

Rules of Procedure – Planning Board (Effective 9-18-23)

Section 1. Applicability of Policy.

This policy applies to all members of the Planning Board, including alternate members, and meetings of the Planning Board at which the Board is empowered to exercise any of the executive, quasi judicial, administrative, or legislative powers conferred on it by law.

Section 2. Open Meeting Policy.

- (a) The public policy of the state and of the Town is that the hearings, deliberations, and actions of the Board and its committees be conducted openly.
- (b) Except as otherwise provided in this policy and in accordance with applicable state law, each official meeting of the Planning Board shall be open to the public, and any person may attend.
- (c) For the purposes of the provisions of this policy concerning open meetings, an official meeting of the Planning Board is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of Planning Board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the board.

Section 3. Location of Meetings.

All meetings shall be held within the boundaries of the Town except as otherwise provided in this section.

- (a) A joint meeting with the governing board of any other political subdivision of this or any other state may be held within the boundaries of either subdivision as may be specified in the call of the meeting. At any such joint meeting, the Planning Board reserves the right to vote separately on all matters coming before the joint meeting.
- (b) A special meeting called for considering and acting on an order or resolution requesting members of the General Assembly representing all or any portion of the town to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in the City of Raleigh or other such place as stated in the call of the meeting.
- (c) Retreats, work sessions, or other special meetings may be held outside of the Town provided that the meetings are advertised in accordance with North Carolina General Statutes.

Section 4. Quorum Generally.

A majority of the Board membership shall constitute a quorum. The number required for a quorum shall not be affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members, he shall be counted as present for the purposes of determining whether a quorum is present.

Section 5. Meetings.

- (a) Regular meetings. Regular meetings of the Planning Board are to be held on the third Monday of each month at 5:00 p.m. in the Pitts Center, except when a regular meeting day falls on a legal holiday, the meeting shall be held on the next business day. Planning Board meetings shall be used for review, fact finding, discussion and voting on recommendations in accordance with Town Code Section 24-27:

The Planning Board Chairperson may cancel a regular meeting if there is no business to consider.

- (b) Special meetings. The Planning Board chairman, the Planning Board vice chairman or any two members of the Board may at any time call a special meeting of the Board by signing a notice stating the time and place of the meeting and the subjects to be considered. At least 48 hours before a special meeting is called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (a) delivered to the chairman and each Planning Board member or left at the usual dwelling place of each Planning Board member; (b) posted on the Planning Board's principal bulletin board, or if none, at the door of the Planning Board's usual meeting room; and (c) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Only those items of business specified in the notice may be transacted at a special meeting, unless all Planning Board members are present or those who are not present have signed waivers.
- (c) Emergency meetings. The Planning Board chairman, the Planning Board vice chairman or any two members of the Planning Board may at any time call an emergency meeting of the Planning Board by signing a notice stating the time and place of the meeting and the subjects to be considered. If an emergency meeting is called to deal with an unexpected circumstance requiring immediate consideration, the notice requirements of this section do not apply. However, the person or persons calling an emergency meeting shall take reasonable action to inform the other members and the public of the meeting at least six hours before the meeting. Local news organizations shall be notified of such emergency meetings by the same method used to notify planning board members. Only business connected with the emergency may be discussed at the meeting.
- (d) Removal. Members of the Planning Board are expected to exhibit the highest ethical and professional standards. The Town Council may remove a member upon a majority vote upon written charges and after a public hearing.
- (e) Release from service. When it is deemed necessary to release a member from his or her appointment, the affected individual shall be notified by letter.
- (f) Absences. Member absences are limited to two consecutive regularly scheduled meetings, unless excused by the Chairperson – and three total unexcused meetings per year. The Town Council may remove any member if absent from three consecutive meetings.
- (e) Sunshine list. Any individual and any newspaper, wire service, radio station, and television station may file a written request with the Town Clerk for notice of all regular and special meetings of the Planning Board. Requests by individuals and news organizations must be renewed annually by December 31.

Section 6. Minutes.

Full and accurate minutes of the Planning Board shall be kept. The minutes shall be open to public inspection, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the Planning Board, the “ayes” and “no’s” upon any question shall be taken.

Section 7. Office of Planning Board Chairman.

At the regular monthly meeting in June each year, the Planning Board shall elect from among its seated members a Planning Board chairman to serve at the Planning Board’s pleasure for a term of one year commencing on July 1 and running through June 30 of the following year. In the event that this position is vacated for any reason other than expiration of term, the Planning Board shall elect from among its seated members a replacement Planning Board chairman to serve the remainder of the unexpired term.

The Planning Board chairman shall preside at all meetings of the Planning Board and may vote in all cases and make motions. A member must be recognized by the Planning Board chairman in order to address the Planning Board. The Planning Board chairman shall have the power to:

- (a) Rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purpose;
- (b) Determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and entertain and rule on objections from other members on this ground;
- (c) Entertain and answer questions of parliamentary law or procedure;
- (d) Call a brief recess at any time;
- (e) Adjourn in an emergency.

A decision by the presiding officer under (a), (b), or (c) may be appealed to the Planning Board upon motion by any member. Such a motion is in order immediately after a decision under (a), (b), or (c) is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.

Section 8. Office of Planning Board Vice Chairman.

At the regular monthly meeting in June each year, the Planning Board shall elect from among its seated members a Planning Board vice chairman to serve at the Planning Board’s pleasure for a term of one year commencing on July 1 and running through June 30 of the following year. In the event that this position is vacated for any reason other than expiration of term, the Planning Board shall elect from among its seated members a replacement Planning Board vice chairman to serve the remainder of the unexpired term.

A Planning Board member who serves as Planning Board vice chairman shall be entitled to vote on all matters and shall be considered a Planning Board member for all purposes, including the determination whether a quorum is present. In the Planning Board chairman’s absence, the Planning Board may confer on the Planning Board vice chairman any of the Planning Board chairman’s powers and duties. If the Planning Board chairman should become physically or mentally unable to perform the duties of his or her office, the Planning Board may by unanimous vote declare that he or she is incapacitated and confer any of his or her duties on the Planning

Board vice chairman. When a Planning Board chairman declares that he or she is no longer incapacitated and a majority of the Planning Board concurs, the Planning Board chairman shall resume the exercise of his or her powers and duties. If both the Planning Board chairman and Planning Board vice chairman are absent from a meeting, the Planning Board shall elect from among its members a temporary chair to preside at the meeting.

Section 9. Agenda Generally.

- (a) The Administrative Support Assistant shall prepare a proposed agenda for each meeting. The Planning Board Chairman shall approve the agenda before it is advertised. A request to have an item of business placed on the agenda must be received at least ten (10) business days before the meeting. Applications must be submitted at least 30 days before the next scheduled meeting. Any Planning Board member, Town Council member, the Town manager and the Town attorney may, by a timely request, have an item placed on the proposed agenda.
- (b) The agenda package shall include, for each item of business placed on it, as much background information on the subject as is available and feasible to reproduce. A copy of all proposed ordinances shall be attached to the agenda. Each Planning Board member shall receive a copy of the proposed agenda and the agenda package. Copies shall also be available for public inspection.
- (c) The Planning Board may, by majority vote, add items to or subtract items from the proposed agenda.

Section 10. Public Address to the Planning Board.

The Planning Board shall provide time at each meeting for anyone to address the Planning Board on any matter not on the agenda for public hearing at that meeting. The Planning Board chairman may set and enforce appropriate time limits for such comments. Anyone addressing the Planning Board will state their name and address for the record and address the Planning Board in a courteous manner.

Section 11. Action by the Planning Board.

The Planning Board shall proceed primarily by motion. Any member may make a motion. Each motion shall have a second. The Planning Board may proceed by consensus for matters including: direction to staff, information received with no action taken, ratify action already taken. The Planning Board chairman shall state the consensus reached and the minutes shall reflect the consensus.

Section 12. Motions Generally.

- (a) One motion at a time. A member may make only one motion at a time.
- (b) Adoption by majority vote. A motion shall be adopted by a majority of the votes cast, unless otherwise required by this division or state law.
- (c) Renewal. A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.

(d) Withdrawal. A motion may be withdrawn by the introducer at any time before the vote.

Section 13. Substantive Motion.

A substantive motion is out of order while another substantive motion is pending.

Section 14. Procedural Motions.

In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption. In order or priority, if applicable, the procedural motions are:

- (a) To appeal a procedural ruling of the presiding officer. The decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Planning Board, as specified in Section 15. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.
- (b) To adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
- (c) To recess.
- (d) To call to follow the agenda. The motion must be made at the first reasonable opportunity or it is waived.
- (e) To suspend the rules. The motion requires a vote equal to a quorum.
- (f) To divide a complex motion and consider it by paragraph.
- (g) To defer consideration or table. A substantive motion whose consideration has been deferred or tabled expires 100 days thereafter unless a motion to revive consideration is adopted.
- (h) To call the previous question. The motion is not in order until there has been at least 20 minutes of debate and every member has had one opportunity to speak.
- (i) To postpone to a certain time or day.
- (j) To refer to committee. Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Planning Board, regardless of whether the committee has reported the matter back to the Planning Board.
- (k) To amend.
 - (1) An amendment to a motion must be germane to the subject matter of the motion, but it may achieve the opposite effect of the motion.
 - (2) There may be an amendment to the motion and an amendment to an amendment, but no further amendments.

(3) Any amendment to a proposed ordinance shall be reduced to writing before the vote on the amendment.

(l) To revive consideration. The motion is in order at any time 100 days after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires 100 days after the deferral, unless a motion to revive consideration is adopted.

(m) To reconsider. The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was taken. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before adjournment.

(n) To prevent reconsideration for six months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months or until the next regular election of planning board members, whichever occurs first.

Section 15. Debate.

The Planning Board chairman shall state the motion and then open the floor to debate according to the following general principles:

(a) The introducer, i.e., the member who made the motion, is entitled to speak first;

(b) A member who has not spoken on the issue shall be recognized before someone who has spoken;

(c) To the extent possible, the debate shall alternate between opponents and proponents of the measure.

Section 16. Duty to Vote.

It is the duty of each member to vote unless excused by a majority vote according to law. The planning board may excuse members from voting on matters involving their own financial interest or personal conduct. A member who wishes to be excused from voting shall so inform the Planning Board chairman, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

Section 17. Secret voting prohibited.

No vote may be taken by secret ballot. If the Planning Board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, when they may be destroyed.

Section 18. Action by Reference.

The Planning Board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can

understand what is being discussed or acted on. When an ordinance is introduced for discussion, action, etc. its number and its name will be given.