

RULES OF PROCEDURE BELMONT PLANNING BOARD

The Belmont Planning Board, hereinafter referred to as the “Board,” shall be governed by the terms of North Carolina General Statute 160A-361 and by the City of Belmont Land Development Code.

Rule 1. Regular Meetings

The Board shall hold a regular meeting on the third Thursday of each month. The meeting shall be held at the Belmont City Hall, 115 North Main Street, Belmont, North Carolina and shall begin at 6:30 p.m. A copy of the Board’s current meeting schedule shall be filed with the City Clerk.

Rule 2. Special, Emergency, and Continued 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 forty-eight (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 (1) given to each Board member; (2) posted on the City’s principal bulletin board; and (3) mailed or delivered to each media outlet, organization, or person who has filed a written request for notice with the City Clerk.

A special meeting may also be called or scheduled by vote of the Board in open session during another duly called meeting. The motion calling the special meeting shall specify its time, place, and purpose. At least forty-eight (48) hours before a special meeting called in this manner, notice shall be provided as noted above.

Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless (1) all members are present and (2) the Board determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

(b) Emergency Meetings. The Chair or a majority of the members may at any time call an emergency meeting of the Board by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least two (2) hours before a special meeting called in this manner, written or oral notice of the meeting stating its time and place and the subjects to be considered shall be given to each Board member and media outlet that has filed a written request for notice with the City Clerk.

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

(c) Continued Meetings. A properly called regular, special, or emergency meeting may be continued to a time and place certain by a procedural motion made and adopted in open session during the regular, special, or emergency meeting. The motion shall state the time

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and place when the meeting will continue. No further notice need be given of such a continued session of a properly called regular, special, or emergency meeting.

Rule 3. Agenda

(a) Proposed Agenda. The Board's Secretary, who shall be the Planning Director or his or her designee, shall prepare a proposed agenda for each meeting. A request by an outside party to have an item of business placed on the agenda of a regular meeting **will be scheduled to appear on the next meeting agenda upon receipt of the complete application.** Any Board member or Planning staff member may have an item placed on the proposed agenda if a request is made prior to preparation and distribution of the 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 Board member shall receive a copy of the agenda package, and it shall be available for public inspection when it is distributed to the Board.

(b) Adoption of the Agenda. As its first order of business at each meeting, the Board shall discuss and, if necessary, 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 only add items to the agenda of a special meeting as provided in Rule 2 (a).

Rule 4. 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 agenda
- Approval of the minutes of prior meeting(s)
- Unfinished business
- New business
- Adjournment

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

Rule 5. Presiding Officer

The Chair of the Board shall preside at Board meeting if he or she is present. If the Chair is absent, the Vice-Chair shall preside. If both the Chair and Vice-Chair are absent, another member designated by a 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. The Chair may discuss and vote in all cases. The Chair or other presiding officer shall have the duties normally conferred on such office.

Rule 6. Action by the Board

The Board shall proceed by motion. Any member, including the Chair, may make a motion. A member may make only one motion at a time. A motion made by one member

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shall require a second from another member. Following a second to a motion, the Chair shall state the motion and then open the floor to debate.

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 9 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

Rule 7. 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 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 8. Closed Sessions

The Board may hold closed sessions as provided by law. The Board shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, mediations, arbitrations, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the Board expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The Board shall terminate the closed session by a majority vote. Only those actions authorized by statute may be taken in closed session.

Rule 9. 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 10. Minutes

Full and accurate minutes of the Board proceedings, including closed sessions, shall be kept by the Secretary to the Board, as identified in Rule 3. The Board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. Those 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,

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on the request of any member of the Board, the entire Board shall be polled by name on any vote.

Minutes and general accounts of closed sessions may be sealed by action of the Board. 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 11. Committees

The Board may establish and appoint members for such temporary and standing committees as are required by law or needed to help carry on the Board's work. Meetings of such committees will be conducted in conformance with the requirements of the open meetings law.

Rule 12. Attendance

In order for the Board to properly carry out its duties and responsibilities, it is necessary for all members to attend the meetings. If any member is absent for two (2) consecutive regular meetings, the Chair may direct the Secretary to notify such member in writing of his or her absences and that, if such member fails to attend the next regular meeting, the Board, by a majority vote of the remaining members, may request that the position be vacated and that a replacement be appointed by the City Council or the Gaston County Board of Commissioners, as appropriate.

Rule 13. Addressing the Planning Board

Persons desiring to speak on an agenda item that falls within the purview of the Board will be recognized by the Chairman to speak during the public comment section of a case. **Applicants presenting a case will be limited to a 15-minute presentation, with additional time allocated, if necessary, upon request and approval of the Chair.** Each speaker commenting on a case shall be provided (3) minutes each and shall identify himself by name and address. The Board may limit time for each speaker proportionate to the number of persons who signed up to comment, if more than 30 minutes will be required for both proponents and opponents.