

**CITY OF FAIRBURN  
BOARD OF APPEALS  
BYLAWS, RULES OF PROCEDURE**

I. Establishment.

Section 1: A Board of Appeals is created, per Chapter 2. Administration, Article IV., Departments, Boards and Commissions, Section 2-175. - Boards and Commissions Established; Chairperson of the City of Fairburn Code of Ordinances, and its memberships have been appointed by the Mayor and City Council based on the composition and term requirements as required herein.

Section 2: As allowed by Chapter 2, Section 2-175 of the City of Fairburn Code of Ordinances, the Board hereby adopts the rules, procedures and guidelines for the transaction of its business as referenced herein.

II. Membership, Appointment, Terms, Attendance, and Removal

Section 1: The Board of Appeals shall consist of seven (7) members who shall be residents of the City of Fairburn and who shall be nominated by the Fairburn City Mayor to Council who shall approve said nominees by a majority vote.

Section 2: Each member appointed to the Board of Appeals shall serve for a period equal to the term of the Mayor or City Council member who appointed that member, or until such member's successor is appointed.

Section 3: The vacancies on the Board of Appeals shall be filled by nomination by the Mayor with the confirmation of the City Council for unexpired terms only.

Section 4: Any member of the Board of Appeals who is absent from three (3) consecutive Board of Appeals meetings in a one year period, whether regular or called, shall be automatically removed from the Board of Appeals and shall not be eligible for reappointment. Any member of the Board of Appeals who is absent from three (3) Board of Appeals meetings in a one year period shall not be eligible for reappointment.

III. Elections and Officers

Section 1: The Board of Appeals shall elect one of its members as Chairperson and s/he shall serve for one (1) year or until such person is reelected or a successor is named. The Chairperson shall conduct the meetings and will vote only in the instance of a tie vote. A second Board of Appeals member shall be elected from the body as Vice-chairperson and shall serve until such person is reelected or a successor is named. The Vice-chairperson shall conduct the meetings in the absence of the Chairperson.

Section 2: The elections shall be held every year at the first regular meeting of the fiscal year.

Section 3: The Board of Appeals shall appoint the City Engineer as secretary of the Board of Appeals.

IV. Meetings

Section 1: The regular meetings shall be held on the third (3<sup>rd</sup>) Thursday of each month (as necessary) at 7:00 PM at the City of Fairburn City Hall, located at 56 Malone Street, Fairburn, Georgia 30213.

Section 2: Special meetings of the Board may be called by the Chairperson, provided public notices are posted as required by law and all members are notified.

Section 3: A quorum shall be present for a meeting of the Board to begin. A majority of the members (four (4) members) shall constitute a quorum. If a quorum is not obtained within fifteen (15) minutes of the scheduled meeting time, the Chair will reschedule the meeting.

Section 4: All meetings shall be open to the public. The agenda shall be followed unless the Chair makes a motion to hear the items in the agenda out of their assigned order. Staff is directed to draft an agenda for meetings based on the order of business as follows:

1. Consideration of minutes of previous meetings;
2. Consideration of New Business;
3. Consideration of Old Business;
4. Announcements;
5. Discussion; and
6. Adjournment

Section 5: All applications to the Board shall be accompanied by the applicant or agent representing the applicant. Should the applicant or agent for a particular application not be present at the time the subject application is heard, the application shall be moved to the end of the agenda. Should the applicant or agent not be available at the time of reconsideration (second time) at the meeting, the Board shall vote to defer the application to the next available Board meeting within which time the applicant shall have met all application deadlines for the resubmittal of material or vote to proceed with the hearing and consideration.

Section 6: Consideration of application by the Board shall be as follows:

1. The Chair identifies the application.
2. Staff presents the application to the Board.
3. The Board addresses questions to Staff regarding the application.
4. The Chair calls for the applicant or representative to present the application.
5. The Board addresses questions to the applicant regarding the application.
6. The Chair opens the application for public comment.
7. The Chair calls for the applicant to present a rebuttal or closing statement.
8. The Board addresses questions to the applicant and Staff regarding the application.
9. The Chair opens the application for a motion.
10. The Chair calls for a second to the motion.
11. The Chair calls for discussion on the motion.
12. The Chair calls for a vote on the motion.

Section 7: The decision of the Board shall be by a majority vote of the members present. On variances, the Board may move to approve or partially approve, approve and impose conditions related to the application being considered, deny, continue to the next meeting date, or withdraw. A vote on the motion resulting in a tie of the members present shall constitute a failed motion. The Board must take action on an application if it is on a scheduled agenda.

Section 8: The Board Secretary shall keep minutes of its proceeding showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The Department of Community Development shall keep records of its examination and other official actions and the same shall be available for public record and review.

## V. Rules and Procedures

In the event that a conflict occurs between the Rules and Procedures of this Resolution and Robert's Rules of Order, the Rules and Procedures of this Resolution shall prevail. In all other procedural questions, Robert's Rules of Order shall apply.

## VI. Modification of Bylaws

Section 1: Except for those requirements regulated by the City of Fairburn Code of Ordinances, any of these procedures may be modified by a majority vote of the Board of Appeals at any regular meeting,

provided the amendment was submitted in writing at a previous meeting and that said notification contains a full statement of the proposed amendment. Any proposed amendment:

- a. Must include existing and proposed texts;
- b. Must include a statement of the purpose and intended effect of the proposed change; and
- c. Must be held for 14 days before it is presented to the Board of Appeals for action.

#### VII. Powers

Section 1: To hear and decide where it is alleged there is error in any order, requirement, decision, or determination made by a member of Staff of the Community Development Department in the enforcement of the Ordinances.

Section 2: To hear flood variances and stream buffer variances from the Land Development and Related Regulations; Conditions Governing Applications:

Procedures: To authorize upon appeal in specific cases such variance from the terms of the Flood Ordinance and/or Stream Buffer Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of Chapter 65, Article V. - Stream Buffer Protection or Chapter 68 - Floods, would result in unnecessary hardship. A variance from the terms of the Floods Ordinance and/or Stream Buffer Ordinance shall not be considered by the Board of Appeals unless and until a written application, as established by the City, for a variance is submitted with the Community Development Department.


Section 3: In granting any variance, the Board of Appeals may prescribe appropriate conditions and/or safeguards in conformity with Chapters 65 and 68 of the City of Fairburn Code of Ordinances.

#### VIII. Standards of Conduct

Each and every member of the Board of Appeals shall:

- Sever the public interest and not profit or advance personal interest;
- Use resources with efficiency and economy;
- Treat all people fairly;
- Use the power of the position for the well-being of the community;
- Listen objectively and openly;
- Create an environment of honest, openness, and integrity;
- Avoid the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens, or local government personnel during the public meetings and during the performance of public duties;
- Attend all regularly scheduled meetings relevant to the office;
- Be informed prior to debate;
- Make a conscientious effort to be prepared for each meeting;
- Stay focused on the overall and long-range good of the City;
- Be tolerant;
- Allow citizens, colleagues and Staff sufficient opportunity to present their views;
- Be respectful and attentive; and
- Follow Rules and Procedures.

Approved and Adopted this 15 day of SEPT., 2016.

  
\_\_\_\_\_  
Board Chair

15 SEPT 2016  
Date

Brenda W. A. 9-15-16  
Director of Community Development      Date