

# Town of North Topsail Beach

## Planning Board

### Rules of Procedure

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#### Rule 1. Regular Meetings

The Planning Board shall hold a regularly scheduled meeting on the second Thursday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on a day to be determined by the chair. The meeting shall be held in the first floor conference room at the North Topsail Beach Town Hall and shall begin at 5:00 p.m. A copy of the Planning Board's current meeting schedule shall be filed with the Town Clerk and posted on the Planning Board's webpage, <http://ntbnc.org/pb.aspx>.

#### Rule 2. Organizational Meeting

On the date and at the time of the first regular meeting in May, the newly appointed members shall take and subscribe the oath of office as required by GS 160D-309 as the first order of new business. As the second order of new business, the Planning Board shall elect a chair and vice chair, if he or she is not otherwise selected, using one of the nomination and voting procedures set out in Rule 24.

#### Rule 3. Agenda

**(a) Proposed Agenda.** The Planning Board's clerk or the Planning Director shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least five working days before the meeting. Any Planning Board member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed orders, policies, regulations, and resolutions shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each Planning Board member shall receive a copy of the proposed agenda and the agenda package and they shall be available for public inspection and/or distribution when they are distributed to the Planning Board members.

**(b) Adoption of the Agenda.** As its first order of business at each meeting, the Planning Board shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. The Planning 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 unless (a) all members are present and (b) the board

determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the Planning Board may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all board members.

The Planning Board may designate certain agenda items “for discussion and possible action.” Such designation means that the Planning Board intends to discuss the general subject area of that agenda item before making any motion concerning that item.

**(c) Open Meetings Requirements.** The Planning 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 Planning Board to understand what is being deliberated, voted, or acted on. However, the Planning 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**

Any individual or group who wishes to address the Planning Board shall make a request to be on the agenda to the Planning Board’s clerk or the Planning Director. However, the Planning Board shall determine at the meeting whether it will hear the individual or group.

#### **Rule 5. Order of Business**

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

- Discussion and revision of the proposed agenda; adoption of an agenda
- Approval of the minutes
- Public comment
- Unfinished business
- New business
- Discussion

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

#### **Rule 6. Presiding Officer**

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

The chair may vote in all cases. In order to address the Planning Board, a member must be recognized by the chair.

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 Planning 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 Planning 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:

1. To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
2. 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;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed may be appealed to the Planning Board upon motion of any member, pursuant to Rule 16, Motion 1. 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 Planning Board shall proceed by motion, except as otherwise provided for in Rules 3, 4, and 24. Any member, including the chair, may make a motion.

#### **Rule 8. Second Not Required**

Any motion requires a second.

#### **Rule 9. One Motion at a Time**

A member may make only one motion at a time. There can be only one motion before the Planning Board 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 21 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

## Rule 12. Voting by Written Ballot

The Planning Board may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the board shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the Planning Board's clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

## Rule 13. 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:

1. The maker of the motion is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
4. The Chair may poll members for comments.

## Rule 14. 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 15. 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, determining 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, as specified in Rule 7. 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 or adjourn to a time and place certain shall also comply with the requirements of Rule 2(c).

**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 Planning 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 Planning 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 [Rule 16(b), Motion 14], or else move to suspend the rules [Rule 16(b), Motion 5].

**Motion 8. Motion for the Previous Question.** The motion is not in order until 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 [Rule 16(b), Motion 5].

**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, or 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 by adoption of Motion 9 of Rule 16(b). 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 “no’s” prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through recess or 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 Three (3) 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 three (3) months or until the next organizational meeting of the board (i.e., new members), whichever occurs first.

#### **Rule 16. 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 17. 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 18. Duty to Vote**

Each member shall be permitted to abstain from voting, by so indicating when the vote is taken. 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 an affirmative vote.

Members shall not vote on any advisory or legislative decisions regarding a development regulation adopted pursuant to G.S. 160D-109 where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. At the beginning of consideration of a matter before the Planning Board, any member who has a potential conflict of interest whether direct or indirect shall notify the Chair of this conflict. The Chair shall excuse the member from further participation in the matter, including voting.

#### **Rule 19. Special Rules of Procedure**

The Planning Board may adopt its own special rules of procedure, to be specified here.

## **Rule 20. Quorum**

A majority of the actual membership of the board 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 21. Public Hearings**

Public hearings required by law or deemed advisable by the Planning 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 Planning Board meetings shall also apply to public hearings at which a majority of the Planning 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 of Rule 2(c) 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 Planning Board shall vote to open the hearing and 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 22. Minutes**

Full and accurate minutes of the Planning Board proceedings shall be kept. The Planning Board shall keep a general account so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall



be open to inspection of the public, 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 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 23. Appointments**

Members of the Planning Board shall be appointed by the Board of Aldermen. The Planning Board shall use the following procedure to select a chair and vice chair. The chair shall open the floor for nominations, whereupon the names of possible chair and vice chair may be put forward by individual members. The names submitted shall be debated. When the debate ends, the chair shall call the roll of the members and each member shall cast his or her vote. The nominees for chair and vice chair receiving the highest number of votes shall be appointed.

### **Rule 24. Committees and Boards**

(a) **Establishment and Appointment.** Appointments of any non-Planning Board member to any subcommittee or advisory committee of the Planning Board must first be approved by the Board of Aldermen.

(b) **Open Meetings Law.** The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of a local governmental unit that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among a unit's professional staff.

### **Rule 25. 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 Board of Aldermen provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum.

### **Rule 26. Reference to *Robert's Rules of Order***

The Planning 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.