RULES OF PROCEDURE
FOR THE WEAVERVILLE TOWN COUNCIL

Adopted by Town Council on 24 October 2022
with amendments through 2 February 2026

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PART I. APPLICABILITY

Rule 1. Applicability of Rules

These rules shall apply to all meeting of the Weaverville Town Council. For purposes of these rules, a meeting of the council occurs whenever a majority of the council's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the Town's real or apparent jurisdiction of. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

PART II. QUORUM

Rule 2. Quorum

The presence of a quorum is necessary for the council to conduct business. A majority of council's actual membership plus the mayor, excluding vacant seats, shall constitute a quorum. A member who withdraws from a meeting without being excused by majority vote of the remaining members in attendance is deemed present for quorum purposes.

Any member or members of Town Council, including the mayor, participating remotely in accordance with Rule 3 (a) or (b) shall be counted as present for quorum purposes. Any member or members of Town Council, including the mayor, joining remotely in accordance with Rule 3(c) shall not be counted as present for quorum purposes.

A quorum of the council shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular council meeting without further advertisement.

PART III. OPEN MEETINGS

Rule 3. Remote Participation in Council Meetings

Remote participation in a council meeting is attendance and participation in an official meeting of the council by a council member or mayor who is not physically able to attend but who can attend and participate by phone, video or other type communication.

No member who is not physically present for a council meeting may participate in the meeting by electronic means except in accordance with the policy adopted by the council.

Remote participation by a member is allowed as follows:

(a) Remote participation during a state of emergency as allowed by and in accordance with G.S. § 166A-19.24 and town council's resolution adopted 28 February 2022.

(b) Remote participation during non-emergency times as allowed by and in accordance with North Carolina law.

(c) In the absence of authority to participate remotely in a council meeting pursuant to subsection (a) or (b) above, a member may join a council meeting that is being

conducted in such a manner as to allow the general public to participate remotely. Any member who joins the meeting remotely may offer comment and take part in the debate, but may not be counted as present for quorum purposes, may not preside over the council meeting, and may not vote on any matter before the council.

Rule 4. Meetings Open to the Public

Except as permitted by Rule 5, all meetings of the council shall be open to the public and any person may attend its meetings.

Rule 5. Closed Sessions

(a) **Motion to Enter Closed Session**. The council may enter a closed session from the public is excluded only upon a motion duly made and adopted in open session. The motion to enter closed session must cite one or more of the permissible bases for closed session authorized by G.S. § 143-318.11(a) and restated in subparagraph (b) below.

(b) **Bases for Closed Session**. A closed session is permissible under the following circumstances and no others:

(1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or of the United States or that does not constitute a public record within the meaning of Chapter 132 of the General Statutes. The motion to enter closed session must name or cite the law that renders the information confidential or privileged;

(2) To consult with the town attorney or another attorney employed or retained by the Town in order to preserve the attorney-client privilege. If the council expects to discuss a pending lawsuit with its attorney, the motion to enter closed session must include the names of the parties to the lawsuit;

(3) To discuss matters relating to (a) the location or expansion of industries or other businesses in the area served the town or (b) the closure or realignment of a military installation. The council may reach agreement in closed session on a tentative list of economic development incentives to be offered in negotiations, but the approval of the signing of any economic development contract or commitment and the authorization of the payment of economic development expenditures must take place in open session;

(4) To establish or instruct staff or agents concerning the Town's position in negotiating the price or other material terms of an agreement for the acquisition of real property by purchase, exchange, or lease;

(5) To establish or instruct staff or agents concerning the amount of compensation or other material terms of an employment contract;

(6) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment or employment of a public officer or employee or prospective public officer or employee, except when the individual in question

is a member of the town council or other public body or is being considered to fill a vacancy on the town council or other public body. Final action to appoint or employ a public officer or employee must take place in open session;

(7) To hear or investigate a charge or complaint by or against a public officer or employee. Final action discharging an employee or removing an officer must occur in open session;

(8) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct;

(9) To review a law enforcement recording released pursuant to G.S. § 132-1.4A;

(10) On any other basis permitted by law.

(c) **Closed Session Participants**. Unless the council directs otherwise, the town manager and town attorney may attend closed sessions of the council. No other person may attend a closed session unless invited by majority vote of council.

(d) **Action During Closed Session**. Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess the meeting shall not be in order during a closed session.

(e) **Motion to Return to Open Session**. Upon completing its closed session business, the council shall end the closed session by adopting a duly made motion to return to open session.

Rule 6. Meeting Minutes

(a) **Minutes Required for All Meetings**. The council must keep full and accurate minutes of all of its meetings, including closed session. To be "full and accurate," minutes must record all actions taken by council. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of the council, though the council in its discretion may decide to incorporate such details into the minutes.

(b) **Record of "Ayes" and "Nays"**. At the request of any member of council, the minutes shall list each member by name and record how each member voted on a particular matter.

(c) **General Accounts of Closed Sessions**. In addition to minutes, the council must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The council may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.

(d) **Sealing Closed Session Records**. Minutes and general accounts of closed session shall be sealed until unsealed by order of the council or, if the council delegates the authority to unseal to one or more staff members, in accordance with guidelines

adopted by the council. The sealed minutes and general account of any closed session may be withheld from public inspection so long as public inspection would frustrate the purpose(s) of the closed session.

Rule 7. Broadcasting and Recording Meetings

(a) **Right to Broadcast and Record**. Any person may photograph, film, tape-record, or otherwise reproduce any part of a council meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a council meeting.

(b) **Advance Notice**. Any radio or television station that plans to broadcast any portion of a council meeting shall so notify the town manager no later than 12 hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a council meeting.

(c) **Equipment Placement**. The town manager may regulate the placement and use of camera or recording equipment in order to prevent the undue interference with a council meeting, so long as they allow the equipment to be placed where it can carry out its intended function. If the town manager determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the town manager may require the pooling of the equipment and the personnel operating it.

(d) **Alternative Meeting Site**. If the news media request an alternative meeting site to accommodate news coverage, and the council grants the request, the news media making the request shall pay the costs incurred by the town in securing the alternative meeting site.

PART IV. ORGANIZATION OF THE COUNCIL

Rule 8. Organizational Meeting, Oath of Office, Selection of Vice Mayor

The council will hold its organizational meeting on the 2nd Monday in December at 6 p.m. following each general election in which council members are elected. The organizational meeting may not, however, be held before municipal election results are officially determined, certified, and published as required by law.

As the first order of business at the organizational meeting, all newly elected members of council must take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution. Each member's oath must be filed with the town clerk. Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe, and file the oath before they begin performing any of the duties of the member's office.

At the organizational meeting, the council shall also elect from among its members a vice mayor, who shall serve at the council's pleasure. The vice mayor shall be elected by motion and majority vote of council, with the mayor and all council members being eligible to vote.

PART V. TYPES OF MEETINGS

Rule 9. Regular Meetings

(a) **Regular Meeting Schedule**. The Council shall typically hold a regular meeting on the 4th Monday of each month and a regular workshop meeting on the 2nd Monday of each month. These meetings shall be held in the Council Chambers and Community Room of Town Hall, located at 30 South Main Street, Weaverville, NC, and shall begin at 6:00 pm. The council shall adopt a meeting schedule each year guided by this rule, with adjustments to account for holidays, elections, or other matters allowable. A copy of the council's current meeting schedule shall be filed with the town clerk and posted on the town's website.

(b) **Change to Meeting Schedule**. Notwithstanding paragraph (a) of this rule, the council may amend its regular meeting schedule to add or delete meetings or to change the date, time, or location of one or meetings on the schedule. The amended schedule shall be filed with the town clerk at least 7 calendar days before the day of the first meeting held pursuant to the revised schedule and posted on the town's website.

(c) **Cancellation of Meeting.** The Mayor has the authority to cancel a regular meeting in advance of the meeting for the following reasons:

i. if the Town Clerk has information indicating that the meeting will have a lack of quorum;

ii. if the Town Clerk has information indicating that a majority of the governing body agrees with the cancellation of a regularly scheduled workshop meeting (not available for cancellation of regular meetings generally held on the 4th Monday);

iii. if facility issues impact the ability to reasonably conduct the meeting, including, but not limited to power outages, significant failures in technology, heating or air conditioning outages severely impacting the comfort of meeting participants and attendees;

iv. if a weather or other emergency situation is being experienced or likely to happen based on predictions that cause significant safety concerns for the public meeting and/or its participants and attendees.

If the Mayor cancels a regular meeting for one or more of these reasons, the Town Clerk shall prepare a notice of cancellation that includes the reason for cancellation and, as soon as practicable after the decision to cancel, shall (1) provide an

electronic copy to the Mayor and all Town Councilmembers via email; (2) provide an electronic copy to the Town Manager via email; (3) provide an electronic copy by email to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk if an email address was provided with the request; and (4) post the same on the Town's website, the Town's principal bulletin board, exterior and interior doors to the meeting room, and active social media accounts.

Rule 10. Special Meetings

(a) **Calling Special Meetings**. A special meeting of council may be called by the mayor, the vice mayor, or any 2 council members. A special meeting may also be called by vote of the council in open session during a regular meeting or another duly called special meeting.

(b) **Notice to the Public**. At least 48 hours before a special meeting of the council, notice of the date, time, place, and purpose of the meeting shall be:

(1) Posted on the council's principal bulletin board;

(2) Posted on the town's website; and

(3) Delivered, emailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk.

(c) **Notice to Members**.

For special meetings called by the mayor, vice mayor, or by 2 council members, at least 48 hours before a special meeting of the council, written notice of the meeting stating its date, time, and place, as well as the subjects to be considered, shall be delivered to the mayor and each council meeting or left at their usual dwelling place.

For special meetings called by vote of council in open session, written notice of the special meeting's date, time, place and purpose shall be mailed or delivered at least 48 hours before the meeting to each council member not present for the meeting at which the special meeting was called and to the mayor if they were not present at the meeting.

(d) **Transacting Other Business**. Only those items of business specified in the notice may be taken up at a special meeting, unless (1) all members are present, and (2) the Council determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

(e) **Cancellation of Meeting.** The Mayor has the authority to cancel a special called meeting in advance of the meeting for the following reasons:

i. if the Town Clerk has information indicating that the meeting will have a lack of quorum;

ii. if facility issues impact the ability to reasonably conduct the meeting, including, but not limited to power outages, significant failures in technology, heating or air conditioning outages severely impacting the comfort of meeting participants and attendees;

iii. if a weather or other emergency situation is being experienced or likely to happen based on predictions that cause significant safety concerns for the public meeting and/or its participants and attendees.

If the Mayor cancels a special called meeting for one or more of these reasons, the Town Clerk shall prepare a notice of cancellation that includes the reason for cancellation and, as soon as practicable after the decision to cancel, shall (1) provide an electronic copy to the Mayor and all Town Councilmembers via email; (2) provide an electronic copy to the Town Manager via email; (3) provide an electronic copy by email to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk if an email address was provided with the request; and (4) post the same on the Town's website, the Town's principal bulletin board, exterior and interior doors to the meeting room, and active social media accounts.

Rule 11. Emergency Meetings

(a) **Grounds for Emergency Meeting.** Emergency meetings of the town council may be called only to address generally unexpected circumstances demanding the council's immediate attention.

(b) **Calling Emergency Meetings**. The mayor, vice mayor, or any 2 council members may at any time call an emergency meeting of the council by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each council member or left at their usual dwelling place at least 6 hours before the meeting.

An emergency meeting may be held when the mayor and all members of the council are present and consent thereto, or when any absent member has signed a written waiver of notice.

(c) **Notice to Media of Emergency Meetings**. Notice of an emergency meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request with the town clerk for notice of emergency meetings. To be valid, the request must include the newspaper's, wire service's, or station's telephone.

(d) **Transaction of Other Business Prohibited**. Only business connected with the emergency may be considered at an emergency meeting.

Rule 12. Recessed Meetings

When conducting a properly called regular, special, or emergency meeting, the council may recess the meeting to another date, time or place by a procedural motion made and adopted, as provided in Motion 3 of Appendix A, in open session. The motion must state the time (including the date if the meeting will resume on a different day) and place at which the meeting will reconvene. Notice of the recessed meeting's date, time, and place must appear on the town's website prior to the meeting. No further notice of a properly called recessed meeting is required.

PART VI. AGENDA

Rule 13. Agenda

(a) **Draft Agenda.**

(1) *Preparation*. The Mayor and Town Manager shall prepare a draft agenda in advance of each meeting of the town council.

(2) *Requesting placement of items on draft agenda*. For a regular meeting, a request to have an item of business placed on the draft agenda must be received by the town manager at least 7 days before the meeting. The town manager must place an item on the draft agenda in response to a council member's timely request.

(3) *Supplemental information/materials*. An agenda package shall be prepared that includes, for each item of business listed on the draft agenda, as much background information on the topic as is available and feasible to provide including, but not limited to, a copy of all proposed orders, ordinances, policies, regulations, and resolutions.

(4) *Delivery to council members*. Each Council member shall receive a hard or electronic copy of the draft agenda and the agenda package.

(5) *Public inspection*. The draft agenda and agenda package shall be available to the public when the documents are ready to be, or have been, circulated to council.

(b) **Adoption of the Agenda.** As its first order of business at each meeting, the council shall review the draft agenda, make whatever revisions it deems appropriate, and adopt a formal agenda for the meeting. Both before and after it adopts the agenda, the council may add or subtract agenda items by majority vote of the members present and voting, except that: (1) the council may not add to the items stated in the notice of a special meeting unless the requirements in Rule 10(d) are satisfied, and (2) only business connected with an emergency may be considered at an emergency meeting.

The council may designate an agenda item for "*discussion and possible action*". This designation signifies that the council intends to discuss the item and may, if it so chooses, take action on the item following the discussion.

(c) **Consent Agenda**. The council may designate part of an agenda for a regular meeting as the *consent agenda*. Items may be placed on the consent agenda by the town manager if the items are judged to be noncontroversial and routine. Prior to the council's adoption of the meeting agenda under subparagraph (b) of this rule, the request of any member to have an item moved from the consent agenda to the discussion and action items must be honored by the council. All items on the consent agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.

(d) **Informal Discussion of Agenda Items**. The council may informally discuss an agenda item even when no motion regarding the item is pending.

Rule 14. Acting by Reference to Agenda or Other Document

The council shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document with the intention of preventing persons in attendance from understanding what action is being considered or undertaken. The council may deliberate and vote be reference to the agenda or any item on the agenda, including the consent agenda, provided copies of the agenda are available for public inspection at the meeting and are sufficiently worded to enable the public to understand what is being deliberated or acted upon.

Rule 15. Agenda Items from Members of the Public

If a member of the public wishes to request that the council include an item on its regular meeting agenda, they must submit the request to the town manager or mayor by the deadline specified in Rule 13(a)(2). The council is not obligated to place an item on the agenda merely because such a request has been received.

Rule 16. Order of Business

In preparing the agenda, the mayor shall determine the order of business, subject to Council action to adjust the agenda pursuant to Rule 13(b).

Without objection, the mayor may call agenda items in any order most convenient for the dispatch of business.

PART VII. ROLE OF THE PRESIDING OFFICER

Rule 17. The Mayor

When present, the mayor shall preside at meetings of the council. The mayor votes on the same basis as other council members, though in no event may the mayor break a tie on a

motion on which he or she has already voted. A member must be recognized by the mayor in order to address the council, but recognition is not necessary for an appeal pursuant to Motion 1 of Appendix A. As presiding officer, the mayor is to enforce these rules and maintain order and decorum during council meetings. To that end, the mayor may:

(1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;

(2) determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;

(3) entertain and answer questions of parliamentary procedure;

(4) call a brief recess at any time; and

(5) adjourn in an emergency.

A member may appeal the decision made or answer given by the mayor under subparagraph (1), (2), or (3) in accordance with Motion 1 of Appendix A.

Rule 18. The Vice Mayor

When present, the vice mayor shall preside over council meetings in the mayor's absence with all the powers specified in Rule 17. Even when presiding over a council meeting, the vice mayor has the same duty as other members to vote on all questions unless they have been excused from voting on a matter in accordance with Rule 28.

In the mayor's absence, the council may confer on the vice mayor any of the mayor's powers and duties. Likewise, if the mayor becomes physically or mentally unable to perform the duties of their office, the council may be unanimous vote declare the mayor incapacitated and confer any of the mayor's powers and duties on the vice mayor. When the mayor announces that he or she is no longer incapacitated, and a majority of the council concurs, the mayor shall resume the exercise of their powers and duties.

Rule 19. Other Presiding Officer

If both the mayor and vice mayor are absent, the council may elect from among its members a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the powers listed in Rule 17. Service as a temporary presiding officer does not relieve the member of the duty to vote on all questions unless excused from voting pursuant to Rule 28.

Rule 20. When the Presiding Officer Is Active in Debate

If the mayor becomes active in debate on a particular proposal, they may have the vice mayor preside during the council's consideration of the matter. If the vice mayor is absent or is also actively debating the matter, the mayor may designate another member to preside until the matter is concluded. Similarly, if the vice mayor or a temporary

presiding officer is presiding and takes an active part in debating a topic, they may designate another council member to preside temporarily.

PART VIII. MOTIONS AND VOTING

Rule 21. Action by the Council

Except as otherwise provided in these rules, the council shall act by motion. Any member, including the mayor, may make a motion.

Rule 22. Second Not Required

No second is required on any motion, but is not out of order if provided.

Rule 23. One Motion at a Time

A member may make only one motion at a time.

Rule 24. Withdrawal of Motion

The member who introduces a motion may withdraw the motion unless the motion has been amended or the presiding officer has put the motion to a vote.

Rule 25. Debate

The presiding officer shall state the motion and then open the floor to debate, presiding 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 proponent and opponents of the measure.

Rule 26. Adoption by Majority Vote

If a quorum, as defined by Rule 2, is present, a motion is adopted if supported by a simple majority of the votes cast, except when a larger majority is required by these rules or North Carolina. A simple majority is more than half.

All votes of members of Council participating remotely in accordance with Rule 3 (a) or (b) shall be counted as if the member were physically present in the place of the official meeting, unless otherwise prohibited by law.

Rule 27. Changing a Vote

A member may change their vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change their vote without the unanimous consent of the

remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

Rule 28. Duty to Vote

(a) **Duty to Vote**. The mayor and every council member must vote except when excused from voting as provided by this rule.

(b) **Grounds for Excusal**. A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not if the proposal in question one to alter the compensation or allowances paid to council members. Members may also be excused from voting when prohibited from voting under G.S. § 14-234 (contract providing benefit to member), G.S. § 160D-109(a) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member; zoning decision where member is the landowner of the subject property or has a close familial, business, or other associational relationship with the landowner), or G.S. § 160D-109(d) (member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker). Questions about whether a basis for excusal exists should be directed to the town attorney.

(c) **Procedure for Excusal**.

(1) *At member's request*. Upon being recognized at a duly called meeting of the council, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.

(2) *On council's initiative*. Even when a member has not asked to be excused from voting on a matter, a majority of the remaining council members present may be motion and vote excuse the member from voting if grounds for doing so exist under paragraph (b).

(d) **Consequence of Non-Excused Failure to Vote**. Except as specified in paragraph (e), if a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote, provided: (1) the member is physically present in the council chamber, or (2) the member has physically withdrawn from the meeting without being excused by majority vote of the remaining members present.

(e) **Failure to Vote on Certain Zoning Matters**. A member's unexcused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement, or repeal a zoning ordinance. Instead, the member's unexcused failure to vote shall be recorded as an abstention.

Rule 29. Voting by Written Ballot

The council may not vote by secret ballot. The council may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member must sign their ballot, and the minutes must record how each member voted by name. The ballots must be made available for public inspection in the town clerk's office immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 30. Substantive Motions

A substantive motion is not in order if made while another motion is pending. Once the council disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Motion 14 of Appendix A.

Rule 31. Procedural Motions

The council may consider only those procedural motions list in the Appendix A to these rules. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.

The procedural motions set out in the Appendix A are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that: (1) any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 12, and (2) a motion to call the question and end debate may be made with regard to any procedural motion in accordance with Motion 9.

When several procedural motions are pending, voting must begin with the procedural motion highest in priority, provided that a motion to amend or end debate on the highest priority motion must be voted on first.

For questions regarding parliamentary procedures see also Rule 42 and consult the town attorney.

Rule 32. Ratification of Actions

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

PART IX. ORDINANCES AND CONTRACTS

Rule 33. Introduction of Ordinances

For purposes of these rules, the "date of introduction" for a proposed ordinance is the date at which the council first votes on the proposed ordinance's subject matter. The council votes on the subject matter of a proposed ordinance when it votes on whether to adopt or make changes to the proposed ordinance.

Rule 34. Adoption, Amendment, and Repeal of Ordinances

(a) **Adoption of Ordinances.**

(1) *Proposed ordinances to be in writing*. No proposed ordinance shall be adopted unless it has been reduced to writing and distributed to members before a vote on adoption is taken.

(2) *Adoption on date of introduction*. To be approved on the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least two-thirds of the council's actual member, including the mayor but excluding any vacancies.

(3) *Adoption after date of introduction*. To be approved after the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least a majority of all council members, including the mayor, not excused from voting on the matter.

(b) **Amendments to Ordinances**. Any amendment to a proposed ordinance shall be reduced to writing before the vote on the amendment.

(c) **Amendment and Repeal of Ordinances**. The same voting requirements that govern the adoption of proposed ordinances also apply to the amendment or repeal of an ordinance.

Rule 35. Adoption of the Budget Ordinance

Notwithstanding the provisions of the Town charter, general law, or local act:

(a) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the council by a simple majority of those present and voting, a quorum being present;

(b) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the council; and

(c) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any Town charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to the council and ending with the adoption of the budget ordinance, the council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as: (a) each member of the board has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up.

This rule shall not be construed to authorize the council to hold closed sessions on any basis other than the grounds set out in Rule 5.

Rule 36. Approval of Contracts and Authorization of Expenditures

No contract shall be approved or ratified by the town council unless it has been reduced to writing at the time of the council's vote. To be approved or ratified, a contract must receive affirmative votes equal to at least a majority of all council members, including the mayor, not excused from voting on the contract. The same vote necessary to approve or ratify a contract is required for the council to authorize the expenditure of public funds, except when the expenditure is authorized pursuant to a duly adopted budget ordinance (see Rule 35).

PART X. PUBLIC HEARINGS AND COMMENT PERIODS

Rule 37. Public Hearings

(a) **Calling Public Hearings**. In addition to holding public hearing required by law, the council may hold any public hearings it deems advisable. The council may schedule hearings by majority vote of council.

(b) **Public Hearing Locations**. Public hearing may be held anywhere within the town or within Buncombe County.

(a) **Rules for Public Hearings**. The council hereby adopts the rules for public hearings that are set out in Appendix B. These rules are deemed reasonable and, among other things:

(1) fix the maximum time allotted to each speaker;
(2) provide for the designation of spokespersons for groups of persons supporting or opposing the same positions; and
(3) provide for the maintenance of order and decorum in the conduct of the hearing.

(c) **Notice of Public Hearings.** Any public hearing at which a majority of the council is present shall be considered part of a regular or special meeting. Consequently, the relevant and related requirements of the open meetings law (as set out in Rule 9, Rule 10, Rule 11, and Rule 12), apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with notice of the meeting during which the hearing will take place.

(d) **Continuing Public Hearings.** The council may continue any public hearing without further advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (g), if a quorum of the council is not present for a properly scheduled public hearing,

the hearing must be continued until the council's next regular meeting without further advertisement.

(e) **Conduct of Public Hearings**. At the time appointed for the hearing, the mayor shall call the hearing to order and proceed to allow public input in accordance with the rules adopted by the council for public hearings [see Appendix B]. Unless the council extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the mayor shall declare the hearing closed and the council shall resume the regular order of business.

(f) **Public Hearings by Less Than a Majority of Council Members**. Nothing in this rule prevents the council from appointing a member or members to hold a public hearing on the council's behalf, except when state law requires that the council itself hold the hearing.

Rule 38. Public Comment Periods

(a) **Frequency of Public Comment Periods**. The council must provide at least one opportunity for public comment each month at a regular meeting, except that the council need not offer a public comment period during any month in which it does not hold a regular meeting. During any meeting the council, in its discretion, may allow public comment on certain agenda items during the course of the meeting, but the rules for public comment shall apply. The council in its discretion may also allow public comment from individuals joining the meeting remotely and the rules for public comment shall also apply to those comments.

(b) **Rules for Public Comment Periods**. The council hereby adopts the rules for public comment period that are set out in Appendix B, which are deemed reasonable and, among other things:

(1) fix the maximum time allotted to each speaker;
(2) provide for the designation of spokespersons for groups of persons supporting or opposing the same positions; and
(3) provide for the maintenance of order and decorum in the conduct of the hearing.

(c) **Content-Based Restrictions Generally Prohibited**. The council may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the council's real or apparent jurisdiction.

PART XI. APPOINTMENTS AND APPOINTED BODIES

Rule 39. Appointments

(a) **Consideration and Appointment in Open Session**. The council must consider and make any appointment to another body or, in the event of a vacancy on the council, to

its own membership in open session. The mayor may make recommendations, motions, and nominations and vote on appointments made under this rule.

(b) **Procedure for Appointment to Town Council**. The council shall use the following procedure to fill a vacancy or open seat on town council:

a. *Public Notification of Vacancy*. The council shall in a regular council meeting provide notice that there is or will be a vacancy occurring on town council and shall, at that meeting, establish any procedures and deadlines relative to receiving applications and filling such vacancy. After such meeting, a notice with any established procedures and deadlines for application submittals, shall also be posted on the town's website and principal bulletin board.

b. *Application Submittal*. Anyone wishing to be considered for appointment to fill a vacancy on town council shall submit an application using the form provided for that purpose and any supplemental or supporting materials requested or deemed advisable for full consideration. Application deadlines may be established by council. All applications received by the submittal deadline shall be provided to all council members in advance of any council meeting at which action on such appointments is expected to be taken.

c. *Mayor or Nominating Committee Recommendation*. The mayor may make recommendations as to individuals that council might wish to consider to fill any open seat on council. If a nominating committee has been appointed by council, it shall be called upon to make its report and recommendations.

d. *Action by Council*. Appointments shall not be made at the same meeting at which the public is first notified of the vacancy. Appointments shall be made by motion with a member making a motion that the council appoint an individual and, following debate, the council voting on the motion. If the motion passes, the seat is filled. If it fails, the floor is then open to a new motion.

(c) **Procedure for Appointment to Boards and Committees**. The council shall use the following procedure to fill a vacancy or open seat on any board, committee, or other body to which it has the power of appointment, except for a vacancy on town council (see subparagraph (b) above):

a. *Application Submittal*. Anyone wishing to be considered for appointment to any board, committee or other body shall submit an application using the form provided for that purpose and any supplemental or supporting materials requested or deemed advisable for full consideration.

b. *Mayor Recommendation*. The mayor may make recommendations as to individuals that council might wish to consider to fill any open seat on any board, committee, or other body. Applications for all individuals that the mayor

is recommending for appointment shall be provided to all council members in advance of any council meeting at which action on such appointments is expected to be taken.

c. *Action by Council*. Appointments shall be made by motion with a member making a motion that the council appoint an individual and, following debate, the council voting on the motion. If the motion passes, the seat is filled. If it fails, the floor is then open to a new motion.

Rule 40. Committees and Boards

(a) **Establishment and Appointment**. The council may establish temporary and standing committees, boards, and other bodies to help carry on the work of town government. Unless otherwise provided by law or by council, the power of appointment to such bodies lies with the council.

(b) **Open Meetings Law**. The requirements of the open meetings law shall apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the town's professional staff.

(c) **Procedural Rules**. The council may prescribe the procedures by which the town's appointed boards operate, subject to any statutory provisions applicable to particular bodies. In the absence of rules adopted by the council, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.

PART XII. MISCELLANEOUS

Rule 41. 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, so long as the amendment is consistent with the town charter, general law, and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the council's members, including the mayor and excluding any vacant seats.

Rule 42. Reference to Robert's Rules of Order Newly Revised

The council shall refer to *Robert 's Rules of Order Newly Revised* (RRONR) for guidance when confronted with a procedural issue not covered by these rules or state law and may consult with the town attorney. Having consulted RRONR and the town attorney, the mayor shall make a ruling on the issues subject to appeal to the council under Motion 1 of the Appendix.

RULES OF PROCEDURE
FOR THE WEAVERVILLE TOWN COUNCIL

Adopted by Town Council on 24 October 2022
with amendments through 2 February 2026

These **RULES OF PROCEDURES FOR THE WEAVERVILLE TOWN COUNCIL** were **ADOPTED** on 24 October 2022, **AMENDED** on 12 December 2023, and 26 February, 2024, and **FURTHER AMENDED** on the 2nd day of February, 2024, by a vote of 7 in favor and 0 against.

GARY D. LAWRENCE, Mayor

TAMARA MERCER, Town Clerk

Appendix A – Procedural Motions

The following procedural motions are listed in order of highest priority to lowest priority:

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

Motion 2. To Adjourn. This motion may be used to close a meeting. It is not in order if the council is in closed session

Motion 3. To Recess to a Time and Place Certain. This motion may be used to call a recessed meeting as permitted under Rule 12. The motion must state the time (including the date, if the meeting will reconvene on a different date) and place at which the meeting will resume. The motion is not in order if the council is in closed session.

Motion 4. To Take a Brief Recess. This motion allows the council to pause a meeting for a few minutes. It should not be confused with a motion to recess to a time and place certain under Motion 3. In contrast to *Roberts Rules of Order Newly Revised* (RONR), these rules allow debate on a motion to take a brief recess. If debate on the motion becomes prolonged, the mayor may render both the motion and the debate superfluous by unilaterally recessing the meeting for a short time pursuant to Rule 17.

Motion 5. Call to Follow the Agenda. This motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

Motion 6. To Suspend the Rules. To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least two-thirds of the council's actual membership, including the mayor but excluding any vacant seats. The council may not suspend provisions in these rules that are required under state law.

Motion 7. To Divide a Complex Motion. This motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.

Motion 8. To Defer Consideration. The council may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the council votes to revive it pursuant to Motion 13 within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 9. Motion to End Debate (Call the Previous Question). If adopted, this motion terminates debate on any motion, thereby bringing it to an immediate vote. This motion is

not in order until every member has had an opportunity to speak once on the pending motion. Under these rules the words "I call the question" amount to a motion to end debate on a pending matter.

Motion 10. To Postpone to a Certain Time. This motion may be employed to delay the council's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the council may not take up a new motion raising essentially the same issue without first suspending the rules pursuant to Motion 6.

Motion 11. To Refer a Motion to a Committee. The council may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the council may not take up a new motion raising essentially the same issue without first suspending the rules pursuant to Motion 6. If the committee fails to report on the motion within 60 days of the referral date, the council must take up the motion if asked to do so by the member for introduced it.

Motion 12. To Amend.

(a) **Germaneness**. A motion to amend must concern the same subject matter as the motion it seeks to alter.

(b) **Limit on Number of Motions to Amend**. When a motion to amend is under consideration a motion to amend the amendment may be made; however, no more than one motion to amend (primary amendment) and one motion to amend the amendment (secondary amendment) may be pending at the same time. Such amendments are voted on in reverse order; that is, the secondary amendment is vote on first.

(c) **Amendments to Ordinances**. Any amendment to a proposed ordinance shall be reduced to writing before the vote on the amendment.

Motion 13. To Revive Consideration. The council may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 8, provided it does so within 100 days of its vote to defer consideration.

Motion 14. To Reconsider. The council may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting during which the action to be reconsidered was taken and (b) by a member who voted with the prevailing side. For purposes of this motion, "the same meeting" including any continuation of a meeting through a motion to recess to a certain time and place [Motion 3]. The motion is not in order if it interrupts the council's deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

Motion 15. To Rescind or Repeal. The council may vote to rescind an action taken or to repeal items that it has previously adopted at a prior meeting, providing rescission or repeal of the action is not forbidden by law.

Motion 16. To Prevent Reintroduction for Six Months. This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion's defeat. To be adopted, this motion must receive votes equal to two-thirds of the council's actual membership, including the mayor but excluding vacant seats. If this motion is adopted, the ban on reintroduction remain in effect for six months or until the council's next organizational meeting, whichever occurs first.

RULES OF PROCEDURE
FOR THE WEAVERVILLE TOWN COUNCIL

Adopted by Town Council on 24 October 2022
with amendments through 2 February 2026

Appendix B – Rules for Public Comment and Public Hearings

A general public comment period is provided at the regular meeting of the Weaverville Town Council which is held on the 4th Monday at 6:00 pm in the Council Chambers and Community Room at Town Hall, 30 South Main Street, Weaverville (subject to adjustments reflected in council's adopted regular meeting schedule). Public hearings are scheduled by action of Town Council.

It should be noted that all meetings of the Town Council are recorded and available for public viewing and listening and most are streamed live via Zoom, unless technological issues are experienced.

The following rules of decorum and procedures are expected of all speakers during public comment and public hearings that occur before the Weaverville Town Council in order to ensure meetings are conducted in a civil and orderly manner:

1. Persons who wish to speak must sign up on the appropriate sign-up sheet located at the podium inside the meeting room.
2. The mayor, or other presiding officer, or a majority of the council, may allow comments from citizens joining a meeting remotely.
3. The Council will allocate up to 20 minutes during each of its regular monthly meetings to hear general public comments.
4. Each public hearing that is scheduled is generally limited to 20 minutes, but may be extended.
5. The mayor, or other presiding officer, reserves the right to adjust the time limitation for individual speakers or the overall time period as necessary for the efficient and effective conduct of business, and to allow the presentation of multiple viewpoints.
6. Each speaker is allocated up to three (3) minutes to speak.
7. Speaker substitutions at the meeting are not allowed and citizens may not yield their comments to another speaker present.
8. It is recommended that groups or delegations of three (3) or more select a spokesperson in advance of the meeting. If three (3) or more members of a group are present and identified, the group's spokesperson shall be allocated up to 10 minutes.
9. A speaker may not share or relinquish any remaining time they have not used to another speaker.
10. Speakers are only allowed to speak once during the public comment period.
11. Speakers must be recognized by the mayor, or other presiding officer, before speaking. The mayor will recognize speakers in the order of which they signed up.
12. Speakers must make their comments from the podium and not from the audience.

13. Once at the podium and before making their comments, a speaker must state their name. If serving as a spokesperson, the speaker must identify the group they are speaking on behalf of and the members present that they represent.
14. Speakers who have prepared remarks or supporting documents are encouraged to leave a copy of such remarks or documents with the town clerk. Written materials will be provided to town council but will not be made part of the minutes of the meeting.
15. Speakers shall refrain from personal attacks and/or threats directed towards town staff, elected officials, or members of the public.
16. Speakers shall be civil and courteous in their language and presentation. Insults, profanity, vulgar language or gestures, or other inappropriate behavior are not allowed.
17. Speakers should limit their comments to matters that are germane to, or within the Town's jurisdiction or apparent jurisdiction. Comments during public hearings are limited to the subject matter of the hearing.
18. Campaigning for political office shall be disallowed by the presiding officer.
19. Comments are to be directed to the entire council and not to individuals or to members of the audience.
20. The audience must maintain order and decorum in their conduct. Comments, applause, questions, jeering, or other interruptions from the audience are not allowed. Speakers shall, likewise, not address or respond to members of the audience.
21. Speakers should not expect the council to comment on or respond to their comments directly during the meeting. The mayor, or other presiding officer, may, however, request that the town manager or other town staff follow up with the speaker after the meeting or provide additional information to the council or speaker at a later time.
22. Speakers may not use the audio-visual equipment located in the meeting room or otherwise make audio-visual presentations. Other visual aids, including but not limited to signs, banners, flags, and other props are not allowed.
23. The mayor, or other presiding officer, has the authority to enforce these rules.
24. The mayor, or other presiding officer, or a majority of the council may suspend the rules at their discretion.
25. Failure to obey these rules may result in forfeiture of the remaining speaking time, removal from the meeting, and possible criminal charges.
26. Speakers and members of the audience should note the following legal provision:

> **N.C.G.S. § 143-318.17 – Disruptions of official meetings**. *A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor.*