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MEMORANDUM

TO: Raymond D. Miller
FROM: Clentis K. Williams *CKW*
SUBJECT: Planning Board Rules of Procedure
DATE: July 25, 2005

The Transylvania County Planning Board at its regular meeting on July 21, 2005, adopted Rules of Procedure. The Rules of Procedure adopted by the Planning Board were patterned after the Rules of Procedure of the Transylvania County Board of Commissioners which are based on the *Suggested Rules of Procedure for Small Local Government Boards*, second edition 1998, A. Fleming Bell, II.

Enclosed is a copy of the Rules of Procedure adopted by the Transylvania County Planning Board.

Enclosure: Transylvania County Planning Board Rules of Procedure

cc: Arthur C. Wilson – Transylvania County Manager
Mark R. Burrows – Transylvania County Director of Planning and Economic Development

**RULES OF PROCEDURE
TRANSYLVANIA COUNTY PLANNING BOARD**

Reference:

Suggested Rules of Procedure for Small Local Government Boards

Second Edition 1998

A. Fleming Bell, II

RULE 1. Regular Meetings.

The board shall establish a time and place for its regular monthly meeting. If the time or place of the regular monthly meeting is changed by the board, public notice shall be made at least 48 hours before the meeting. If a regular meeting day is a legal holiday, the Planning Board, in the month prior, will determine whether to reschedule that meeting. Further, if required, Planning Board members can hold working sessions as a special meeting as necessary.

RULE 2. Special and Recessed (or Adjourned) Meetings.

(a) Special Meetings. The chair (or a majority of the members) may at any time call a special meeting of the board. At least 48 hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be given to each board member and published as a public notice in the local newspaper.

A special meeting may also be called or scheduled by vote of the board in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least 48 hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be given to each absent member and published as a public notice in the local newspaper.

Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless all members attend or sign a written waiver (a faxed signature is acceptable) and the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

(b) Recessed or Adjourned Meetings. A properly called regular or special meeting may be recessed or adjourned to a time and place certain by a procedural motion made and adopted in open session. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed session of a properly called regular or special meeting.

RULE 3. Agenda.

- (a) Proposed Agenda. The Planning Board staff shall prepare a proposed agenda for each meeting in consultation with the chairman. Each board member shall receive a copy of the proposed agenda and the accompanying documents no later than four (4) calendar days prior to each regular meeting. An agenda package will be made available for public inspection. Upon request, an agenda package shall be provided to members of the media.
- (b) Adoption of the Agenda. As its first order of business at each meeting, the board shall discuss and revise the proposed agenda and adopt an agenda for the meeting. The board may, by majority vote, add items to or subtract items from the proposed agenda, except that the board may not add items to the agenda of a special meeting. Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless all members attend or sign a written waiver (a faxed signature is acceptable) and the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately.
- (c) Open Meetings Requirements. The Board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the board to understand what is being deliberated, voted, or acted on. However, the board may deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda – sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on – are available for public inspection at the meeting.

RULE 4. Public Address to the Board. Citizens wishing to address the board may do so when recognized by the chairman. Any member of the board may request that the chairman recognize a member of the public who wishes to address the board. The following guidelines are to be followed:

GUIDELINES FOR PUBLIC COMMENT

Written Comment

Written comments will be accepted at each regular meeting.

Public Comment (sign-up required)

Provide a 15-minute period for public comment at the beginning of each regular board meeting, with the following rules:

- Speakers should sign up to speak prior to the start of the meeting. Sign up sheets will be available at the meeting place prior to the start of the meeting. Speakers' name and subject are required.
- Speakers will be limited to three minutes.

- The public comment period will close when there are no more speakers or the 15-minute limit is reached. The Board may vote to extend the public comment period.

Public Comment during Agenda Item

Speakers wishing to address a particular agenda item may request to do so prior to a motion being made to consider that agenda item. Speakers will be limited to three minutes and the chair will determine when public comment will end. An effort will be made to alternate speakers with opposing views.

Public Comment at End of Meeting

At the end of each regular meeting there will be an opportunity for public comment followed by members' comments. Speakers will be limited to three minutes with a maximum time for all speakers of 15 minutes. The chair will limit the number of speakers speaking on the same subject. No one individual will be permitted to repetitively speak on the same subject.

NOTE: The chairman has final authority for the order of the meeting.

RULE 5. Order of Business.

Items shall be placed on the agenda (if required) according to the order of business. The order of business for each regular meeting shall be as follows:

WELCOME AND CALL TO ORDER
PUBLIC COMMENT (sign up required)
AGENDA MODIFICATIONS
APPROVAL OF PRIOR MEETING MINUTES
PRESENTATIONS/RECOGNITION
OLD BUSINESS
NEW BUSINESS
PUBLIC COMMENT
MEMBERS' COMMENT
ADJOURNMENT

By general consent of the board, items may be considered out of order.

RULE 6. Presiding Officer.

The chair of the board shall preside at board meetings if he or she is present, unless he or she becomes actively engaged in debate on a particular matter. The chair shall vote on all motions.

If the chair is absent, the vice-chair shall preside. If both the chair and vice-chair are absent, another member designated by vote of the board shall preside. The vice-chair or another member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions and the right to vote.

If the chair becomes actively involved in debate on a particular matter, he or she may designate another board member to preside over the debate. The chair shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers:

- To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
- To entertain and answer questions of parliamentary law or procedure;
- To call a brief recess at any time; and
- To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed may be appealed to the board upon motion of any member. Such a motion is in order immediately after a decision under those powers 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.

RULE 7. Action by the Board.

The board shall proceed by motion. Any member, including the chair, may make a motion.

RULE 8. Second Required.

A motion requires a second.

RULE 9. One Motion at a Time.

A member may make only one motion at a time.

RULE 10. Substantive Motions.

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

RULE 11. Adoption by Majority Vote.

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 18 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

RULE 12. Debate.

The chair shall state the motion and then open the floor to debate. The chair shall preside over the debate according to the following general principles:

- The maker of the motion is entitled to speak first;
- A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- To the extent possible, the debate shall alternate between proponents and opponents of the measure.

RULE 13. Ratification of Actions.

To the extent permitted by law, the board may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

RULE 14. Procedural Motions.

(a) **Certain Motions Allowed.** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

(b) **Order of Priority of Motions.** In order of priority (if applicable), the procedural motions are:

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board. 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.

Motion 2. To Adjourn. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess/adjourn must specify a time and place certain to reconvene.

Motion 3. To Take a Brief Recess.

Motion 4. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.

Motion 5. To Suspend the Rules. The board may not suspend provisions of the rules that state requirements imposed by law on the board. For adoption, the motion requires an affirmative vote equal to a majority of the entire membership of the board. (A majority is more than half.)

Motion 6. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Motion 7. To Defer Consideration. The board may defer a substantive motion for later consideration at an unspecified time. A substantive motion, the consideration of which has been deferred, expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion or else move to suspend the rules.

Motion 8. Motion for the Previous Question. The motion is not in order until there have been at least 20 minutes of debate and every member has had an opportunity to speak once.

Motion 9. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules.

Motion 10. To Refer a Motion to a Committee. The board may vote to refer a substantive motion to a committee for its study and recommendations. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire board, whether or not the committee has reported the matter to the board.

Motion 11. To Amend.

- (a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.
- (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.
- (c) Any amendment to a proposed [order/policy/regulation/resolution] shall be reduced to writing before the vote on the amendment.

Motion 12. To Revive Consideration. The board may vote to revive consideration of any substantive motion earlier deferred. The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

Motion 13. To Reconsider. The board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side

(the majority, except in the case of a tie; in that case the “noes” prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through recessed/adjournment to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

Motion 14. To Rescind or Repeal. The board may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

Motion 15. To Prevent Reintroduction for 6 Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to a majority of the entire membership of the board. If adopted, the restriction imposed by the motion remains in effect for 6 months or until the next organizational meeting of the board, whichever occurs first.

RULE 15. Renewal of Motion. A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

RULE 16. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

RULE 17. Duty to Vote. Every member must vote unless excused by the remaining members of the board. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the board or by law, or the member’s official conduct, as defined by the board. In all other cases, a failure to vote by a member who is physically present in the board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as a vote with the prevailing side.

RULE 18. Quorum. A majority of the actual membership of the board [excluding vacant seats] shall constitute a quorum. A majority is more than half. The chair shall be considered a member of the board in determining the number on which a majority is based and in counting the number of members actually present. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

RULE 19. Public Hearings. Public hearings required by law or deemed advisable by the board shall be organized by a special order that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The special order is adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups of persons

supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to board meetings shall also apply to public hearings at which a majority of the board is present; such a hearing is considered to be part of a regular or special meeting of the board. These requirements also apply to hearings conducted by appointed or elected committees of board members, if a majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements governing recessed or adjourned meetings shall be followed in continuing a hearing at which a majority of the board, or of a board committee, as applicable, is present.

At the time appointed for the hearing, the chair or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

RULE 20. Minutes. Full and accurate minutes of the board proceedings shall be kept. These minutes and general accounts shall be open to inspection of the public. 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 board, the entire board shall be polled by name on any vote. Members' and other persons' comments may be included in the minutes if the board approves.

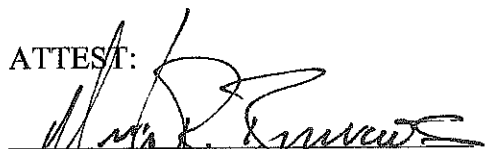
RULE 21. Amendment of the Rules. These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, unless a statute or a rule of the body that created the board provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum.

RULE 22. Reference to *Robert's Rules of Order*. The board shall refer to the current edition of *Robert's Rules of Order Newly Revised*, to answer procedural questions not resolved in these rules, so long as *RONR* does not conflict with North Carolina law or with the spirit of these rules.

Approved this 21st day of July, 2005


Chairman, Planning Board

ATTEST:


Director, Planning and Economic Development

ARTICLE I. PLANNING BOARD

Sec. 16-1. Board established.

The Transylvania County Planning Board is hereby established under the authority granted in GS 153A-321 and 153A-322.

[Ord. of 12-14-81(2)]

Sec. 16-2. Membership.

The Board shall consist of seven (7) members appointed by the Board of Commissioners. Two (2) members shall be appointed for a term of one (1) year; and two (2) members shall be appointed for a term of two (2) years; and three (3) members shall be appointed for a term of three (3) years. Their successors shall be appointed for three-year terms.

[Ord. of 12-14-81(2), § 1]

Sec. 16-3. Organization; rules; meetings; records; unexcused absences.

- (a) The Chairman shall be appointed by the County Commissioners for a term of one (1) year. The vice-chairman shall be elected by the Planning Board members and serve until his/her term expires.
- (b) The Board may adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which record shall be a public record. The Board shall hold at least one (1) meeting monthly; all of its meetings shall be open to the public. There shall be a quorum of four (4) members for the purpose of taking any official action.
- (c) If an appointee has unexcused absences which constitute more than twenty-five (25) percent of the scheduled board meetings in any year in which he/she is required to attend, pursuant to his/her appointment, he/she is obligated to resign. Excused absences are defined as absences in which notification was made prior to the meeting to either the planner, chairman or committee secretary.

[Ord. of 12-14-81(2), §; Ord. of 7-10-89]

Sec. 16-4. Powers and duties - Generally.

It shall be the duty of the Board, in general:

- (a) The Board may gather maps and aerial photographs, statistics on past trends and present conditions with respect to population, property values, the economic base, land use, and such other information as is important or likely to be important in

determining the amount, direction, and kind of development to be expected in the area and its various parts.

- (b) To prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area;
- (c) To recommend principles and policies for guiding development of the area;
- (d) To prepare and recommend to the Board of Commissioners ordinances promoting orderly development along the lines indicated in the comprehensive plan;
- (e) To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area;
- (f) To keep the Board of Commissioners and the general public informed and advised as to these matters.
- (g) All county officials shall, upon request, furnish to the Board such available records and information as it may require in its work. The Board, or its agents, may in the performance of its official duties, enter upon lands and make examinations or surveys and maintain necessary monuments thereon.

[Ord. of 12-14-81(2), § 4]

- (h) To perform any other duties which may be lawfully assigned by the Board of Commissioners.

[Ord. of 12-14-81(2), § 3]

Sec. 16-6. Comprehensive plan – Future Revisions.

- (a) The comprehensive plan, with accompanying maps, plats, charts, and descriptive matter, shall identify the Planning Board's recommendations to the Board of Commissioners for the future development and growth of Transylvania County. These recommendations shall include goals and objectives for the conservation of Transylvania County's distinctive rural character and mountain heritage; conservation of the County's valuable land, water and air resources; plans for having the best possible roads for the County along with the promotion of alternative transportation; provision for and/or coordination of reliable and safe drinking water, wastewater treatment, and solid waste collection and disposal; support of affordable, safe, and adequate housing for all residents; planning and provision of appropriate public facilities and services for residents and businesses; and promotion of the best use of land while protecting citizen's property rights.

- (b) The Planning Board shall review the Comprehensive Plan annually and shall submit to the Board of Commissioners its recommendations, if any, for adoption or revision.

Sec. 16-7. Same – As to subdivision regulations.

The Board shall review, from time to time, the need for regulations for the control of land subdivision in the area and submit to the Board of Commissioners its recommendations, if any, for adoption or revision of said regulations.

Sec. 16-8. Same – As to other ordinances and regulations.

The Board shall review the general statutes pertaining to planning legislation, and from time to time recommend to the Board of Commissioners the adoption of appropriate ordinances, regulations, and codes, and the appointing of desirable commissions.

[Ord. of 12-14-81(2), § 7]

Sec. 16-9. Same – To conduct hearings and promote public interest.

- (a) The Board may conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the comprehensive plan or any other ordinance.
- (b) The Board shall have power to promote public interest in and an understanding of its recommendations, and to that end it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.
- (c) The Board may, upon resolution of any governing board of municipalities within the county, extend its general study and interest and make reports and recommendations that are appropriate to facilities within the jurisdiction of said municipalities.

(d) The Board may, in its discretion, meet with and confer with any other Planning Board.
[Ord. of 12-14-81(2) § 9]

Sec. 16-10. Same – Annual report of activities

- (a) The Board shall, in May of each year, submit in writing to the Board of Commissioners a written report of its activities. Interim reports will be made on request by the Board of Commissioners or as deemed necessary by the Planning Board.
- (b) The expenditures of the Board, exclusive of gifts or grants, shall be within the amounts appropriated for the purpose by the Board of Commissioners, and no

indebtedness for which the county shall be liable shall be contracted or incurred by the said Board unless an appropriation is made by the Board of Commissioners for such purpose, as authorized by law, and then only to the extent of such appropriation.

[Ord. of 12-14-81(2), § 10]

Sec. 16-11 -- 16-19. Reserved.

Sec. 16-20. Board of Adjustment and Appeal.

- (a) *Establishment.* The county Planning Board is hereby designated as the county Board of Adjustment and Appeal.

[Ord. of 7-23-74(1)]

- (b) *Appeals.* Appeals from any decision of the Board of Adjustment and Appeal shall be directed to the chairman of the Board of Commissioners. Notice of appeal must be made to the chairman thirty (30) days after a decision has been rendered by the Board of Adjustment and Appeal. After notification has been received, the Board of Commissioners shall hear the appeal within thirty (30) days.

[Ord. of 12-21-76, § 1]