

**PLANNING AND
COMMUNITY DEVELOPMENT**

Jason Stewart, Director
Kate Hayes, Interim Planner
Beth Webb, Program Assistant



106 East Morgan Street, Suite 207
Brevard, NC 28712
828.884.3205
planning.transylvaniacounty.org

**TRANSYLVANIA COUNTY PLANNING BOARD MINUTES
Regular Meeting, July 18, 2019**

Call to Order, Sandy Watson - The Transylvania County Planning Board met in regular session on Thursday, July 18, 2019, at 7:00 pm in the County Commissioners' Chambers. Members present were Chair, Sandy Watson, Vice Chair, Kimsey Jackson, Bob Twomey, Rick Lasater and John Wayne Hardison. Lauren Wise was absent (excused). Staff members present were Transylvania County Planning and Community Development's Director, Jason Stewart, County Manager, Jaime Laughter, Interim Planner, Kate Hayes, and Program Assistant, Beth Webb. Also present were five members of the public. No media were present.

I. Welcome: Sandy Watson welcomed everyone. The meeting began @ 7:00 p.m. Kimsey Jackson said the invocation and Rick Lasater led the Pledge of Allegiance.

II. Public Comment:

Mary Ann Duvall, second term member of the Ag Advisory Board, spoke in regard to section 4.3 of the Noise Ordinance. She asked that board members please eliminate the word "braying" from the ordinance. Board members agreed that the wording should be corrected to "baying" instead of "braying".

Carrie and Tom Johnson, residents of Balsam Grove and owners of The Ridge in Transylvania County, advised that they have spent eleven years battling a situation with a neighbor who has 30 plus acres and owns hunting dogs. The property is located across from their property. Currently there is nothing that can be done to enforce the neighbor to control his barking dogs. The Johnson's have sent copies of numerous complaints, which they have received from campers who have stayed at The Ridge. The neighbor currently owns 15 hunting dogs which are chained or penned and are turned loose to run for exercise and then tie them up. When they are turned loose, they begin barking day or night. The Johnson's feel that they need to be very cautious, but there has to be something that is cut and dry. It is not fair to them and his neighbor is never there. Currently the law can come out at 10:00 p.m. The Johnson's call the Sheriff's office and the Sheriff's Deputy arrives 30 minutes later. This creates a bad situation for everyone. The Johnson's have purchased anti-barking collars at \$100 +/- each for the owner and he will not use them to control the barking. The law has to be worked out and enforced to control the barking dogs.

III. Approval of Agenda: Kimsey Jackson made the motion to move Section VII, Item A: New Planning and Community Development Director Introduction on the agenda to Item VI. Rick Lasater made the motion to approve the modified agenda, the motion was seconded by John Wayne Hardison and carried unanimously.

IV. Approval of Minutes Bob Twomey moved to approve the Regular Meeting minutes for May 16, 2019 and the Regular Meeting minutes for June 20, 2019 as presented. The motion was seconded by Kimsey Jackson and carried unanimously.

- V. Subdivision Approvals and Updates:** Kate Hayes notified the Planning Board that since June 20, 2019, there have been eight (8) plats reviewed, one 2 lot subdivision, four changing of boundary lines between adjoining property owners, one recombination of previously approved lots, one (1) single lot inherited by intestacy or will, one (1) family subdivision and one (1) greater than 10 acres. Bob Twomey questioned the 2 lot subdivision and Kate advised she would double check on this and advise.
- VI. New Planning & Community Development Director Introduction** – Jaime Laughter, County Manager, introduced Jason Stewart as the new Planning Director. Jason introduced himself and advised that he comes from Fluvanna County, VA, moving with his wife and two Jack Russell Terriers to the area. Planning board members welcomed Jason and invited him to join them.
- VII. Old Business:**
- A. Noise Ordinance: Public Workshop and Update from County Attorney**
- Jaime Laughter, County Manager, shared the legal structure of the Noise Ordinance and advised that the Noise Ordinance has been sent to the County Attorney and to the Sheriff's Department for review. Jaime advised that the planning board can have the public meeting in August or September. We should receive feedback from the Attorney in the next couple of weeks. One piece for discussion are the comments from the Sheriff's Department.
 - Article V, Definitions, Section 1.1 – *Ambient noise level – an A-weighted sound level based on at least three readings made and recorded over a period of no less than ten minutes, made at the location where a complainant claims to be disturbed by an alleged violation but at a time when no noise is then being alleged to violate this Ordinance, and made at a point no closer than outside the property line of the property from where the noise is generated.* Rick Lasater advised that in the mountains property boundaries are not clearly obvious and some homeowners can hear noise depending on their boundary. Jaime advised that "curtilage" would identify exactly a specific point and that it is the accessible area around someone's home. A storage area would be outside the curtilage.
 - Article VI, Noise Regulations, Section 2: Noise Regulations, Section 2.2.2 - *Sound measurement shall be taken at the complainant's property boundary closest to the source of the offending noise and at the same locations where the ambient noise level is recorded.* Jaime Laughter advised that "curtilage" encompasses any normally occupied space.
 - Article VI, Section 4: Noises Prohibited, Section 4.3 should read, *Dogs or any other constrained animals that, by frequent, recurrent or constant howling, yelping, barking, baying or otherwise cause unreasonably loud or disturbing noises provided the animals are not associated with farming operations as defined by NCG.S. 106-581.1.* Sandy Watson stated that the Sheriff's Department advised that dogs are their biggest complaint. And, that the planning board would take into consideration what the Johnson's shared.
 - Article VI, Noise Regulations, Section 2.2.6 - *If, due to the nature of the offending noise level, no determination of an ambient noise level is practicable, then a violation shall have occurred if the offending noise level exceeds: 65 decibels between the hours of 9:00 p.m. and 6:00 a.m.; or 75 decibels between the hours of 6:00 a.m. and 9:00 p.m. and Article V, Definitions, Section 1.1 – Ambient noise level – an A-weighted sound level based on at least three readings made and recorded over a period of no less than ten minutes, made at the location where a complainant claims to be disturbed by an alleged violation but at a time when no noise is then being alleged to violate this Ordinance, and*

made at a point no closer than outside the property line of the property from where the noise is generated. John Wayne Hardison questioned, are we trying to establish a base line for the violation with the ambient noise level or the decibel level? The Sheriff can't issue a violation until the ambient noise level is determined (i.e. if a band is playing, they would have to quit playing to establish the ambient noise level). Jaime Laughter will discuss the ambient noise level with the County Attorney.

- Article IX, Violations, Penalties & Enforcement, *Section 9.1.2 reads, Arrest or Citation: Upon the violation of a particular provision of this Ordinance, a law enforcement officer having jurisdiction may charge the offender with a misdemeanor committed in the officer's presence, by arrest or citation, as set forth in Chapter 15A of the North Carolina General Statutes.* Rick Lasater questioned what level misdemeanor this would be and also asked if you are going to change the penalty for the second offense, would that be a stricter penalty? Jaime will ask the County Attorney for clarification, but advised that State statute would likely dictate what level misdemeanor. Rick asked if this statement could be made more general.
- Article VIII, Permit Procedure, *Section 5: Permits – Special events that anticipate producing loud noise that could be considered disturbing, may obtain a permit at the discretion of the Enforcement Officer. Noise permits shall be issued by the Enforcement Officer upon proper application and approval. No permit shall be issued that would violate the intent and the provisions of this Ordinance.* John Wayne Hardison met with Chief Gunter who advised that the Sheriff's office does not want to issue the permits. John Wayne stated that the planning board should discuss and respect what Chief Gunter is saying. The Sheriff's office felt like it was a conflict of interest to issue the permit and to enforce it. Jaime Laughter stated that the permits can be issued administratively out of another office, of course you would have judgment coming out of one department, so if we put it in the Planning department, it would be Jason Stewart and his staff issuing those permits and then making sure that the Sheriff's office is aware of the permits when they are issued. So, whenever the Sheriff's office is out enforcing, they know what is permitted. It is sometimes better to be in-house, so Jaime could argue it either way. The question for the County Attorney would be confirming that if having it in two different places - if that would be acceptable. And, then administratively it's just about communication between the two departments.
- Article VIII, Permit Procedure, Section 5 (last sentence) *No permit shall be issued that would violate the intent and the provisions of this Ordinance.* John Wayne advised that there needs to be clarification on this sentence. Jaime Laughter advised that it is trying to be a catch all and prevent loopholes, it's not saying that no permit shall be issued that's not lawfully issued under the ordinance, it's more of thinking in line in terms of something that would be very obvious, but not articulated. Jaime will discuss with the County Attorney.

VIII. **New Business**

- Board Member Update: Jaime Laughter advised that the Planning Department received a resignation letter from Steve Woodsmall and that we will be advertising for new members. The Clerk to the Board has shared the applications currently on file.
- Planning Board Training: State statute structure for planning in North Carolina - Jaime Laughter provided a review of the following items:
 - Citizen Advisory Council Training (copy attached)
 - Articles of Incorporation and Bylaws (copy attached)
 - Review of Governing document (copy attached)

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- Dillon's Rule – The State of North Carolina is a Dillon's rule and that means you can only do things that are specifically allowed within the statutes. North Carolina statutes are very thick and very involved. It also means that it takes a lot to understand exactly where those parameters are, so our State statutes dictate to local government the revenues we collect, how we collect them, it dictates the services we are allowed to provide and in some cases it tells us what services we can provide. The reason it is important to understand that is because it impacts everything that you advise on a policy matter to the Board of Commissioners.

IX. **Public and Board Member Comments**

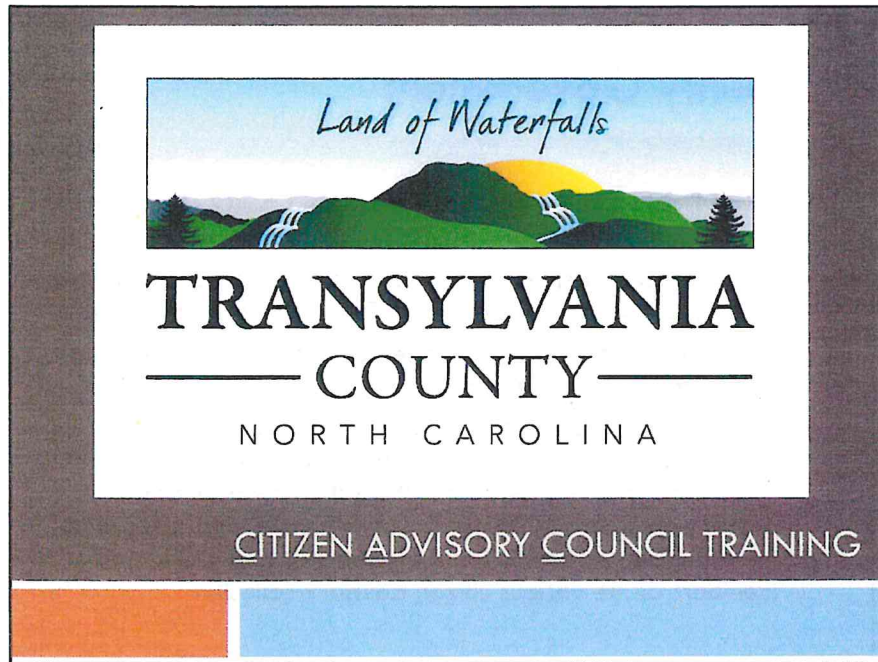
- Bob Twomey questioned the Cell Tower variance recommendation, which went to commissioners for approval in February. To date, nothing has been done. Jaime advised that the Planning Department will inquire on the status of the Cell Tower.
- Bob Twomey also questioned if the commissioners had filled the positions for the Cedar Mountain Planning group? Jaime advised that the Cedar Mountain Planning group is on the agenda for the Board of Commissioners meeting Monday night. We are looking at a five member board. Jaime advised that the kickoff for the Cedar Mountain Community group will likely be in September.
- Kimsey Jackson questioned if there is not an enforcement about the dogs? Is there any influence that Jaime, the Sheriff or the Board of Commissioners can have to be more proactive in the situation with The Ridge? Do we have the ability to enforce the current ordinance? Jaime advised that the Noise Ordinance is enforceable the way it is now, but unfortunately the structure of county government is such that the Board of Commissioners do not have the authority over the Sheriff, nor does Jaime. When any ordinance is assigned to enforcement, it comes down to the judgment and applicability of that officer and that environment. Board member Jackson also asked if we can have an officer up there and issue a citation? John Wayne stated that as a citizen we can call the Sheriff and voice our concerns. Jaime advised that it is a challenge to be consistent and fair.

- X. **Adjourn:** The next meeting is scheduled for August 15, 2019 at 7:00 pm and there being no further discussion, Sandy Watson moved to adjourn. The motion was seconded by Rick Lasater and carried unanimously. The meeting ended at 8:46 p.m.

MINUTES APPROVED


Sandy Watson, Chair


Beth Webb, Recording Secretary



Welcome! On behalf of the Transylvania County Board of Commissioners and County staff, we are pleased you are serving as a member on one of the County's many citizen advisory councils. The operation of Transylvania County government is a shared responsibility of elected officials, staffs and many citizens who serve voluntarily on various boards, commissions, committees and councils. The County is best served when there is broad representation of citizens and interests on the various citizen advisory councils.

County Government

- Transylvania County operates under the County Manager form of government
- Board of Commissioners comprised of five members who are elected by the people and serve four-year staggered terms
- Board of Commissioners is the legislative and policymaking body for Transylvania County
- Board of Commissioners is responsible for establishing general policies for the County, enacting ordinances, resolutions, and orders, establishing the annual budget, authorizing contracts on the County's behalf, and appointing the Manager, Attorney, Tax Administrator and Clerk, and members of the various citizen advisory councils

First I want to give a brief overview of your County government.

Transylvania County operates under the County Manager form of government. The County Manager carries out the directives and policies established by the Board of Commissioners and manages the day-to-day operations of the County.

The Board of Commissioners is comprised of five members who are elected by the people in November of even-numbered years. Commissioners serve four-year staggered terms. None of the members of the Board of Commissioners are full-time officials and they may retain their positions in their chosen professions. The members shall receive for their services a salary as fixed and as provided by law.

The Board of Commissioners is the legislative and policymaking body for Transylvania County, and is the final authority on most matters relating to the County. The Board of Commissioners is responsible for establishing general policies for the County, enacting ordinances, resolutions, and orders, establishing the annual budget, authorizing contracts on the County's behalf, and appointing the County Manager, County Attorney, Tax Administrator, and the County Clerk, and members of the various citizen advisory councils. The Commission Chair serves as the official and ceremonial representative of

County government and presides at all meetings and executes ordinances and various other documents.

The County Manager acts similar to a CEO of a company.

County Government

The current County Commission members are:

- Mike Hawkins, Chair
- David Guice, Vice-Chair
- Will Cathey
- Jason Chappell
- Page Lemel

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Citizen Advisory Council

Any committee, board, commission, council or other similar group established by statute or authority, comprised of citizen volunteers who advise the local government on community issues and needs.

As a citizen member, you serve in an advisory capacity to the Board of Commissioners, performing a valuable service by addressing community issues and needs. The decision-making process in local government can be a long process of research, information on pros and cons of options, cost, legalities, etc. Committees may take time to study an issue over multiple meetings to arrive at a recommendation for Commissioners.

We look forward to your continued contribution as we work together to provide efficient county services, responsive to local needs and expectations. Your valuable knowledge and expertise are essential as we prepare for the many challenges ahead.

Citizen Advisory Councils-Eligibility

- Any resident of Transylvania County over the age of 18 is eligible to be appointed to a CAC
- Exceptions to the residency requirements are noted separately for individual boards where this applies
- No resident of Transylvania County may serve in more than two appointed positions of Transylvania County government
- No resident may serve more than two consecutive full terms in any one position

Any resident of Transylvania County over the age of 18 is eligible to be appointed where such appointment is not prohibited by State statute. Exceptions to the residency requirement are noted separately for individual boards where this applies. A resident is defined as someone who lives in Transylvania County the majority of the year and claims Transylvania County as their domicile for legal purposes.

All appointments will be made according to the applicable statute, ordinance, resolution or policy that created the specific Citizen Advisory Council.

No resident of Transylvania County may serve in more than two (2) appointed positions of Transylvania County government unless exempted by nature of the position he or she may hold in governmental service.

No resident may serve more than two (2) consecutive full terms in any one position. The preferred length of terms is considered to be three years, unless specified otherwise, with terms staggered so that appointments are made each year. An individual whose initial appointment was to fill less than 50% of an unexpired term shall be eligible to serve two full terms. An individual whose initial appointment was to fill more than 50% of an unexpired term shall be eligible to serve only one full term.

This policy may be waived if the Board of Commissioners determines that the removal of a number of individuals made ineligible by this policy would be detrimental to the functioning of that Citizen Advisory Council.

Citizen Advisory Councils

- ❑ Abandoned Cemeteries Board
- ❑ Agricultural Advisory Board
- ❑ Blue Ridge Community College Board of Trustees
- ❑ Board of Equalization and Review
- ❑ Board of Health
- ❑ Brevard Board of Adjustment and Appeal (City)
- ❑ Brevard Planning and Zoning (City)
- ❑ Child Fatality Prevention Team/Community Child Protection Team
- ❑ Area & County Councils on Aging
- ❑ Joint Historic Preservation Commission
- ❑ Jury Commission
- ❑ Juvenile Crime Prevention Council
- ❑ Library Board of Trustees
- ❑ Nursing and Adult Care Advisory Committee
- ❑ Parks and Recreation Commission
- ❑ Personnel Board
- ❑ Planning Board/Board of Adjustment
- ❑ Regional Council on Aging
- ❑ Social Services Board
- ❑ Tourism Development Authority
- ❑ Transportation Advisory Committee
- ❑ Transylvania Natural Resources Council
- ❑ Workforce Development Board

The Board of Commissioners has established a number of citizen advisory councils to review county programs, projects and community issues. These groups provide greater community participation and input into local government and facilitate quality decisions by the Board of Commissioners. They help provide direction for the allocation of funds, the provision of human services, the protection of citizens, property, and our natural resources, and for other worthy services. Therefore, the input of the citizen advisory councils is vitally important. Although citizen advisory councils make recommendations for the allocation of funds, they do not typically have a budget.

Citizen's Role and Authority

- Advise the Board of Commissioners in the determination of County policies and procedures
- Facilitate public discussion
- Members should stay informed on subjects of interest to their specific CAC
- Attendance is a fundamental responsibility

Citizen advisory Councils have a primary role – to advise the Board of Commissioners in the determination of county policies and procedures. Citizen advisory councils facilitate public participation. Despite differing tasks conducted by citizen advisory councils, they share some basic responsibilities. Members should stay informed on subjects of interest to their specific citizen advisory council. Conscientious attendance is also a fundamental responsibility, as irregular attendance lessens one's ability to study all aspects of items under consideration.

Citizen's Role and Authority

- Not involved in the administration or operation of County departments
- May not direct staff to initiate programs
- May not conduct studies or establish official policies without the approval of the Board of Commissioners

County staff members are available to provide general staff assistance to citizen advisory councils. However, citizen advisory councils are not involved in the administration or operation of County departments. Members may not direct staff to initiate programs or allocate funds. Citizen advisory councils may not conduct major studies, or establish official policy without the approval of the Board of Commissioners.

The Role of Citizen Advisory Councils

- Provides input to the Board of Commissioners
- Opens additional lines of communication between general public and Board
- Does not determine or establish County policy or administrative action
- Benefits:
 - Focuses attention on specific issue areas
 - Encourages citizen participation
 - Provides a viewpoint from community neighborhoods
 - Makes recommendations based on thorough and in-depth analysis of alternatives from a citizen's perspective

Members of the various citizen advisory councils provide input to the Board of Commissioners, advising and assisting the Board in special issue areas. Opening additional lines of communication between the general public and the Board, such groups help assure that County government is responsive to citizens. While each citizen advisory council makes recommendations to the Board of Commissioners, they do not determine or establish County policy or administrative direction. Benefits of citizen advisory councils include: focusing attention on specific issue areas, encouraging citizen participation, providing a viewpoint from community neighborhoods, and making recommendations based on thorough and in-depth analysis of alternatives from a citizen's perspective.

Guidelines for Citizen Members

- Present views and recommendations representing the CAC as a body, not as the individual's personal views
- Public statements should not include promises that may be construed to be binding to the Board, County staff or CAC
- CAC actions are recommendations; final action will be taken by the Board of Commissioners
- Each member should represent the overall "public good" and not an exclusive group or special interest

Individual committee members should present views and recommendations representing the citizen advisory council as a body, not as the individual's personal views. Members expressing views not approved by the majority of a citizen advisory council should indicate their opinions are given as "private citizens". Individual opinions must be identified as such.

Public statements should not include promises that may be construed to be binding on the citizen advisory council, Board of Commissioners or County staff. When making a public statement, members should indicate that citizen advisory council actions are recommendations only and that final action will be taken by the Board of Commissioners.

Citizen advisory council members may be selected on the basis of representing defined groups; however, each member should represent the overall "public good" and not an exclusive group or special interest.

Guidelines for Citizen Members

- Work to establish a good relationship with other citizen members
- Familiarize themselves with County government, the administrative organization and CAC to which he or she has been appointed
- Always show respect for other individuals' viewpoints
- Allow other members adequate time to present their views
- Recognize new members and make them feel welcome
- Be open and honest
- Minimize political opinions among members

Citizen advisory council members should strive to:

- Work to establish a good relationship with other citizen members. The success or failure of a council's efforts may be dependent upon the degree of cooperation evident among the individual members of the body.
- Familiarize themselves with County government, the administrative organization and the citizen advisory council to which he or she has been appointed in order to gain the perspective necessary to make informed judgments and recommendations
- Always show respect for the other individuals' viewpoints
- Allow other members adequate time to present their views
- Recognize new members and make them feel welcome
- Be open and honest
- Minimize political opinions among members

Roles and Responsibilities

- In order to conduct official business and vote on matters before the CAC, there must be a quorum of members in attendance
- Each CAC shall elect a presiding officer
- The chair is responsible for developing agendas, running the meeting, and providing leadership to the CAC
- Members will also elect their own vice-chair who will serve in the absence of the chair
- The CAC may elect other officers as it deems necessary
- Appointees are expected to attend all meetings possible

In order to conduct official business and vote on matters before the citizen advisory council, there must be a quorum of members in attendance. A quorum for a meeting shall consist of one more than half of the voting members unless specified otherwise.

Each Citizen Advisory Council shall elect from its membership a presiding officer who shall be referred to as chairman, chairwoman, or chairperson, as determined appropriate by the Citizen Advisory Council, and such officer shall serve for one year. State statutes designate the chair for a few boards. The chair is responsible for developing agendas, running the meeting, and providing leadership to the Citizen Advisory Council. The Citizen Advisory Council may elect other officers as it deems necessary and such offices shall be set forth in the rules of procedure adopted by the Citizen Advisory Council.

Members will also elect their own vice-chair who will serve in the absence of the chair.

Appointees are expected to attend all meetings possible.

If an appointee has unexcused absences which constitute more than 25% of the Citizen Advisory Council meetings in any year which he/she is required to attend pursuant to

his/her appointment, he/she is obligated to resign.

Excused absences are defined as absences caused by events beyond one's control. If the individual refuses to resign, he/she may be dismissed by action of the Board of Commissioners subject to State or local law. A year is to be defined as a twelve-(12) month period beginning on the date of appointment.

North Carolina Open Meetings Law

- All meetings of any CAC must be public meetings and open to the public at all times
- The CAC must provide reasonable notice of all such meetings so as to allow the public a chance to be present
- The minutes of any CAC must be recorded in a timely manner; they do not need to be verbatim; however, they should briefly summarize the events of the meeting

The North Carolina Open Meetings Law guarantees all North Carolina residents a right of access to government meetings and records; it contains several basic requirements, which are most important for members of citizen advisory councils to familiarize themselves with.

Basic Requirements of the Open Meetings Law

- All meetings of any citizen advisory council must be public meetings and open to the public at all times.
- The citizen advisory council must provide reasonable notice of all such meetings so as to allow the public a chance to be present. Each CAC has a set meeting date, time and location and that information is listed in the local newspaper under events and on the County's website calendar and CAC webpage under the respective CAC. Should the meeting date, time or location deviate from the normal schedule, notice would need to be made to the public.
- The minutes of a meeting of any citizen advisory council must be recorded in a timely manner. The minutes do not need to be verbatim; however, they should briefly summarize the events of the meeting.

North Carolina Open Meetings Law

Name of Citizen Advisory Council

Meeting Minutes

- Date and time meeting convened and the meeting place
- Type of meeting (regular or special)
- The calling to order by the chairperson
- The roll call, including a list of the names of the members present and absent
- A listing of others in attendance at the meeting
- Approval of prior meeting minutes
- Substance of all matters proposed, discussed or decided and any motions made and voted upon by members
- If a vote is taken, the minutes must reflect each members' vote on the matter
- The substance of remarks made by members of the general public who address the CAC
- Any future meeting dates, times and locations
- The time of the adjournment
- The name of the individual taking the minutes

In order to comply with State law and to standardize the preparation and content of minutes for all citizen advisory councils, the Clerk to the Board has provided sample minutes in this presentation. Minutes of the meetings are to be submitted to the Clerk to the Board as soon as possible so as to provide accurate record maintenance of all County meetings. Please use the following guideline when preparing the minutes. Any questions regarding the minutes or their preparation should be referred to the Clerk to the Board.

The minutes should be signed by the person taking the minutes and the council chairperson. Depending on the citizen advisory council, back up material (including minutes of prior meeting and agenda of the current meeting) should be provided at least a week before the meeting. This is not always possible; the information should be provided as soon as possible prior to the meeting.

North Carolina Open Meetings Law

- ❑ The Open Meetings Law is applicable to elected and appointed citizen advisory councils
- ❑ Any gathering, whether formal or informal, of a majority of members of a CAC can be in violation of the NC Open Meetings Law
- ❑ Communications That May Be In Violation:
 - ❑ Written communications where comments are circulated to members
 - ❑ Telephone conversations among the members regarding the issues to be voted upon or to be discussed at future citizen advisory council meetings
 - ❑ Use of computers or other devices to convey messages or reports to other members

The Open Meetings Law is applicable to elected and appointed citizen advisory councils.

Any gathering, whether formal or informal, of a majority of members of a citizen advisory council can be in violation of the North Carolina Open Meetings Law particularly if they discuss anything that may come up before the citizen advisory council in the foreseeable future. Even if a majority of the members of a citizen advisory council do not physically meet, but communicate through another means, they may be in violation of Open Meetings Law.

Communications That May Be In Violation

- Written communications where comments are circulated to members
- Telephone conversations among members regarding issues to be voted upon or to be discussed at future citizen advisory council meetings
- Use of computers or other devices to convey messages or reports to other members

Public Records Law

- ❑ The Public Records Law determines what is to be considered a public record
- ❑ Any document such as agendas, back-up material, and minutes of the meetings would be open to public inspection
- ❑ NCGS defines public records as not only documents and papers, but also “maps, books, photographs, films, sound recordings, magnetic and other tapes, electronic data processing records, (and) artifacts...regardless of physical form or characteristics
- ❑ NCGS further defines public records as the items made or received pursuant to law or ordinance in connection with the transaction of public business

The Public Records Law determines what is to be considered a public record. Any documents such as agendas, back-up material, and minutes of the meeting would be open to public inspection.

As a citizen advisory council member, one must disclose and submit as part of the official record any correspondence received, regardless of the physical form. North Carolina General Statutes has a very broad definition of “public record”, generally unlimited by the form of the material in question or by the circumstances under which it was received or created. The statute begins by including within the definition not only documents and other papers, but also “maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, (and) artifacts...regardless of physical form or characteristics.” The statute then goes on to state that “public record” means the listed items “made or received pursuant to law or ordinance in connection with the transaction of public business”.

Conflict of Interest (NCGS 160A-75)

- ❑ The law requires that all CAC members disclose any financial interests they have, and they must abstain from participating in any matters before their CAC that may have an impact on their financial interest
- ❑ CAC members are required to abstain from voting if a conflict of interest is involved
- ❑ No member shall be excused from voting except upon matters involving a conflict of interest

This law requires that all citizen advisory council members disclose any financial interests they have, and they must abstain from participating in any matters before their citizen advisory council that may have an impact on their financial interest. In effect, if a citizen advisory council member does business with a person coming before the citizen advisory council, it is essential for that member to not participate in the proceedings, or he/she will be in violation of the law. Additionally, pursuant to this law, members of citizen advisory councils are required to abstain from voting if a conflict of interest is involved; this means that they may not vote on any matter, which may have an impact on themselves, on a family member, or on someone who retains their service.

No member shall be excused from voting except upon matters involving a conflict of interest. In all other cases, a failure to vote by a member who is physically present and has not been excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

Citizen advisory councils share a responsibility under State law to operate in support of open meetings and public records laws and areas like conflict of interest. County staff will work to help you understand those responsibilities and act as a resource when

questions arise.

Parliamentary Procedure

- ❑ All proposals for action should be made by making a motion; only one motion can be before the CAC at one time
- ❑ Before a motion may be discussed, a second to the motion is needed
- ❑ To make any changes to the motion, a motion to amend is in order
- ❑ To temporarily postpone a motion, usually to the next meeting, a motion to table the item to a date certain is in order
- ❑ A motion to recess is needed when a recess (or intermission) for a short time is requested
- ❑ A motion to adjourn occurs at the end of the meeting prior to all members leaving the meeting

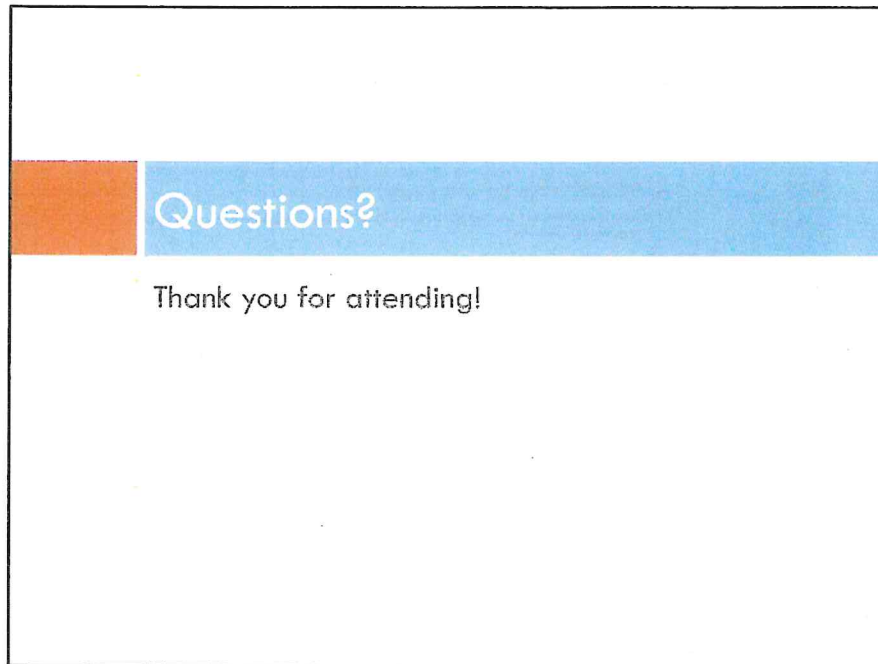
Robert's Rules of Order is a good source for members of citizen advisory councils. The following are the most common rules, which should be used when making motions:

- All proposals for action should be made by making a motion; only one motion can be before the citizen advisory council at one time.
- Before a motion may be discussed, a second to the motion is needed.
- To make any changes to the motion, a motion to amend is in order.
- To temporarily postpone a motion, usually to the next meeting, a motion to table the item to a date certain is in order.
- A motion to recess is needed when a recess (or intermission) for a short time is requested.
- A motion to adjourn occurs at the end of the meeting prior to all members leaving the meeting.

Parliamentary Procedure

| Motion | Description |
|-----------------------------------|--|
| To defer consideration | Defer substantive motion for later consideration at an unspecified time |
| Call for the previous question | Motion to end debate; not in order until there have been at least 20 minutes of debate and every member has had an opportunity to speak once |
| Refer to committee | May refer a substantive motion to a committee for its study and recommendations |
| Revoke consideration | May reverse consideration of any substantive motion earlier deferred |
| Reconsider | May vote to reconsider action on a matter; may only be made by a member who voted with the prevailing side |
| Rescind or repeal | May vote to rescind action it has previously taken or to repeal items that it has previously adopted |
| Prevent introduction for 6 months | Motion shall be in order immediately following the defeat of a substantive motion |
| Renewal of motion | A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted |
| Withdrawal of a 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 |

Here are other motions which are part of parliamentary procedure.



Twice a year we intend to make this training available. We are always open to suggestions on how to make it better.

A few items on the horizon are:

- Annual reporting requirements for all CACs
- To ensure better transparency, we intend to make the minutes of the CACs available online

We are working on how to best implement these practices.

Thank you all so much for attending today.

ARTICLE I. PLANNING BOARD

Sec. 16-1. Board established.

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

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

Sec. 16-2. Membership.

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

[Ord. of 12-14-81(2), § 1]

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

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

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

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

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

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

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

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

[Ord. of 12-14-81(2), § 4]

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

[Ord. of 12-14-81(2), § 3]

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

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

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

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

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

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

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

[Ord. of 12-14-81(2), § 7]

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

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

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

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

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

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

[Ord. of 12-14-81(2), § 10]

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

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

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

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

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

[Ord. of 12-21-76, § 1]

Artie Wilson

Phone: (828) 884-3205
Fax: (828) 884-3275
Cell: (828) 553-9788
E-mail: tcedc@citcom.net

Mark R. Burrows, Director
Trish Hamilton, Assistant
Gary Heisey, Econ. Dev. Planner
Mike Thomas, Planner

***Transylvania County
Planning and Economic Development***
P.O. Box 1578
Brevard, NC 28712

MEMORANDUM

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

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

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

Enclosure: Transylvania County Planning Board Rules of Procedure

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

**RULES OF PROCEDURE
TRANSYLVANIA COUNTY PLANNING BOARD**

Reference:

Suggested Rules of Procedure for Small Local Government Boards

Second Edition 1998

A. Fleming Bell, II

RULE 1. Regular Meetings.

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

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

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

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

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

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

RULE 3. Agenda.

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

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

GUIDELINES FOR PUBLIC COMMENT

Written Comment

Written comments will be accepted at each regular meeting.

Public Comment (sign-up required)

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

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

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

Public Comment during Agenda Item

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

Public Comment at End of Meeting

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

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

RULE 5. Order of Business.

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

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

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

RULE 6. Presiding Officer.

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

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

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

The presiding officer shall have the following powers:

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

A decision by the presiding officer under any of the first three powers listed may be appealed to the board upon motion of any member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

RULE 7. Action by the Board.

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

RULE 8. Second Required.

A motion requires a second.

RULE 9. One Motion at a Time.

A member may make only one motion at a time.

RULE 10. Substantive Motions.

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

RULE 11. Adoption by Majority Vote.

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

RULE 12. Debate.

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

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

RULE 13. Ratification of Actions.

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

RULE 14. Procedural Motions.

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

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

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

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

Motion 3. To Take a Brief Recess.

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

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

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

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

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

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

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

Motion 11. To Amend.

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

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

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

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

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

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

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

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

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

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

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

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

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

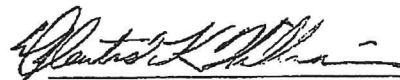
At the time appointed for the hearing, the chair or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

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

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

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

Approved this 21st day of July, 2005



Chairman, Planning Board

ATTEST:



Director, Planning and Economic Development

