty of each committee to act promptly and faithfully in all matters referred to it and to make its report at the next meeting of the Council.

**Sec. 200.10 Passed Ordinances.** After an ordinance shall have passed, a complete and accurate copy as amended shall be made by the Clerk and shall be signed by the Mayor or in his absence by the acting Mayor, and deposited with the Clerk who shall attest, seal, number, file and record or place the same permanently in the Ordinance book. Entry of the complete Ordinance as amended directly into the Ordinance book with original signatures and seal thereon shall be in compliance with the Section. The affidavit of publication shall be permanently inserted in the Ordinance book, by the Clerk, after each Ordinance. Ordinances may be incorporated into this Code as provided in Chapter One, with signatures omitted and numbering changes to conform with this code.

**Sec. 200.11 Petitions to be Read.** Petitions and other papers addressed to the Council shall be read by the Clerk upon presentation of the paper or petition to the Council.

**Sec. 200.12 Admission to Council Meetings.** All sessions of the Council shall be public. No person, other than the Mayor and other members of the Council shall be admitted within the bar of the Council, except City officers. No person other than a member shall address the Council except with the consent of the members present or by a vote of a majority of the members present. The Council may enforce order at the Council meeting in any manner it shall deem sufficient.

**Sec. 200.13 Suspension of Rules.** These rules, or any of them, may be temporarily suspended by consent of a majority of all Council members but shall not be repealed, altered, or amended, unless by concurrence of a majority of the whole Council and upon notice given at 2 preceding meetings.

**Sec. 200.14 Robert’s Rules of Order.** In all points not covered by the Chapter, the Council shall be governed in its procedure by Robert’s Rules of Order.

**Sec. 200.15 Objections on Procedural Matters.** The foregoing rules shall be adopted to facilitate the transaction of Council business and functions. They shall not be permitted to defeat or hinder the plainly expressed intent and desire of the Council. Informal compliance and substantial performance shall be sufficient under the foregoing rules in the absence of objection reasonable taken. Objection shall be hereby declared not to have been reasonably taken as to procedural matters provided for in this Section if a Council member present at a meeting fails to object during the meeting and request compliance with these rules, and such objection shall not be reasonably taken if taken by an absent member later than the next regular meeting after the proceedings to which objection is made.

**Sec. 200.16 Adjournment.** The Council may at any time by a majority vote of those present adjourn whether or not a quorum shall be present.

**Sec. 200.17 Meetings.**

**Subd. 1 Special Meeting.** Special meetings of the City Council may be called by the Mayor or any two members in writing and filed with the Clerk at least seventy-two (72) hours prior to the time specified for the meeting. The Clerk shall immediately notify each member of the time and purpose of the meeting by causing a written notice thereof to be delivered to each member personally if he or she can be found and if he or she cannot be found, then by leaving a copy of the notice at the home of the member in the presence of an adult member of the family. The Clerk shall cause an affidavit showing service of the notice as provided in this Section to be filed in his or her office prior to the time fixed for the special meeting. Special meetings may be held without the notice when all members of the City Council shall be present in person or consent in writing to the holding of the meeting. The written consent shall be filed with the Clerk prior to the beginning of the meeting. Public notice shall be given as required by the State Open Meeting Law.

**Subd. 2 Emergency Meetings.** Emergency meetings may be called when circumstances require immediate consideration of the Council to prevent an actual or reasonably perceived threat to the public’s health, safety, and/or welfare.

**Sec. 200.18 Minutes.** Minutes of the meeting shall be kept by the Clerk. They shall be signed by the Clerk and shall constitute an official record of the Council proceedings. Upon approval of the minutes at a subsequent meeting of the Council, the Mayor shall sign the minutes. Lack of the Mayor’s signature or Council approval shall not invalidate the minutes as official records.

In the event the Clerk shall fail or decline to amend or change his or her minutes, upon informal request, at the time they are submitted for approval, the Council may by motion carried by majority vote amend the minutes. Such amending shall become a part of the minutes of the subsequent meeting.

**SECTION 210 – SALARIES OF MAYOR AND COUNCIL MEMBERS**

**Sec. 210.01 Mayor’s Salary.** The Mayor shall receive an annual salary of \$4,200.00. Monthly payments of \$350.00 are paid for service from the 1<sup>st</sup> of said month to the last day of said month, and service is deemed to begin and end on a calendar-month basis.

A full month’s payment will be made in January, following an election year, to the newly elected Mayor; otherwise no payments are made for service of a partial month. In any event, the out-going Mayor shall not be paid for any month or portion thereof in which he/she does not participate in a council meeting for that month.

**Sec. 210.02 Council Member’s Salary.** Each Council Member shall receive an annual salary of \$2,100.00. Monthly payments of \$175.00 are paid for service from the 1<sup>st</sup> of said month to the last day of said month and service is deemed to begin and end on a calendar-month basis.

A full month’s payment will be made in January, following an election year, to the newly elected Council Member(s); otherwise no payments are made for service of a partial month. In any event, an out-going Council Member(s) shall not be paid for any month or portion thereof in which they do not participate in a council meeting for that month.

**SECTION 220 – ELECTIONS AND VOTING**

**Sec. 220.01 Biennial Elections.** The regular election of the City shall be held on the first Tuesday after the first Monday in November in every even-numbered year.

**Sec. 220.02 Terms of Office of Mayor.** The term of office for Mayor shall be four years and until his or her successor shall be chosen and qualified.

**Sec. 220.03 Term of Office of Council Members.** The term of office for Council members shall be four years and until their successors shall be chosen and qualified.

**SECTION 230 – LAW ENFORCEMENT SERVICE**

**Sec. 230.01 Law Enforcement Protection.** This shall be provided by contract with an established law enforcement agency.

**Sec. 230.02 Code Enforcement Officer.** The code enforcement officer shall have power to issue summonses with complaints incorporated therein (citations), in the form adopted by rule of the district court, but the issuance by those named shall relate only to offenses involving the City codes, ordinances, and other regulations. No such employee or agent hereinafter authorized to issue the summonses shall be authorized to arrest or otherwise take a violator into custody or to secure a promise to appear in court in lieu of arrest.

**SECTION 240 – FIRE SERVICE**

**Sec. 240.01 Fire Service.** Fire protection service shall be provided by contract with an established fire department.

**SECTION 250 – PLANNING COMMISSION**

**Sec. 250.01 Continuation.** A Planning Commission for the City of Landfall Village shall be hereby continued.

**Sec. 250.02 Composition.** The Planning Commission shall consist of up to nine (9) members. Commission members shall serve staggered terms, as approved by the Council.

**Sec. 250.03 Organization.** The members of the Commission shall elect a chairperson for a term to expire at the meeting of the Commission to be held in the second (2<sup>nd</sup>) week of January of each year, as properly noticed. The Commission shall elect a member to act as secretary of the Planning Commission. *[Ordinance 2017-002 4-27-17]*

**Sec. 250.04 Meetings; Reports.** The Commission shall hold at least one regular meeting in the second (2<sup>nd</sup>) week of each month, as properly noticed. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and findings, which record shall be a public record. Minutes of meetings shall be submitted to the City Council one week before the following regular City Council meeting or as soon as practical for meetings other than the regular monthly City Council meetings. The Chair of the Planning Commission shall report activities and recommendations as a regular part of the monthly City Council meetings agenda. Expenditures of the Commission shall be within amounts appropriated for the purpose by the Council. *[Ordinance 2017-002 4-27-17]*

**Sec. 250.05 Preparation of Comprehensive Plan.** It shall be the function and duty of the Planning Commission to prepare and adopt a Comprehensive Plan for the physical development of the City, including proposed public buildings; street arrangements and improvements; public utility services; parks, playgrounds and other similar developments; the use of property, the density of population; and other matters relating to the physical development of the City. The Plan shall be prepared in sections, each of which shall relate to a major subject of the plan, as outlined in the Commission’s program of work.

**Sec. 250.06 Means of Executing Plan.** Upon the adoption of the Comprehensive Plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the Council reasonable and practicable means for putting into effect the plan or section thereof in order that it shall serve as a pattern and guide for the orderly physical development of the City and as a basis for the efficient expenditure of the funds of the City.

Such means shall consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the City, a long term program of capital expenditures and such other matters as shall accomplish the purposes of this Section.

**Sec. 250.07 Zoning Plan.** The Planning Commission upon its own motion may and upon instructions by the Council shall prepare a zoning plan for the City. The same procedure shall apply for the preparation of any plan of proposed right-of-way for future streets or highways or for the reservation of lands for other public purposes.

**Sec. 250.08 Procedure for Changes.** No change shall be made in the zoning plan or future street and public lands plan after the plans have been adopted by the Council until the proposed change has been referred to the Planning Commission for a report thereon and an attested copy of the report has been filed with the Council. No ordinance or resolution establishing any of the plans shall be adopted by the Council until the ordinance or resolution has been referred to the Planning Commission for a report thereon and an attested copy of the report has been filed with the Council. If the Planning Commission fails to act within 30 days or such longer period as may be designated by the Council after such reference, the Planning Commission shall advise the Council of its reason for failure to report and the Council may then proceed on its own initiative.

**Sec. 250.09 Review of Requests for Variances and Conditional Uses.** It shall be the function and duty of the Planning Commission to review all requests for variances and conditional uses under the provisions of the Zoning Code as these relate to a particular parcel of land or use of the parcel. The Planning Commission shall report its recommendation to the Council.

**Sec. 250.10 Review of the Plats and Subdivisions of Land.** It shall be the function and duty of the Planning Commission to review all applications for new plats and subdivisions or rearrangements of existing plats according to the terms laid down in divisions or rearrangements of existing plats according to the terms laid down in the Zoning Code. The Planning Commission shall report its recommendation to the Council.

**Sec. 250.11 City Events Chairperson.** The Council has the duty to appoint the City Events Chairperson.

**SECTION 260 – PARK AND RECREATION COMMISSION**

**Sec. 260.01 Continuation of Commission.** There shall be hereby continued within the City a Park and Recreation Commission. The Planning Commission shall serve as the Park and Recreation Commission.

**Sec. 260.02 Compensation.** Members of the Commission shall serve with such compensation as the Council shall establish by Resolution.

**Sec. 260.03 Powers and Responsibilities.** The Park and Recreation Commission shall act in an advisory capacity to the Council in all matters pertaining to recreation and to cooperate with other groups in advancement of a sound Park and Recreation Planning Program. Specific responsibilities of the Commission shall include: (a) To formulate policies on recreations services for consideration by the Council; (b) To recommend for adoption standards on facility development, program and financial support; (c) To make periodic inventories of recreation and park services which exist or may be needed and to interpret the needs of the public to the Council; (d) To aid in coordinating the Park and Recreation department to the public; (e) To advise the Council in the preparation of the annual budget and long range capital improvement program.

**Sec. 260.04 Commission Committees.** The Planning Commission may appoint sub committees, consisting of Commission members, in an advisory capacity for the purpose of assisting the commission in completing duties as assigned by the Council.

**Sec. 260.05 Delegation of Power.** The Council shall establish such rules and regulations for the administration of the Section as it shall deem necessary.

**SECTION 270 – EMERGENCY OPERATIONS PLAN**

**Sec. 270.01 Emergency Operations Plan.** An Emergency Operations Plan shall be in place.

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**CHAPTER 2 CHANGE RECORD:**

**5-8-13 Revision of Chapter 2:**

**Entire Chapter:** Replace each reference to Planning Commission to read: Planning / Finance Commission.

**Sec. 210 – Salaries of Mayor and Council Members –** change language for clarity

**Sec. 250.11 Change from Commission to Act as Liaison to City Events Chairperson** and amend language

**Sec. 250.12 Committee to Act as a Committee –** delete entire section

**Sec. 260.04 Amend to change Citizen Committees to Commission Committees** and amend language

**Sec. 260.05 Amended to retain rule making authority with the Council.**

**Sec. 270.01 Amend to state an Emergency Operations Plan shall be in place** and remove “by contract with an established agency”

**Sec. 280 Regulating Surface Use of Tanners Lake** – Delete entire section from this Chapter (add to Chapter 11 – Zoning)  
Intent of changes are to show that two commissions, Planning and Finance, are now combined into one commission, known as the Planning / Finance Commission, to rewrite the language for Salary for Mayor and Council Members to provide clearer definition and to make other minor adjustments throughout the chapter, to reflect current policy and procedure.

*[Ordinance 2013-008]*

**Sec. 250.03 Organization and Sec. 250.04 Meetings; Reports** – Change language from third (3<sup>rd</sup>) week to second (2<sup>nd</sup>) week

*[Ordinance 2017-002 4/27/17]*

**Sec. 250 Planning Commission** – Amended Code to eliminate the title of “Finance” from that section in its entirety.

*[Ordinance 2019-004 6/5/19]*