



## TOWN OF APPOMATTOX TOWN COUNCIL ACTION FORM

### Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

### Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

### COUNCIL AGENDA ITEM TITLE: Revised Bylaws and Rules of Procedures for Appomattox Town Council.

#### ISSUE: Revision is needed to make the following changes:

- (1) Page 3 “Parliamentarian” – the Parliamentarian is being modified from the Town Attorney to the Deputy Town Clerk.
- (2) Page 4 Section E “Order of Business” -Agenda Preparation – the third paragraph requiring transmittal of approved minutes to the J. Robert Jamerson Library has been struck. I spoke with the Library Director who agreed that since the Council Minutes or published on the website and available in digital form, a bound copy of Council Minutes would not be required.
- (3) There was modification for a scrivener’s error in the spelling of Council on the bottom of page 2.

#### RECOMMENDATION: Approval of the attached modified version of the Bylaws and Rules of Procedure to encompass those modifications.

#### TIMING:

#### BACKGROUND:

#### ENCLOSED DOCUMENTS: Revised Bylaws and Rules of Procedure for Appomattox Town Council.

#### STAFF/SPONSOR: Dianne Tanner, Deputy Town Clerk

#### SUMMARY:

Y N

- Councilor Timothy W. Garrett
- Councilor Jack Hensley
- Councilor James Boyce, Sr.
- Councilor McKinley Cardwell

Y N

- Councilor Danielle Ulmer
- Councilor Mary Lou Spiggle
- Mayor Richard Conner (If required)

**FOR IN MEETING USE ONLY**

**MOTION:** \_\_\_\_\_

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**Roll Call**

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**SUMMARY:**

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- Councilor Timothy W. Garrett
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**BYLAWS AND RULES OF PROCEDURES  
APPOMATTOX TOWN COUNCIL**

**SECTION A: MEETINGS**

When and Where Meetings are Held and Notice thereof.

- (a) All meetings of the Council shall be open to the public, except when the Council is in closed pursuant to Section 2.2-3711 of the Virginia Code.
- (b) An Organizational meeting shall take place at the January Council meeting each year. The Council shall hold regular and workshop meetings on such days as may be prescribed by resolutions at the first meeting in January of each year, but which shall not be less frequent than once a month. The Council shall give notice of the date, time, and location of its meetings by placing a notice in a public location at which notices are regularly posted or in the office of the Clerk to the Council. The Clerk may publish meeting notices by electronic means. The notice shall be posted at least three working days prior to the meeting.
- (c) If the Mayor, or the Vice-Mayor is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for the Council members to attend a regular meeting, the regular meeting shall be continued until the following Monday, unless that Monday is a legal Holiday, then the meeting shall be on the Tuesday following the Monday Holiday. Such conditions shall be communicated to the members of the Council and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.
- (d) All regular meetings of the Council shall be held on the second Monday of each month at 6:30 p.m. and workshop meetings on the fourth Tuesday of each month at 6:30 p.m., unless otherwise noted. All meetings will take place at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia, unless otherwise noted.
- (e) The Council may by resolution, when necessary, change the time and place of the regular meeting. The resolution shall set forth the circumstances necessitating such change. Note of such change shall be posted in a public location at which notices are regularly posted, or in the office of the Clerk to the Council at least three working day prior to the meeting to be held pursuant to the change, and published once in a newspaper, of general circulation in the town/county, at least seven days prior to the meeting. Three working days prior to the meeting to be held pursuant to such change, the Town Clerk shall give each Council member written notice, personally or by registered mail, of any change from the regular meeting days established by this section.

- (f) Except for the properly called closed sessions as permitted by state law, all regular and workshop meetings of the Appomattox Town Council and official committees of the Council shall be open to the media, freely subject to recording by radio, television, and photography at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings under such rules as the Council may prescribe.
- (g) The regular meeting of the Appomattox Town Council is generally the meeting whereby action is conducted. While the workshop meeting of the Appomattox Town Council is generally less formal than regular meetings as to create an atmosphere of discussion regarding items of concern for council members, committee reports, staff reports and updates. While realizing the Workshop meeting will be a legal meeting in the sense of a quorum of the council will generally be present, it is the intent of the Appomattox Town Council not to take action in the workshop meetings, unless absolutely necessary.

#### Special Meetings.

- (a) The Mayor or two members of the Council may call special meetings of the Council whenever in their opinion the public business may require it.
- (b) Whenever a special meeting shall be called, notice in writing signed by the Mayor or two members of the Council shall be filed with the Clerk and delivered to each member of the council and the Town Attorney, either in person or at his place of residence or business, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted at the meeting except such as is stated in the notice, unless all members are present.
- (c) The notice may be waived if all members of the governing body attend the special meeting or sign a waiver.
- (d) Notice to the public of a special meeting shall be given contemporaneously with the notice provided by members of the Council.

#### Closed Sessions:

Closed Sessions may be held in accordance with the provisions of the Virginia Freedom of Information Act.

#### Adjourned Meeting:

Regular meetings without further public notice may be adjourned from day to day or time to time or place to place, not beyond the time fixed for the next regular meeting, until the business before the Council is completed.

### Minutes:

- (a) Minutes of all regular and special meetings and work sessions shall be recorded. Such minutes shall be maintained in the office of the Clerk of the Appomattox Town Council. The minutes shall reflect:
- (1) the date, time and place of the meeting or session.
  - (2) the members recorded as either present or absent.
  - (3) a general description of all matters proposed, discussed, or decided:  
and
  - (4) record of any votes taken.
- (b) Approval of the minutes of all but closed meetings or sessions shall be considered at a regular Council meeting. It shall not be necessary to read the minutes prior to approval. Prior to approval, any member may, through the Mayor, request the privilege of amending or correcting the minutes to accurately reflect the substance of the prior meeting. If objection is made by any Council member to such an amendment or correction, a majority Vote of the Council shall be necessary for adoption of the correction or amendment. The Mayor and Clerk shall sign the adopted minutes.

### **SECTION B: OFFICERS**

#### Election and Term of Chairperson and Vice-Chairman

At the first meeting in January, as needed. The Appomattox Town Council who shall elect from its membership a Vice-Mayor, each of whom shall serve a term of two years. In the case of the absence of the Mayor and the Vice-Mayor; the members present shall choose one of its members as president pro-tem.

#### Clerk

The Town Clerk shall be the Clerk of Council, whose duties and responsibilities shall be those set forth in State law and as delegated and directed by the Appomattox Town Council.

#### Parliamentarian

The Deputy Town Clerk shall serve as the Parliamentarian.

### **SECTION C: QUORUM AND MANNER OF VOTING**

A majority of the Town Council shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance shall adjourn to a later time when a quorum is present to transact business.

No ordinance, nor resolution, appropriating money, imposing taxes, or authorizing borrowing money shall be passed except by a recorded affirmative roll call vote of the entire membership of the Town Council members.

#### **SECTION D: RULES OF ORDER**

The proceedings of the council, except as otherwise provided within these Rules of Procedure and applicable State law, shall be governed by Robert's Rules of Order Newly Revised 12<sup>th</sup> Edition.

#### **SECTION E: ORDER OF BUSINESS**

##### Agenda Preparation

The Clerk shall prepare the agenda for each regular and workshop meeting conforming with the agenda format approved by the Council. Except as permitted at the discretion of the Town Manager, every item to be placed on the agenda shall be received in the Office of the Town Clerk before the close of the workday on the Monday of the week prior to agenda distribution, which is the Wednesday prior to any regular or workshop meeting of the Council.

The agenda packages shall be transmitted by the Clerk of the Council by the close of business on the Monday prior to the regular or workshop meeting using whatever means of delivery he deems best suitable to ensure that the Council members have the agenda packages prior to the regular or workshop meeting.

##### Order of Business

The order of business at Appomattox Town Council regular meetings is normally:

- a. Call to order.
- b. Welcome
- c. Invocation
- d. Citizen Comment Period
- e. Scheduled Public Appearances
- f. Mayor's Comments
- g. Consent Agenda, consisting of the Agenda, Financial Statement, and Minutes
- h. Old/Unfinished Business
- i. New Business
- j. Appointments to Boards, Commissions and Committees
- k. Town Manager report
- k. Council Concerns
- l. Adjournment

The order of business at the Appomattox Town Council workshop meetings is normally:

- a. Call to order
- b. Citizen Comments
- c. Committee Reports
- d. Staff Reports
- e. Council Concerns (discussion items)
- f. Adjournment

### Consent Agenda

The Consent Agenda shall consist of a listing of various items to be considered by the Council as a block or one single item and to be approved by one vote rather than specific votes on each item.

There shall be no debate or discussion by any member of the Council or the public regarding any item on the Consent Agenda, beyond asking questions for simple clarification.

Any item on the Consent Agenda shall be removed from the Consent Agenda at the request of any Council member prior to the vote on the Consent Agenda. Items removed from the Consent Agenda shall be considered by the Council individually in order in which they were removed from the Consent Agenda immediately following consideration of the Consent Agenda.

Approval of the motion to approve the Consent Agenda shall constitute approval, adoption, or enactment of each motion, resolution ordinance, or other item of business thereon, exactly as if each had been acted upon individually.

### Citizen Comment Period

At each regular meeting of the Council, the council shall set aside a citizen's comment period. During the citizen's comment period, speakers wishing to address the Council shall clearly state their name and address. No individual citizen shall be permitted to address the Council for more than three (3) minutes.

Individuals who have previously spoken on a subject at a public hearing shall not be allowed to readdress the Council during the citizen's comment period. Specific questions should be resolved prior to the meeting by contacting a Council member or the appropriate staff member. Questions shall be directed to the Mayor, who will, at his/her discretion, solicit the response from the appropriate person. Citizens should refrain from commenting on any item on the agenda unless the council requests public input.

## Public Appearances

Any citizen may request to appear before the Council at any regular Council meeting no more than four times per year and no more than once within a three-month period. Speakers shall be limited to speaking on the same subject not more than three times within any 12-month period. Speakers who wish to address matters which have previously been addressed at a public hearing under public appearances shall not be allowed to request to appear before the Council nor shall they be allowed to readdress the Council on the subject of the public hearing. Specific questions should be resolved prior to the meeting by contacting a Council member or the appropriate staff person. Questions shall be directed to the Mayor, who will, at his/her discretion, solicit the response from the appropriate person. Requests to appear before the Council shall be directed to the Clerk of the Council. When requesting time to appear on the agenda, the requestor shall give the Clerk a description of what the topic will be, the speaker's full legal name and address (including street name and zip code), and home and business phone numbers, if applicable, shall be required. Speakers must speak on the subject identified when registering to appear before the Council and failure to stay on the topic will be deemed to render the speaker out of order and will result in forfeiture of the remaining time that had been allotted to the speaker. Fifteen minutes will be allotted on the agenda for public appearances. Each speaker will be allotted five minutes unless there are not more than two speakers; in which event, each speaker will be subject to such time limitations at the Mayor may equitably impose.

Each speaker addressing the Council shall step up to the microphone in front of the podium, shall give his name and address in an audible tone of voice for the record. All remarks shall be addressed to the Council and not to any member thereof.

Any person speaking before the Council who represents himself as being an officer of or representing an organization, group, association, corporation, or other entity not generally known to the Council shall, upon request by any member of the Council, disclose for the organization, the history, size, structure, date of creation, tax status: and shall reveal for the organization its method of determining its official position and the speaker's authority to represent the organization. Unreasonable failure to provide satisfactory answers shall bar the speaker from further speaking on the matter before the Council.

## Public Hearings

It is the purpose and objective of the Appomattox Town Council to give each citizen an opportunity to express his/her views during the public appearance and citizen comment sections of regular meetings and on the issue(s) at hand at public hearings and to give all speakers equal treatment and courtesy. While it is often necessary to have a presentation by the applicant and staff, it is the desire of the Council to hear from the public, and therefore, the applicant and staff presentations will be as brief as possible. In order to accomplish this objective, it is necessary that certain rules of order prevail at all hearings of the Appomattox Town Council, as follows:

- The order of business for consideration of a matter on the Council's public hearing agenda shall be as follows:
  - a. Staff presentation
  - b. Questions from Council members (and Planning Commission members if present)
  - c. Applicants' presentation
  - d. Council discussion, at which time the Mayor may entertain a motion to place the matter on future agenda for action, to refer the matter to committee, or bring the matter to vote.
    - Staff presentation will be brief, concise summaries for the public's information and understanding. When written information has been provided prior to the hearing only a summary and/or new information should be presented.
    - Each speaker will have up to five minutes available whether speaking as an individual or a representative of any group or organization. However, should the number of speakers registered to speak on any item exceed ten, the time will be adjusted to three minutes for each speaker. Unless instructed by a majority of the Council present and voting to do otherwise, the Mayor shall enforce the time limits, as appropriate.
    - Order of speakers will be determined on first to register, first to speak basis.
    - Registration will be taken by Town staff and will be submitted on the registration form provided, which will include the name and address of the speaker.
    - Speakers will be limited to a presentation of their points of view except that the Mayor may entertain questions of clarification.
    - Debate is prohibited.
    - All comments will be directed to the Appomattox Town Council as a body.
    - Decorum will be maintained. This includes a common courtesy from the audience, the staff and Council to the speaker and from the speaker to the audience, the Council, and the staff. Statements, which are demeaning or inappropriate, shall be ruled out of order.
    - In the event of a large number of speakers resulting in the continuation of the hearing, any persons not heard at the initial Public Hearing will be the first to speak at the continued hearing.
    - Speakers are requested to leave written statements and/or comments with the Clerk of Council.

- The Council shall have the discretion to act on a matter appearing in a public hearing; or the Council, by majority vote, may defer the matter to the next regular meeting of the Council. It shall be the policy of the Council to leave the record open to receive written comments following a public hearing up until the time that a vote is taken.

### Council Comments

This time at the regular or workshop meeting is generally used for individual Council members to share information with other members of the Council and public. Items presented under this heading requiring action will be for a future meeting agenda or to request additional information from staff members. No item presented under this heading shall be acted upon at the meeting at which the item is presented unless it is the unanimous vote of all council members present that the item be put on the floor for action. Prior to the agenda prepared, members of the Council are encouraged to contact the Clerk of Council and have an item included under this heading. The Clerk of Council shall prepare a memorandum that will inform other members of the Council of the particulars pertaining to this matter.

### Pending Matters

This section of the agenda is non-action section of the meeting agenda which shall list all matters that have come before the Council and that the Council has assigned to or referred to one of its standing committees or staff for additional information or recommendation.

### Adjournment of Meetings

Regular meetings of the Council shall adjourn no later than 8:30 p.m. If the Council desires to extend the meeting, a motion unanimously adopted by the members present shall be required. Any items not acted on prior to the 8:30 P.M. deadline shall be deferred to the next regular meeting or an adjourned meeting of the Council.

### **SECTION F: RECONSIDERATION OF MOTIONS**

At any meeting of the Council, when any vote upon any motion, resolution, ordinance, or question has been announced, it shall be in order for any member of the Council voting with the prevailing side or who has not voted on the motion, resolution, ordinance, or question to offer a motion for reconsideration thereof during the same or succeeding meeting.

### **SECTION G: CONFLICT OF INFORMATION ACT**

The Town Council will follow the Virginia State and Local Government Conflict of Interest Act (COIA) which regulates the behavior of public officials and employees to

prevent conflicts of interest. The act aims to ensure that public servants' judgement is not affected by conflicts between their personal interests and their official duties.

## **SECTION H: CONDUCT OF THE PUBLIC**

The efficient and dignified conduct of public business is the ultimate concern of the Council. Accordingly, it is the policy of the Council that its meetings be conducted with the highest degree of order and decorum. The Council's integrity and dignity will be established and maintained at all times during the conduct of public business, and the Council will permit no behavior which is not keeping with this policy. Prohibited conduct at meetings shall include:

1. Campaigning for public office
2. Soliciting of funds
3. Promoting private business ventures
4. Using profanity, vulgar language, or gestures
5. Using language which insults or demeans any person or which, when directed at a public official or employee, is not related to his official duties.
6. Making non-germane or frivolous statements
7. Discussions of a sectarian or partisan nature
8. Addressing questions or statements to anyone other than the Mayor (Questions shall be presented to the Mayor, who will, at his discretion, solicit a response from the appropriate board or staff member.)
9. Standing in the back or side isles of the Council Room as long as there are sufficient seats available (except for law enforcement personnel)
10. Persons in attendance at the meeting addressing the Council while members of the Council are considering any motion, resolution, or ordinance preliminary to vote on the same, except at the discretion of the Mayor.
11. Any persons addressing comments or questions to someone other than the Mayor.
12. Wearing hats, caps, or other types of headgear
13. Applause is permitted only during presentation, awards, proclamations, and special recognition periods.

The Mayor shall preserve order and decorum at all meetings. The Mayor may order the expulsion of any person for violation of these rules, disruptive behavior, or any words or action which incites violence or disorder

**SECTION I: MISCELLANEOUS**

Dissemination of Requested Information

All members including the Town Manager will receive a copy of all requested information by the Mayor and Town Council Members.

Reserved Area

Only members of the Council, the Town Manager, Clerk of Council, Town Attorney, administrative staff, and other persons expressly invited shall be entitled to enter the area behind the Council Dais.

Press

Camera from the press shall be limited to the north side of the council chambers. Members from the press shall not interview the public or staff in the Council Chambers while meetings are in session.

Amendment of Rules

These rules of procedure may be amended by the majority vote of the entire membership. No notice shall be required of the adoption of any amendments. This policy should be provided to each Council member at the January Council meeting and reviewed.

Revised and adopted: 03/09/26

Reviewed and approved by Council: 03/09/26

Attest: \_\_\_\_\_  
Dianne Tanner, Deputy Town Clerk