

**TOWN OF MONTREAT
PLANNING AND ZONING COMMISSION
RULES OF PROCEDURE**

Adopted July 17, 2003
Amended April 15, 2011
Amended November 11, 2021

The Montreat Planning and Zoning Commission (hereafter “Commission”) is an advisory board to the Montreat Board of Commissioners. Pursuant to Section 308.2 of the Zoning Ordinance of the Town of Montreat, the Commission hereby adopts these Rules of Procedure to guide the Commission in fulfilling its duties as set forth in Section 308 of the Montreat Zoning Ordinance.

Rule 1. Regular Meetings

The Commission shall hold a regular meeting quarterly on the second Thursday of January, April, July and October, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall begin at 10:30 a.m. A copy of the Commission’s current meeting schedule shall be filed with the Town Clerk.

Rule 2. Special, Emergency and Adjourned Meetings

(a) Special Meetings. The Chair or a majority of the members may at any time call a special meeting of the Commission. Public notice of such meeting shall be given as required by and in accordance with the N. C. Open Meetings Law (N.C.G.S. Chapter 143, Article 33C).

A special meeting may also be called or scheduled by vote of the Commission 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. Public notice of such meeting shall be given in accordance with the N.C. Open Meetings Law.

Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless the Commission determines in good faith at the meeting that it is essential to discuss or act on another item immediately, and all requirements of the N.C. Open Meetings Law have been satisfied.

(b) Emergency Meetings. The Chair or a majority of the members may at any time call an emergency meeting of the Commission by a written notice stating the time and place of the meeting and the subjects to be considered. Notice of the meeting shall be given in accordance with the N.C. Open Meetings Law.

Emergency meetings may be called only because of generally unexpected circumstances that require immediate consideration by the Commission. Only business connected with the emergency may be considered at an emergency meeting.

(c) Adjourned Meetings. A properly called regular, special or emergency meeting may be adjourned to a time and place certain in open session during the regular, special or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such an adjourned session of a properly called regular, special, or emergency meeting.

Rule 3. Organizational Meeting

During the first regular meeting of each calendar year, the Commission shall, as the first item of new business, and pursuant to Section 308.2 of the Montreat Zoning Ordinance, elect a Chair and Vice-Chair, and appoint a Secretary, using the nomination and voting procedures set out in Rule 26. The Chair and Vice-Chair shall be a member of the Commission, but the Secretary may be an employee of the Town or a member of the Commission.

Rule 4. New Member Appointments

During the first regular meeting after the appointment of new Commission members, the newly appointed members shall take and subscribe the oath of office as the first order of new business.

Rule 5. Agenda

(a) Proposed Agenda. The Commission's Chair, with the assistance of Town staff, 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 two working days before the meeting. Any Commission member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed ordinances, ordinance changes, policies, regulations and resolutions shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each Commission member shall receive a copy of the proposed agenda and the agenda package and they shall be available for public inspection and/or distribution when they are distributed to the Commission members.

(b) Adoption of the Agenda. As its first order of business at each meeting, the Commission shall, as specified in Rule 7, discuss and revise the proposed agenda and adopt an agenda for the meeting. The Commission may by majority vote add items to or subtract items from the proposed agenda, except that the Commission may not add items to the agenda of a special meeting unless (a) all members are present and (b) the Commission determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the Commission may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all Commission members.

Rule 6. Public Comment

Any person may address the Commission during the Public Comment item of the agenda subject to such time limits as may be imposed by the Commission. Any individual or group that wishes to make an extended presentation to the Commission shall make a request to be placed on the agenda, such request to be made to the Commission's Chair at least two weeks before the applicable meeting. However, the Commission shall determine at the meeting, in connection with the adoption of the agenda pursuant to Rule 5(b), whether it will hear the individual or group and what conditions (including time limits) it will impose on the presentation.

Rule 7. Order of Business

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

- Discussion and Revision of the Proposed Agenda
- Adoption of an Agenda
- Approval of the Minutes
- Public Hearings, if any are required
- Committee Reports, if any
- Old Business
- New Business
- Public Comment
- Adjournment

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

Rule 8. Presiding Officer

The Chair of the Commission shall preside at Commission meetings if he or she is present. The chair shall have the right to vote.

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 Commission shall preside. The Vice-Chair or another member who is temporarily presiding retains all of his or her own 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 Commission 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, in addition to those powers customarily exercised by the chair of a public meeting:

- To rule motions in or out of order;
- To determine whether a speaker has gone beyond reasonable standards of courtesy or has exceeded appropriate time limits in his or her remarks;
- To entertain and answer questions of parliamentary law or procedure;
- To call a brief recess at any time;
- To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed may be appealed to the Commission upon motion of any member, pursuant to Rule 17, Motion 1. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

Rule 9. Action by the Commission

The Commission shall proceed by motion, except as otherwise provided for in Rules 3 and 4. Any member, including the chair, may make a motion.

Rule 10. Second Required

A motion requires a second.

Rule 11. One Motion at a Time

Only one motion shall be considered at a time.

Rule 12. Substantive Motions

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

Rule 13. Adoption by Majority Vote

A motion shall be adopted by a majority (as defined in Rule 23) of the votes cast at a meeting of the Commission at which a quorum (as defined in Rule 23) is present, unless otherwise required by these rules or the laws of North Carolina.

Rule 14. Voting by Written Ballot

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

Rule 15. 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 16. Ratification of Actions

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

Rule 17. Procedural Motions

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

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

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Commission, as specified in Rule 8. 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 adjourn to a time and place certain shall also comply with the requirements of Rule 2(c).

Motion 3. To Take a Brief Recess.

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

Motion 5. To Suspend the Rules. The Commission may not suspend provisions of the rules that state requirements imposed by law on the Commission. For adoption, the motion requires an affirmative vote equal to two-thirds of the entire membership of the Commission.

Motion 6. To Go into Closed Session. The Commission may go into closed session only for one or more of the permissible purposes listed in N.C.G.S. § 143-318.11, and only in compliance with the procedures specified in such statute. The motion to go into closed session shall cite one or more of these purposes and shall be adopted in an open meeting.

Motion 7. To Leave Closed Session.

Motion 8. To Divide a Complex Motion and Consider it by Paragraph. The motion is in order whenever a member wishes to consider and vote on sub-parts of a complex motion separately.

Motion 9. To Defer Consideration. The Commission may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion (Rule 17(b), Motion 14) or else move to suspend the rules (Rule 17(b), Motion 5).

Motion 10. Motion for the Previous Question. The motion is not in order until every member has had an opportunity to speak at least once.

Motion 11. To Refer a Motion to a Committee. The Commission may vote to refer a substantive motion to a committee consisting of Commission members 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 Commission, whether or not the committee has reported the matter to the Commission.

Motion 12. 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 ordinance, policy, regulation or resolution shall be reduced to writing before the vote on the amendment.

Motion 13. To Revive Consideration. The Commission may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 17(b). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

Motion 14. To Reconsider. The Commission 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 "nos" prevail) and only at the meeting during which the original vote was taken, including continuation of that meeting through 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 15. To Rescind or Repeal. The Commission 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 recession or repeal of an action is forbidden by law.

Motion 16. To Prevent Reintroduction for Six 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 two-thirds of the entire membership of the Commission. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the Commission, whichever occurs first.

Rule 18. Renewal of Motion

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reintroduction for six months [Rule 17(b), Motion 16] has been adopted.

Rule 19. 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 20. Duty to Vote

Every member must vote unless excused by the remaining members of the Commission. 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 upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234 or G.S. 160D-109. In all other cases, a failure to vote by a member who is physically present in the Commission

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 21. Conflict of Interest

Pursuant to Section 308.2 of the Montreat Zoning Ordinance, all members of the Commission shall comply with NCGS 160D-109, as amended from time to time, and other applicable conflict of interest laws and requirements of the State of North Carolina.

Rule 22. Closed Sessions

The Commission may hold closed sessions as provided by law. The Commission shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting, in accordance with Rule 17(b), Motion 6. The motion shall state the purpose of the closed session. Only those actions authorized by statute may be taken in closed session. A motion to adjourn the open meeting [Rule 17(b), Motion 2] shall not be in order during a closed session.

Rule 23. Quorum

A majority of the actual membership of the Commission shall constitute a quorum. A majority is more than half. The Chair shall be considered a member of the Commission 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 24. Public Hearings.

Public hearings required by law or deemed advisable by the Commission 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 must be adopted by a majority vote. Its specifications may include, but are not limited to, rules limiting 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 Commission meetings shall also apply to public hearings at which a majority of the Commission is present;

such a hearing is considered to be part of a regular or special meeting of the Commission. These requirements also apply to hearings conducted by appointed committees of the Commission, if a majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the Commission, or of a Commission 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 entertain or make a motion to end the hearing.

Rule 25. Minutes

Full and accurate minutes of Commission proceedings, including closed sessions, shall be kept and shall be kept at the Town Hall. The Commission shall also keep a general account of any closed sessions so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the Commission, the entire Commission shall be polled by name on any vote. Members' and other persons' comments may be included in the minutes if the Commission approves.

Minutes and general accounts of closed sessions may be sealed by action of the Commission. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

Rule 26. Appointments

The Commission may consider and make appointments to its own committees, if any, only in open session. The Commission may not fill a vacancy among its own membership. The Commission shall use the following procedure to make appointments to committees:

The Chair shall open the floor for nominations, whereupon the names of appointees may be put forward by the Commission members. All nominees shall be Commission members, unless North Carolina law or Town Ordinance permits the appointment of non-Commission 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 nominee(s) receiving the highest number of votes shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled. A member must cast all of his or her votes and cast them for different nominees.

Rule 27. Committees and Boards

(a) Establishment and Appointment. The Commission may establish and appoint such committees as are required by law or needed to help carry on the Commission's work. All committee members shall be Commission members, unless otherwise permitted by North Carolina law or Town Ordinance. Any specific provisions of law relating to particular committees shall be followed.

(b) Open Meetings Law. The requirements of the North Carolina Open Meetings Law (N.C.G.S. Chapter 143, Article 33C) shall apply to all meetings of the Commission and any appointed committees of the Commission.

Rule 28. Amendment to the Rules

These rules may be amended by the Commission.

Rule 29. Amendments to Ordinances

The Commission shall consider amendments to the Town of Montreat Zoning Ordinance in accordance with Section 309 of such ordinance, and shall consider any other amendments to Town Ordinances as may be assigned to it by the Town Council.

Rule 30. Reference to *Roberts Rules of Order*

The Commission 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.