

Rules of Procedure for the Weaverville Planning and Zoning Board

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Rule 1. Regular Meetings – The Board should adopt a regular schedule of meetings for each calendar year. The regular schedule shall indicate the date, time and location of the Board’s regular meetings and shall be filed with the Town Clerk and the Secretary of the Planning and Zoning Board. In the event that the Board fails to adopt a regular schedule of meetings, then the meeting shall be held on the first Tuesday of each month within Council Chambers of the Weaverville Town Hall located at 30 South Main Street, Weaverville, North Carolina, and shall begin at 6:00 p.m.

Rule 2. Special and Recessed Meetings –

(a) **Special Meetings.**

The chair may at any time call a special meeting of the Board or a special meeting may be called or scheduled by vote of the Board in open session during another duly called meeting. At least 48 hours before a special meeting is held, written notice of the meeting stating its date, time, place, and subjects to be considered shall be (1) given to each Board member; (2) posted on the Town’s principal bulletin board for legal notices or, if none, at the door of the Board’s usual meeting room; and (3) mailed or delivered to each newspaper, wire service, radio station, and person who has filed a written request for notice with the Board’s Secretary.

(b) **Recessed Meeting.** A properly called regular or special meeting may be recessed to a time and place certain by a motion made and adopted in open session during the regular or special meeting. The motion shall state the date, 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. Organizational Meeting – On the date and time of the first regular meeting in September, the newly appointed members shall take and subscribe the oath of office as the first order of business. As the second order of business, the 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 15](#). Adoption of a regular schedule of meetings for the upcoming calendar year would be appropriate at the Organizational Meeting, or as soon thereafter as the Board can take such action.

Rule 4. Agenda –

(a) **Proposed Agenda and Agenda Packet.** The Board’s Secretary 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 10 working days before the meeting

with the required fee, if any. Any Board member may, by a timely request, have an item placed on the proposed agenda. An agenda packet 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 Board member shall receive a copy of the proposed agenda and the agenda packet at least 3 business days prior to each regular meeting. The agenda shall be made available for public inspection and/or distribution when it is distributed to the Board members and agenda packets made available upon request. The Zoning Administrator/Town Planner has the authority to remove from the agenda any submission for review which, in his or her determination, does not meet the minimum requirements of Town Code.

(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; provided, however, that the Board may not add items to or subtract items from the proposed agenda for a special meeting. If items are proposed to be added to the agenda, the 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.

(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 the 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 5. Order of Business – Items shall be placed on the agenda generally according to the following order of business:

- Call to Order
- Adjustment/Adoption of agenda
- Approval of minutes
- Consideration of Applications (including Public Comment if allowed by Chair)
- Consideration of Staff- or Board-Initiated Items
- Public Hearing
- Administrative Reports
- Committee Reports
- Any Additional Informal Discussion
- Any Additional Public Comment
- Adjournment

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

Rule 6. Format for Review of Applications – The following outline is a guide for review of all applications:

1. Chair Requests Staff Report/Memo
 - a. Planner presents report/memo for the proposed application and addresses outstanding issues. Staff report/memo is entered into minutes
 - b. Questions from Board
 - i. Has the applicant received the Staff report/memo?
 - ii. Have all the technical requirements been met for the application?
 - iii. Are there any outstanding issues that have not been addressed by the applicant or other questions?
2. Applicant's Presentation
 - a. Applicant presents any additional information
 - b. Questions from Board/Staff
 - i. Does the applicant have any solutions to the issues identified by Board/Staff?
3. Board Questions/Discussion
4. Chair Entertains Motion on the Application
5. Board Motion and Action

Rule 7. Presiding Officer –

The chair of the Board shall preside at Board meetings if he or she is present. 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 chair may vote in all cases. In order to address the Board, a member must be recognized by the chair. The vice-chair or another member who is 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 for a brief recess at any time;
- To adjourn in an emergency;

- To appoint members to a Board committee and to attend committee meetings as an ex officio member;
- To sign recommendations, statements, and certificates that have been prepared consistent with Board action.

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 on an appeal of the presiding officer's decision need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

Rule 8. Substantive Motions – All board action shall proceed by motion. Any member, including the chair, may make a motion. A motion does require a second. A member may make only one motion at a time. A substantive motion is out of order while another substantive motion is pending.

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.

A motion shall be adopted by a majority of the votes cast when a quorum (as defined in [Rule 12](#)) is present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

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. A motion that is defeated can be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

Rule 9. Procedural Motions – In addition to substantive proposals, the Board shall utilize the usual and customary procedural motions consistent with the spirit of *Robert's Rules of Order Newly Revised* to provide for an orderly meeting. See [Appendix](#) for a list and description of some procedural motions. For questions regarding parliamentary procedures see [Rule 19](#).

Rule 10. Public Address to the Board – Any individual or group who wishes to address the Board on any item listed on the agenda shall make a request to the Board's Secretary. However, the Board shall determine at the meeting whether it will hear the individual or group.

Rule 11. Public Hearings -

Public hearings may be required by law, required by Town Council, or deemed advisable by the Board. All notices and other requirements of the open meetings law applicable to the 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. 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\(b\)](#) 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 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.

The Board has the authority to establish rules regarding the length of time allotted for each speaker, and other pertinent matters such as designation of spokespersons, and those rules necessary to maintain order and decorum in the conduct of the hearing. Such public hearing rules can be adopted by a majority vote.

[Rule 12. 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 13. 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 [see [Rule 14](#)], 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.

[Rule 14. Conflicts of Interest](#) - Board members should not participate in or vote on any matter that involves a close familial, business, or other associational relationship or where the member has a financial interest in the outcome of the matter.

Rule 15. Appointments/Elections –

All members of the Board shall be appointed by Town Council and shall serve at Town Council's pleasure. The Board may consider and make appointments to other bodies, including its own committees, if any, only in open session.

The Board shall use the following procedure to elect a chair and vice-chair and to make appointments to any of its committees. For each election or appointment the chair shall open the floor for nominations, whereupon the names of possible appointees may be put forward by the Board 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 receiving the highest number of votes shall be appointed.

Rule 16. Committees and Boards –

The Board may establish and appoint members for such temporary and standing committees as are required by law or needed to help carry on the board's work. Any specific provisions of law relating to particular committees and board shall be followed.

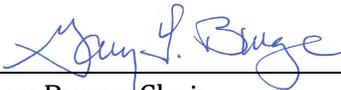
The requirements of the open meetings law [see [Rule 4\(c\)](#)] shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of a local governmental unit that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, it is noted that open meetings law does not apply to a meeting solely among the Town's professional staff.

Rule 17. Minutes – Full and accurate minutes of the Board proceedings shall be kept. 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. The Board Secretary has the duty to draft and present minutes to the Board for approval and to draft recommendations, statements, and certificates consistent with Board action and present the same to the chair for review and signature.

Rule 18. Amendment of the Rules – These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment to the rules as one of the stated purposes of the meeting, unless a statute or rule of Town Council provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum of the Board. No amendment to the Rules shall be effective until Town Council has granted its approval.

Rule 19. Reference to Robert's Rules of Order – The Board shall refer to the current edition of *Robert's Rules of Order Newly Revised* ("RONR"), 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.

ADOPTED by the Planning and Zoning Board this the 6th day of March, 2018, and amended on October 1, 2019.



Gary Burge, Chair

ATTESTED BY:


James Eller, Board Secretary

APPROVED by Town Council this the 21st day of October, 2019.



Allan P. Root, Mayor

ATTESTED BY:


Derek K. Huninghake, Town Clerk

APPENDIX – PROCEDURAL MOTIONS

Unless otherwise noted, each motion described below is debatable, may be amended, and requires a majority vote 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. In order of priority (if applicable), some 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/Recess. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation on a pending matter. A motion to recess to a date, time and place certain shall also comply with the requirements of [Rule 2\(b\)](#).

Motion 3. To Take a Brief Recess.

Motion 4. 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 impose 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 which has been deferred automatically expires 100 days after the deferral 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 and has not expired. A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion [see [Motion 12](#)], or else move to suspend the rules [see [Motion 5](#)].

Motion 8. Motion for the Previous Question. To end debate and call for a vote on a motion, a Board member can move the previous question. The motion is not in order until there has been a full debate and every member has had an opportunity to speak at least once.

Motion 9. To Postpone to a Certain Time and Day. To delay action on a pending motion a motion to postpone to a certain time and day would be proper. 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 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 the 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. 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. 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. Any amendment to a proposed order, policy, regulation, statement, resolution, or recommendation, 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 a motion to defer consider under [Motion 7](#). 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 and only at the meeting during which the original vote was taken, including any continuation of that meeting through recess 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 action 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.