BYLAWS AND RULES OF PROCEDURE
OF THE CITY OF BREVARD
PLANNING BOARD

REVISED AND READOPTED: FEBRUARY 27, 2024~~19, 2019~~

Article I. Name

The name of this organization is the City of Brevard Planning Board, hereinafter referred to as the "Board."

Article II. Purpose and Powers

The purpose of the Board is to function as the planning agency for the City of Brevard and to exercise all powers and duties specified by Section 15.1 of the City of Brevard Unified Development Ordinance (UDO), as such may be amended from time to time, and to fulfill such other responsibilities as may otherwise be delegated to the Board by City Council.

Article III. General Rules

The Board shall be governed by the Ordinances of the City of Brevard and the Laws of the State of North Carolina. The Board shall follow the procedures outlined in these rules of procedure ~~in *Suggested Rules of Procedure for Small Local Government Boards*, except as they may be modified by these rules of procedure.~~

Article IV. Jurisdiction

The Board's jurisdiction shall apply equally within the City limits and the City's area of extraterritorial jurisdiction.

Article V. Organization

Section 1. *Membership*. The Board shall consist of seven members, four of whom shall be residents of the City of Brevard; the other three shall be residents of the City's extraterritorial jurisdiction. The members who reside in the extraterritorial jurisdiction shall be entitled to equal rights, privileges and duties with other members of the board regardless of where the matters at issue arise.

Section ~~5~~2. *Quorum*. A majority of actual members of the Board, excluding vacant seats, shall constitute a quorum for the conduct of business of the Board ~~or of any committee~~.

Section ~~2~~3. *Officer Elections~~s~~*. At its January meeting each year, the Board shall elect a chair and vice- chair for the coming year. The chair and vice-chair shall hold office for one year and shall be eligible for reelection.

Section 4. *Chair.* The chair shall preside over all meetings of the Board. The ~~Chairman~~chair shall have the following powers:

I. To rule motions in or out of order, including the right to rule out of order, any

motion patently offered for obstructive or dilatory purposes;

II. 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;

III. To entertain and answer questions of parliamentary law or procedure;

IV. To call a brief recess at any time;

V. To adjourn in an emergency.

The chair shall also have the privilege of discussing all matters before the Board and of voting thereon.

Section 5. *Vice-chair.* The vice-chair shall preside in the absence of the chair, and at such times shall have the same powers and duties as the chair. ~~The vice- chair shall assist the chair and shall serve as acting chair in the absence of the chair.~~ If the chair position is vacated, the vice-chair shall become the chair for the remainder of the vacated term.

Section 6. *Clerk.* The Planning Director shall designate a City of Brevard employee to serve as the clerk to the board. The board clerk shall keep all records, prepare meeting minutes for the signature of the chair, arrange for all required public notices, notify board members of upcoming meets and their agenda, and generally supervise the clerical work of the board.

Section ~~3~~7. *Attendance at Meetings*. Members are expected to attend all meetings of the Board. In accordance with Section 15.4 of the UDO, any member who attends less than 75% of the regular and special meetings held by the Board during any one year period may be removed from the Board by City Council. The ~~Chair~~ board clerk shall notify the chair and proper appointing authority if a member fails to abide by this requirement.

Section ~~4~~8. *Conflict of Interest*. No Board member shall take part in the hearing, consideration, or deliberation of any case or matter before the Board in which the Board member, or any member of the Board member's family, either directly or indirectly, is a party or has any financial interest. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of remaining members present on the request.

~~**Section 5.** *Committees.* The Board shall have such standing committees as it finds necessary and convenient. In addition, the chair may create ad hoc committees. The chair shall designate the membership of all committees. The chair shall be either an active or ex-officio member of all committees.~~

VI. Meetings

Section 1. *Open Meetings.* All meetings shall be ~~noticed and~~ open to the public and properly noticed as provided by state law.

Section ~~1~~2. *Regular Meetings.* The Board shall hold a regular meeting on the ~~third~~ fourth Tuesday of each month or at such other time as it may find convenient. The Board's current

meeting schedule shall be filed with the city clerk and the board clerk in accordance with state law.

Section ~~2~~3. *Special Meetings.* The chair or a majority of the Board may call special meetings. ~~A majority of the Board may by written demand call a meeting.~~ Written notice of a special meeting shall be provided to all members at least one week in advance of the meeting.

Section ~~4~~4. *Cancellation of Meetings.* Whenever there is no business for the Board, the chair, after consultation with the Planning Director, may cancel a meeting, by giving notice to all members not less than twenty-four hours before the time set for the meeting. In the event of severe weather or other sufficient cause the chair, after consultation with the Planning Director, may cancel a meeting by giving reasonable notice to all members before the time set for the meeting. In the case of a meeting called by a majority of the Board, the chair may cancel the meeting only upon the concurrence of a majority of the Board.

VII. Agenda

Section 1. *Proposed Agenda.* The board clerk shall prepare the agenda for the meeting. Any individual or group wishing to address the Board shall make a request to the board clerk to be placed on the agenda. However, the Board will determine at the meeting whether the individual's or group's request to be heard will be granted.

An agenda packet shall be prepared that includes, for each item of business placed on the agenda, as much background information on the subject as it is available and feasible to reproduce. Each board member shall receive a copy of the proposed agenda and agenda packet, and it shall be available for public inspection and/or distribution when they are distributed to the board members. The Board may, by majority vote, add an item that is not on the agenda.

Section ~~3~~2. *Order of Business*. The order of business at regular meetings shall be, where pertinent:

I. Welcome
II. Introduction of Board Members
III. Certification of Quorum
IV. Approval of Agenda
V. Approval of Minutes
VI. Public Comment
~~VI.~~VII. Old Business
~~VII.~~VIII. New Business
~~VIII. Public Comment~~
IX. Remarks
X. Adjournment

However, by general consent of the Board, items may be considered in another order.

~~**Section 4.** *Cancellation of Meetings.* Whenever there is no business for the Board the chair may cancel a meeting, by giving notice to all members not less than twenty-four hours before the time set for the meeting. In the event of severe weather or other sufficient cause the chair may cancel a meeting by giving reasonable notice to all members before the time set for the meeting. In the case of a meeting called by a majority of the Board the chair may cancel the meeting only upon the concurrence of a majority of the Board.~~

~~**Section 5.** *Quorum.* A majority of members shall constitute a quorum for the conduct of business of the Board or of any committee.~~

~~**Section 6.** *Conduct of Meetings.* All meetings shall be noticed and open to the public as provided by law. Any person who may be substantially affected by final action in any matter that comes before the Board may appear in person or by agent or attorney to make presentations respecting any such matter. The Chair may impose reasonable restraints on presentations.~~

~~The Chairman shall have the following powers:~~

~~I. To rule motions in or out of order, including the right to rule out of order, any motion patently offered for obstructive or dilatory purposes;~~

~~II.~~I. ~~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;~~

~~III.~~I. ~~To entertain and answer questions of parliamentary law or procedure; To call a brief recess at any time;~~

~~IV.~~I. ~~To adjourn in an emergency.~~

VIII. Action by the Board

Section 1~~7~~. *Voting*. Members must be present to vote on any matter. Except as may be otherwise required by these rules or other prevailing law, any motion to be carried must have the vote of the majority of members actually voting. The chair shall be eligible to vote as any other member.

No member shall be excused from voting except when a conflict of interest is present. In all other cases, a failure to vote by a member who is physically present in the meeting room, or who has withdrawn without a conflict of interest, shall be recorded as an affirmative vote.

~~**Section 8.** *Electronic Notice.* Notice to a member conforms to a requirement of these rules to be in writing if sent by electronic mail to an electronic address provided by the member and not returned to the sender with an error message.~~

Section 2. *Motions.* Action by the Board shall proceed by motion. Anyone, including the chair, may make a motion. A motion shall require a second. A member may make only one motion at a time.

Section 3. *Deliberation*. The Board may only deliberate, vote or otherwise take action on items duly noticed agenda items. The chair shall preside over the discussion according to the following general principles:

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

Section 4. *Adoption by Majority Vote*. A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.

Section ~~9~~5. *Public Comment*. Prior to the beginning of each regular meeting, the ~~Secretary~~ board clerk shall place in a conspicuous location, a sign-up sheet, which shall state the name of the speaker, and the subject, which the speaker will address. ~~The secretary shall bring the sheet to the Chairman at the time the meeting is called to order.~~

At the beginning of each agenda item under "old business" and "new business", the ~~Chairman~~ chair may, at that time, recognize those who have signed up to speak to that specific item. The ~~Chairman~~ chair shall first recognize those who are a scheduled party to that agenda item (i.e. applicant, agent, public official, etc.) and shall state the number of citizens who have signed up to speak on that particular item and may give the scheduled party the option of speaking first or last.

The ~~Chairman~~ chair shall~~, in the interest of time,~~ have the right to limit any unscheduled speaker who has signed up under "public comment," to less than ~~five~~ three (3~~5~~) minutes. An unscheduled speaker may not dedicate his allocated time to another speaker without unanimous consent of the ~~Planning~~ Board.

~~Any citizen arriving after the meeting begins may sign up under unscheduled "public comment" at the first recess of the Planning Board by contacting the secretary.~~

~~Article VII. Public Hearings~~

~~**Section 1.** *Conduct of Hearings*. The Board may conduct public hearings to fulfill its responsibilities as specified in Section 15.1 of the City of Brevard UDO. The chair shall preside at all hearings and unless overruled by a majority of the board shall have plenary power to limit presentations in the interest of brevity, clarity, fairness or other considerations. "Limit" in this sense shall be construed broadly, and shall include the power to provide for the representation of groups by spokespersons.~~

~~**Section 2.** *Review of Zoning Amendments*. The Board shall advise and comment on whether any proposed zoning amendment is consistent with the Comprehensive Plan, Bike Friendly Community Implementation Plan, Comprehensive Transportation Plan and other plans that~~

~~have been adopted and any other officially adopted plan that is applicable. The Board shall provide a written recommendation to City Council that addresses plan consistency and other matters as deemed appropriate by the Board.~~

Article IX~~VIII~~. ~~Repeal of Previous Bylaws,~~ Rules and Policies

~~All bylaws, rules, policies and procedures heretofore adopted by the Board are REPEALED by the adoption of these Bylaws.~~

~~Article IX. Amendments~~

Section 1. *Amendment of the Rules.* These rules may be amended at any meeting after the meeting at which the amendment is first presented upon an affirmative vote of not fewer than four members of the Board. These rules should be reviewed annually.

Section 2. *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 it does not conflict with North Carolina law or with the spirit of these rules.

Adopted by ~~a unanimous~~ vote of the Board this the ~~19th~~ 27th day of February, ~~2019~~2024.

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~~Jimmy Perkins,~~Greg Hunter
Board Chair

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~~Demi Loftis~~Reid Wood
Board Vice-Chair

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Molly Jenkins
Board Member

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~~Keenan Smith~~James Carli

Board Member

_____
~~Stephanie Smith~~Peter Chavez
Board Member

_____
~~Dr. John Folger~~Alan Mercaldo

Board Member

_____
~~Chris Strassner~~John Schommer
Board Member

Attested to:

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Janice Pinson
Board Clerk