

TOWN OF JAMESTOWN PLANNING BOARD

Rules of Procedures

I. Applicability

Rule 1. Applicability of Rules

These rules apply to all meetings of the Planning Board of the Town of Jamestown at which the Board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

II. Open Meetings

Rule 2. Meetings to Be Open

(a) It is the public policy of North Carolina and of the Town of Jamestown that the hearings, deliberations, and actions of this Board and its committees be conducted openly.

(b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Town of Jamestown Planning Board shall be open to the public and any person is entitled to attend such a meeting.

(c) For the purposes of the provisions of these rules concerning open meetings, an official meeting of the Board is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of Board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the Board.

III. Organization of the Board

Rule 3. Organizational Meeting

The Board shall hold an organizational meeting at its regular meeting place at 6:00 pm on the second Monday in January. Staff shall call the meeting to order and shall preside until a Chair is elected. If they have not already been sworn and inducted into office, the newly appointed members of the Board shall take and subscribe the oath of office as the first order of business. As the second order, the Board shall elect a Chair and Vice-Chair from among its members.

The Board shall be comprised of five regular members and four extraterritorial (ETJ) members. The five regular members shall reside within the Town limits and shall be appointed by the Town Council. ETJ members shall reside in the Town's extraterritorial area and shall be appointed by the Guilford County Board of County Commissioners after a favorable recommendation by the Town Council of the Town of Jamestown. The ETJ representatives shall deliberate and vote on those matters affecting policy and land in the extraterritorial jurisdiction.

Members of the Board shall serve a term of five (5) years, provided that upon initial appointment the terms of office may be staggered. The terms of all Board members shall not expire at the same time. Members may be reappointed to a second term, but shall not be reappointed for more than two (2) consecutive terms. Members who have served two (2) consecutive terms may be appointed to another term after a one term (5 year) hiatus from the Board. Members may serve as 'alternates' during the hiatus period if so appointed by the Town Council.

Vacancies to the Board may be filled by a new or alternate member. Members filling a vacancy shall serve for the remainder of the unexpired term. At the end of that term, a member appointed to a vacancy shall be eligible for a full 2-term service period if appointed to serve by the Town Council.

Rule 4. Election of the Chair

The Chair of the Board shall be elected annually for a term of one year and shall be eligible to be elected to serve successive terms. The Chair of the Board shall not serve greater than five (5) consecutive terms.

In absence of the Chair, the Vice-Chair shall perform all duties assigned to the Chair. The Vice-Chair shall be elected in the same manner and serve the same terms as the Chair of the Board.

IV. Regular and Special Meetings

Rule 5. Regular and Special Meetings

(a) Regular Meetings. The Board shall hold a regular meeting on the second Monday of each month at 6:00 pm. If a regular meeting day is a holiday on which Town offices are closed, the Board shall decide upon an alternate meeting date by a motion prior to adjourning the immediately preceding regular meeting. Regular meetings shall be held at the Town Hall, 301 East Main Street in Jamestown. The Board may change the place or time of a particular regular meeting or all regular meetings within a specified time period by resolution adopted, posted, and noticed no less than ten days before the change takes effect. Such a resolution shall be filed with the Town Clerk and posted at or near the regular meeting place, and copies shall be sent to all persons who have requested notice of special meetings of the Board.

(b) Special Meetings. The Chair, or Vice-Chair acting in absence of Chair, may at any time call a special meeting of the Board provided that a minimum of forty-eight (48) hours notice is given to all members. Staff shall cause the notice to be posted on the bulletin board of the Town Hall. In addition, the notice shall be delivered to individual persons and news media organizations that have requested such notice as provided in subsection (c), below. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

(c) Sunshine List. Any individual person and any newspaper, wire service, radio station, and television station may file with the Town Clerk a written request for notice of all special meetings of the Board. Requests by individuals must be renewed on or before the last day of each calendar year and are subject to a \$10.00 nonrefundable annual fee.

(d) Work Sessions and Committee Meetings. The Board may schedule work sessions, committee meetings, or other informal meetings of the Board or a majority of the members of the Board at such times and with respect to such subject matter as may be established by resolution or order of the Board. A schedule of any such meetings that are held on a regular basis shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held on a regular schedule are subject to the same notice requirements as special Board meetings.

Rule 6. Broadcasting and Recording Meetings

(a) Except as provided in this rule, any radio or television station is entitled to broadcast all or any part of an official meeting of the Board that is required to be open to the public. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.

(b) Any radio or television station wishing to broadcast any portion of an official meeting of the Board shall so notify the Planning Director no later than twenty-four hours before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room, the Planning Director may require the news media either to pool equipment and personnel or to secure and pay the costs of an alternative meeting site that is mutually agreeable to the Board and the media representatives.

V. Agenda**Rule 7. Agenda**

(a) Staff shall prepare the agenda for each regular and special meeting. A request to have an item of business placed on the agenda for a regular meeting must be received at least 2 weeks (10 working days) before the meeting. Any Board member may request an item be placed on the agenda. The staff will review the request with the Board Chair prior to adding an item to the agenda.

(b) Due to requirements of various ordinances, deadlines to be added to the agenda may be increased.

(c) The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. A copy of the agenda packet should be made available to each member of the Board at least one week (7 working days) before the meeting by any method chosen by each Planning Board Member. Documents in the agenda packet, if not previously available for public inspection, shall become so when packets have been delivered to each Board member.

Rule 8. Informal Public Comments

Staff shall include on the agenda of each regular meeting a period of at least thirty minutes for comments or questions from members of the public in

attendance. The Chair will first recognize individuals or groups who have made a prior appointment to be heard, and then may recognize others, subject to available time. The Chair may specify the time allotted to each speaker. After the time set aside for informal public comments has expired, the Chair will recognize further speakers only upon motion duly made and adopted.

Rule 9. Order of Business

Staff has the discretion to set the agendas before each meeting.

Without objection from the Board, the Chair may call items in any order most convenient for the dispatch of business.

VI. Conduct of Debate

Rule 10. Powers of the Chair

The Chair shall preside at all meetings of the Board. A member must be recognized by the Chair in order to address the Board. The Chair shall have the following powers:

1. To rule on points of parliamentary procedure, including the right to rule out of order any motion deliberately offered with intent to cause delay or obstructive purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. To call a recess at any time;
4. To adjourn in an emergency.

Rule 11. Action by the Board

The Board shall proceed by motion. Any member, including the Chair, may make a motion.

Rule 12. Second Required

A motion shall require a second

Rule 13. One Motion at a Time

A member may make only one motion at a time.

Rule 14. Substantive Motion

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

Rule 15. Adoption by Majority Vote

A motion shall be adopted if approved by a majority of the votes cast, a quorum being present, unless these rules or the laws of North Carolina require an extraordinary majority.

Rule 16. Debate

The Chair shall state the motion and then open the floor for open debate

Rule 17. Renewal of Motion

A defeated motion may not be renewed at the same meeting.

Rule 18. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before the Chair puts the motion to a vote.

Rule 19. Duty to Vote

It is the duty of each member to vote unless excused by a majority vote according to law. The Board may excuse members from voting on matters involving their own financial interest or official conduct. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative. An excused absence shall not be counted in the vote. An unexcused absence will be recorded as voting in the affirmative.

The Chair shall not be required to vote, except in the case of a tie.

Rule 20. Faithful Attendance

Faithful attendance at Planning Board Meetings shall be a prerequisite to continued membership on the board. A member may miss up to 25% of the regular and special meetings or up to three (3) consecutive regular meetings per year with good cause: i.e. job requirements or personal emergency. Once a person misses more than 25% of the regular and special meetings or more than three (3) consecutive regular meetings without good cause in one year, the board should recommend dismissal of the person from the board to the Town Council. ETJ members are "called" when necessary and, as such, their attendance shall only be considered when "called".

Rule 21. Conflict of Interest

At the beginning of consideration of a matter before the Planning Board, any member who has an interest, whether direct or indirect shall notify the Planning Board forthwith of said interest. The chairman shall excuse said member from further participation in the matter. A members' withdrawal from participation shall not be interpreted as voting on the matter.

Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

Rule 22. Prohibition of Secret Voting

No vote may be taken by secret ballot. If the Board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, at which time they may be destroyed.

Rule 23. Action by Reference

The Board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted on.

Rule 24. Recommendations for Adoption, Amendment, or Repeal of Land Use Ordinances

Recommendations for adoption, amendment, or repeal of ordinances may be made per request of the Town Council or by Planning Board initiative.

(a) Request by Town Council**Zoning Ordinances and Land Development Ordinance**

The Town of Jamestown Town Council members shall refer all proposed amendments to the Planning Board for review. The Planning Board shall submit its recommendation in writing to the Town Council following the procedures set forth in the Land Development Ordinance. A majority vote is necessary for any recommendation to be sent to the Town Council. The Town Council is not bound by the recommendations, if any, of the Planning Board. Planning staff may make minor edits that do not change the intent of the ordinance such as grammatical, spelling, or reference numbers without board approval. Special exceptions may apply, whereby the Town Council may appoint a special committee to review planning related materials which reports directly to the Council. In the event Council appoints such a committee, the Planning Board shall be represented by on said committee by at least one member.

Other Land Use Ordinances

The Town of Jamestown Town Council members, at their discretion, may refer proposed amendments to the Planning Board for review. A majority vote is necessary for any recommendation to be sent to the Town Council. The Town Council is not bound by the recommendation, if any, of the Planning Board.

(b) Recommendations Initiated By Planning Board

Any member of the Planning Board may initiate discussions concerning the adoption, amendment or repeal of any Land Use ordinance. A majority vote is necessary for any recommendation to be sent to the Town Council.

Rule 25. Quorum

A majority of the Board membership shall constitute a quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members present, he or she shall be counted as present for the purposes of determining whether a quorum is present.

Rule 26. Public Hearings

The Chair or staff has the authority to call public hearings. Public hearings required by law or deemed advisable by the Board shall be discussed setting forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted to each speaker and designating representatives to speak for large groups. Staff shall advertise for the public hearings with proper legal notice. At the appointed time, the Chair shall call the hearing to order and preside over it. When the allotted time expires, the Chair shall declare the hearing ended and the Board shall resume the regular order of business.

The Chair shall follow the approved methods for conducting a public hearing or other presentations to the Board. Generally, this is as follows:

- a. Staff Report
- b. Presentation of Business before Board by applicant (20 min. maximum, unless extended by a majority consensus of the Board)
- c. Speakers from the floor regarding business before Board (30 min. maximum for all speakers, unless extended by a majority consensus of the Board).
- d. Rebuttal Period for those presenting business before Board (15 min. maximum to respond, unless extended by a majority consensus of the Board).
- e. Closing of Public Comment period.
- f. Discussion among members of Board.
 - i. May request further information from applicant/speaker as necessary (for clarity).
 - ii. May request further information from staff as necessary.
 - iii. May request continuation of meeting to allow staff and/or applicant to address concerns.
- g. Call to vote on business before Board.

Rule 27. Quorum at Public Hearings

A quorum of the Board shall be required at all public hearings required by law.

Rule 28. Minutes

Minutes shall be kept of all Board meetings.

Rule 29. Reference to *Robert's Rules of Order*

To the extent not provided for in, and not conflicting with the spirit of, these rules, the Chair shall refer to *Robert's Rules of Order* to resolve procedural questions.

Rule 30. Reference to *Suggested Rules of Procedure for Small Local Government Boards*. Second Edition. Bell, A. Fleming, II. Institute of Government. University of North Carolina at Chapel Hill.