

Ordinance No. 736

AN ORDINANCE OF THE TOWN OF DENTON AMENDING SECTIONS 5-1, 5-3, 5-7 AND 5-12 OF THE DENTON TOWN CODE TO CHANGE THE START TIME OF REGULAR MONTHLY MEETINGS FROM 7:00 P.M. to 6:00 P.M; CHANGE WHEN AGENDA ITEMS MUST BE SUBMITTED PRIOR TO THE MEETING; CHANGE THE ORDER OF BUSINESS; AND TO CHANGE THE TIME LIMIT FOR ADDRESSING THE COUNCIL.

WHEREAS, the Denton Town Code Section 5-1 sets forth the regular meeting day, time and location of regular meetings; and

WHEREAS, the Denton Town Code Section 5-3 sets forth when agenda items shall be due prior to a meeting; and

WHEREAS, the Denton Town Code Section 5-7 sets forth the order of business; and

WHEREAS, the Denton Town Code Section 5-12 sets forth the manner of addressing Council and the time limit;

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE DENTON TOWN COUNCIL, AS FOLLOWS:

SECTION 1. That Chapter 5 of the Denton Town Code be amended as follows:

§ 5-1 Regular meetings. [Amended 7-11-2011 by Ord. No. 632]

The Town Council shall hold regular meetings on the first Thursday of each month at ~~7:00~~ **6:00** p.m.; provided, however, that when the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day or week, except that such meeting may be held on a legal or national holiday with the common consent of the Town Council.

§ 5-2 Special meetings. [Amended 8-1-2005 by Ord. No. 496]

A. The Mayor shall call special meetings of the Town Council whenever, in his opinion, the public business may require, or at the express written request of any three members of the Town Council. Whenever a special meeting is called, the following notice shall be given:

(1) Councilpersons.

(a) If the special meeting is called at a regular meeting, announcement of the date, hour and purpose of the special meeting at the regular meeting shall be sufficient notice to the Councilpersons present at the regular meeting.

(b) If the special meeting is not called at a regular meeting, the Clerk-Treasurer shall mail a notice to each Councilperson containing the date, hour and purpose of

the special meeting. The same notice shall be given to any Councilperson absent from a regular meeting when a special meeting is called at that regular meeting.

(2) Public. If a special meeting is called by the Mayor or by the Town Council, the Clerk-Treasurer shall give reasonable advanced notice of the special meeting. The notice shall be in writing; include the date, time and place of the special meeting; and, if appropriate, include a statement that a part or all of a meeting may be conducted in closed session. The Clerk-Treasurer shall post the notice of special meeting at the Town Hall. The Clerk-Treasurer shall also deliver a copy of the notice to the representatives of the news media who regularly report on sessions of the Town Council.

B. No business may be transacted at a special meeting, except such as is stated in the notice.

§ 5-3 Agenda.

All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Town Council shall, at least *ten 10 business days* ~~24 business hours~~ prior to each meeting of the Town Council, be delivered to the Town Administrator, whereupon the Town Administrator shall immediately arrange a list of such matters according to the order of business and furnish each member of the Town Council with a copy of the same *not less than five (5) days* prior to the Council meeting ~~and as far in advance of the meeting as time for preparation will permit.~~

§ 5-4 Presiding officer. [Amended 3-3-2003 by Ord. No. 420]

The presiding officer of the Town Council shall be the Mayor. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Town Council. He shall state every question coming before the Town Council, announce the decision of the Town Council on all subjects and decide all questions of order, subject, however, to an appeal to the Town Council, in which event a majority vote of the Town Council shall govern and conclusively determine such questions of order. In the event of the absence of the Mayor, the Vice Mayor shall preside.

§ 5-5 Call to order.

The Mayor shall take the Chair precisely at the hour appointed for the meeting, and shall immediately call the Town Council to order. In the absence of the Mayor, the Vice Mayor shall call the Town Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the Chair upon the conclusion of the business immediately before the Town Council.

§ 5-6 Quorum.

A majority of all the members elected to the Town Council shall constitute a quorum at any regular or special meeting of the Town Council. In the absence of a quorum, the presiding officer shall, at the instance of any two members present, compel the attendance of absent members.

§ 5-7 Order of business.

All meetings of the Town Council shall be open to the public. Promptly at the hour set on the day of each regular meeting, the members of the Town Council, the Clerk-Treasurer, Town Administrator, Attorney and Mayor shall take their regular stations in the Town Council chambers, and the business of the Town Council shall be taken up for consideration and disposition in the following order:

A. Record of attendance.

B. Approval of minutes of previous meeting.

C. Petitions, remonstrances and communication.

D. Introduction and adoption of resolutions and ordinances.

~~E. Report of officers, board and committees.~~ (moved down after new business)

E. ~~F.~~ Unfinished business.

F. ~~G.~~ New business.

G. Report of officers, board, and committees.

H. Miscellaneous.

I. Adjournment.

§ 5-8 Reading of minutes.

Unless a reading of the minutes of a Town Council meeting is requested by a member of the Town Council, such minutes may be approved without reading if the Clerk-Treasurer has previously furnished each member with a copy thereof.

§ 5-9 Rules of debate.

A. Presiding officer. The Mayor, or such other member of the Town Council as may be presiding, may debate from the Chair, subject only to such limitations of debate as are by these rules imposed on all members.

B. Getting the floor; improper references to be avoided. Every member desiring to speak shall address the Chair and, upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

C. Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order or as herein otherwise provided. If a member, while speaking, shall be called to order, he shall cease speaking until the question of order shall be determined, and, if in order, he shall be permitted to proceed.

D. Motion to reconsider. A motion to reconsider any action taken by the Town Council may be made only on the day such action was taken. It may be made either immediately during the same

session or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Town Council from making or remaking the same or any other motion at a subsequent meeting of the Town Council.

E. Remarks of Councilpersons; when entered in minutes. A Councilperson may request, through the presiding officer, the privilege of having an abstract of his statement on any subject under consideration by the Town Council entered in the minutes. If the Town Council consents thereto, such statement shall be entered in the minutes.

F. Synopsis of debate; when entered in minutes. The Clerk/Treasurer may be directed by the presiding officer, with consent of the Town Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Town Council.

§ 5-10 Addressing the Council.

Any person desiring to address the Town Council shall first secure the permission of the presiding officer so to do; provided, however, that under the following heading of business, unless the presiding officer rules otherwise, any qualified person may address the Town Council without securing such prior permission.

A. Written communications. Interested parties or their authorized representatives may address the Town Council by written communications in regard to matters then under discussion.

B. Oral communications. Taxpayers or residents of the Town and their authorized legal representatives may address the Town Council by oral communications on any matter concerning the Town business, or any matter over which the Town Council has control; provided, however, that preference shall be given to those persons who may have notified the Clerk-Treasurer in advance of their desire to speak in order that the same may appear on the agenda of the Town Council.

C. Reading of protests, etc. Interested persons or their authorized representatives may address the Town Council by reading of protests or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions, or similar matters, in regard to matters then under consideration.

§ 5-11 Addressing Council after motion is made.

After a motion is made by the Town Council, no person shall address the Town Council without first securing the permission of the presiding officer so to do.

§ 5-12 Manner of addressing Council; time limit.

Each person addressing the Town Council shall give his name and address in an audible tone of voice for the records, and unless further time is granted by the Town Council, shall limit his address to **3** three ~~10~~-minutes. All remarks shall be addressed to the Town Council as a body and not to any member thereof. No person, other than the Town Council and the person having the

floor, shall be permitted to enter into any discussion, either directly or through a member of the Town Council, without the permission of the presiding officer. No question shall be asked a Councilperson except through the presiding officer.

§ 5-13 Decorum.

A. By Councilpersons members. While the Town Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Town Council nor disturb any member while speaking or refuse to obey the orders of the Town Council or its presiding officer, except as otherwise herein provided.

B. By persons. Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Town Council shall be forthwith, by the presiding officer, barred from further audience before the Town Council, unless permission to continue be granted by a majority vote of the Town Council.

C. Enforcement of decorum. The Chief of Police, or such member or members of the Police Department as he may designate, shall be Sergeant at Arms of the Town Council meetings. He, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the presiding officer, it shall be the duty of the Sergeant at Arms to place any person who violates the order and decorum of the meeting under arrest and cause him to be prosecuted under the provisions of this Code, the complaint to be signed by the presiding officer.

§ 5-14 Authorized persons seated at Council table.

No person except Town officers shall be permitted to be seated at the Town Council table unless granted permission to do so by the presiding officer.

§ 5-15 Special committees.

All special committees shall be appointed by the Mayor unless otherwise directed by the Town Council.

§ 5-16 Filing protests against action of Council.

Any member shall have the right to have the reasons for his dissent from, or protest against, any action of the Town Council entered in the minutes.

§ 5-17 Claims against Town.

No account or other demand against the Town shall be allowed until the same has been considered and reported upon by the Council.

§ 5-18 Prior approval of ordinances, resolutions and contracts.

All ordinances, resolutions and contract documents shall, before presentation to the Town Council, have been approved as to form and legality by the Town Attorney or his authorized

representative and shall have been examined and approved for administration by the Mayor or his authorized representative, where there are substantive matters of administration involved.

§ 5-19 Introduction of legislation for passage or approval.

Ordinances, resolutions and other matters or subjects requiring action by the Town Council must be introduced and sponsored by a member of the Town Council, except that the Mayor or Town Attorney may present ordinances, resolutions and other matters or subjects to the Town Council, and any Councilperson may assume sponsorship thereof by moving that such ordinances, resolutions, matter or subject be adopted; otherwise, they shall not be considered.

A. All ordinances shall have two separate readings, but the second reading shall never be had on the same day. When the committee to which an ordinance has been referred shall report such ordinance to the Town Council at a subsequent meeting, the ordinance shall stand for final action in accordance with the report of the committee, notwithstanding that such committee reports an amended or substituted ordinance, provided that such amendment or substitution is germane to the ordinance originally referred to such committee.

B. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and, when practicable, all ordinances shall be introduced as amendments to existing ordinances or section thereof.

C. No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Town Council held not less than six nor more than 60 days after the meeting at which an ordinance was introduced, it shall be passed or passed as amended or rejected or its consideration referred to some specified future date. In cases of emergency, the above requirement may be suspended by the affirmative votes of four members of the Town Council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of seven calendar days following approval by the Town Council. A fair summary of each ordinance shall be published at least twice in a newspaper or newspapers having general circulation in the municipality. An emergency ordinance shall become effective on the date specified in the ordinance.

[Amended 3-3-2003 by Ord. No. 421]

§ 5-20 Filing of reports and resolutions.

All reports and resolutions shall be filed with the Clerk-Treasurer and entered in the minutes.

§ 5-21 Adjournment.

A motion to adjourn shall always be in order and decided without debate.

§ 5-22 Style of ordinances.

All ordinances passed by the Town Council shall be prefaced by, "Be it enacted and ordained by the Town Council of the Town of Denton that" Ordinances shall be signed by the Mayor and

attested to by the Clerk-Treasurer. Procedure for the passage or ordinances shall be provided in the Town Charter^[1] and Code of the Town of Denton.

SECTION 2. That this Ordinance shall take effect and be in full force and effect seven days from and after the date of its final passage and adoption.

ADOPTED this _____ day of _____, 2022

DENTON TOWN COUNCIL:

Abigail McNinch, Mayor

Dallas Lister, Vice Mayor

Lester L. Branson, Councilperson

Walter Keith Johnson, Councilperson

Doncella Wilson, Councilperson

ATTEST:

Karen L. Monteith
Clerk-Treasurer

Approved for legal sufficiency this _____ day of _____, 2022.

Christopher F. Drummond, Esquire

Date Introduced _____
Date Amendments Introduced _____
Date Passed _____
Effective Date _____

Text that is stricken indicates material to be deleted from existing law.
Text in **bold** and *italicized* reflects additions to the Town Code.