

# **Town of Oak Island Planning Board Rules of Procedure**

(amended November 10, 2020, amended September 13, 2022)

## **A. Meetings**

### **1. Organizational Meeting**

At the date and time of the regular meeting in August of each year, the Planning Board shall elect and Chairman and Vice-Chairman from its membership.

### **2. Regular Meetings**

The Planning Board will meet on a regular schedule as maintained by the Clerk to the Board. By majority vote, the Board may change its regular meeting date due to holidays and other circumstances. Town planning staff may amend the meeting date as needed to reschedule if needed.

### **3. Adjourned and Called Meetings.**

The Planning Board may call or hold special meetings as may be necessary and is decided by a majority vote of the members.

### **4. Attendance.**

All Planning Board members and required staff are expected to attend all meetings. Members have the responsibility to contact the Clerk to the Board or Planning staff if they cannot attend a meeting. In accordance with Town ordinances establishing the Planning Board, members who miss three consecutive regular meetings or a total of four in one twelve-month period shall lose their status as a member.

## **B. Agenda**

Only those matters on the agenda may be considered at any Planning Board meeting. No matter affecting the zoning of a property may be placed on the agenda for a meeting that has not been presented to the Planning staff or the Clerk to the Board by the deadline established in the applicable code section of the Town of Oak Island Code of Ordinances. A request to have an item of business placed on the proposed regular meeting agenda by a Planning Board member must be delivered to the UDO Administrator by 12 noon on the tenth business day preceding the planning board meeting, and be accompanied by appropriate background information.

### **1. Right to Address the Board**

When considering proposed ordinances, amendments, applications and otherwise considering matters when it appears that there are persons present desiring to be heard, the Chairman shall describe the matter before the Board and request that persons wishing to be heard on the matter to come forward. The Chairman shall require those desiring to speak to state their name and address for the record. In the case of large numbers of persons desiring to speak, the Chairman may, in the interest of time, set time limits on comment by each person. Any person who departs from the subject under discussion, who makes personal, impertinent or slanderous remarks, or who becomes boisterous while addressing the Board, shall be declared out of order.

Any person may request to be placed on the agenda to address the Board. Persons wishing to address the Board on matters unrelated to others pending matters may do so by contacting the Clerk to the Board or planning staff no later than 10 days prior to the meeting. The person must state the topic and general content of their remarks. The item will be placed on the agenda under a section for "agenda amendments/presentations."

### **2. Amendments**

The Planning Board reviews requests for text and map amendments to the Town of Oak Island Unified Development Ordinance, specifically dealing with the use and/or development of land, and makes recommendations to the Town Council.

After the Board has received all presentations and comments, the Chairman shall close the floor to public comment and the Board shall proceed to deliberate a recommendation to the Town Council. The Planning Board may recommend approval, approval with specific modifications, or denial of the amendment. In the case of applications not prepared by staff or at the recommendation of the Planning Board or Town Council, the Planning Board shall have thirty (30) days from the date of the initial review to make a recommendation to Town Council. If a recommendation is not made within 30 days, the application shall be forwarded to the Town Council without a recommendation from the Planning Board.

#### C. Office of the Chairman

The Chairman presides at all meetings and shall operate the meeting under the Oak Island Town Council Rules of Procedure. The Chairman votes on all motions unless recused for conflict of interest. The Chairman exercises the following powers:

- i. To rule motions in or out of order, including 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 procedures.
- iv. To call a recess at any time.
- v. To adjourn in an emergency.
- vi. To require summary reasons for the votes of the membership.

#### D. Office of the Vice-Chairman

The Vice-Chairman shall have all duties and powers of the Chairman in the Chairman's absence.

#### E. Actions by the Planning Board

##### 1. Voting

Affirmative votes equal to the majority of a quorum of the Board present and not excused from voting is required to approve any motion.

##### 2. Debate/Discussion by the Board

After motion and second are made, the Chair opens the floor for debate. Members are recognized to speak by the Chairman. A member who has not spoken is recognized before someone who already has spoken.

##### 3. Procedural Motions

In addition to substantive proposals, the following procedural motions and no others shall be in order. Each motion is debatable, may be the subject of a substitute motions and requires a majority vote for adoption.

- i. To adjourn. This motion may be made only at the conclusion of action on a pending matter, may not interrupt deliberation of a pending matter nor be in order until completion of the items on the agenda.
- ii. To take a recess.
- iii. To divide a complex motion and consider it by paragraph.
- iv. Call of the previous question.

- v. To postpone to certain time or date.
- vi. To reconsider. This motion cannot interrupt deliberation on a pending matter.
- vii. To rescind or repeal
- viii. To ratify action previously taken.

### 3. Withdrawal of Motions/Amended Motions

The introducer may withdraw a motion any time before a vote provided the second is also withdrawn.

### 4. Duty to Vote

A failure to vote by a member who is present or who, having been present, has left the meeting without being excused by the majority of the Board shall be deemed an affirmative vote and shall be so recorded.

Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter 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

**Resolution of Objection.**—If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

**Familial 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.

*(State law reference 160D-109)*

### F. Quorum

A majority of the Planning Board not recused from voting shall constitute a quorum to conduct business. A member who has withdrawn from a meeting without being excused shall be considered present for the purposes of determining the existence of a quorum.

### G. Minutes

A record of every meeting shall be kept by the Clerk to the Board. Every resolution, motion, or action taken shall be recorded. The minutes of each meeting shall be approved by the Board. Once adopted, the written minutes become the official minutes and the official public record of the meeting.

Planning Board meetings are electronically recorded. The recordings may be destroyed when the minutes are approved by the Board. Once adopted, the written minutes become the official minutes and the official public record of the meeting. Until then, minutes shall not be distributed until the next Planning Board agenda is published.

## **Addendum to the Planning Board Rules of Procedure (excerpt from Town Council Rules of Procedure)**

### 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, a procedural 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. (Not amendable) 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 town council, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The council 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 Recess to a Time and Place Certain. This motion may be made only at the conclusion of town council consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess to a time and place certain shall also comply with the requirements of Rule 2(c).

Motion 3. To Take a Brief Recess. (Not debatable or amendable) In order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending.

Motion 4. Call to Follow the Agenda. (Not debatable or amendable) The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question. The council 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. The motion does not require a second and no vote is taken.

Motion 5. Parliamentary Inquiry. (Not debatable or amendable) A request for the presiding officer's opinion on a matter of procedure as it relates to the business at hand not involving a ruling. The council member making the motion need not be recognized by the presiding officer. The motion does not require a second and no vote is taken.

Motion 6. Point of Information. (Not debatable or amendable) A request for information relevant to the business at hand but not related to procedure directed to the presiding officer or through the presiding officer to a council member, the town manager or his designee, the town attorney, or the town clerk. The council member making the motion need not be recognized by the presiding officer. The motion does not require a second and no vote is taken.

Motion 7. To Suspend the Rules. (Not debatable or amendable) The town council may not suspend provisions of the rules that state requirements imposed by law on the council. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats.

Motion 8. To Go into Closed Session. The council may go into closed session for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of that law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318.11(a)(3) shall identify the parties in each existing lawsuit concerning which the council expects to receive advice during the closed session, if in fact such advice is to be received.

Motion 9. To Leave Closed Session. (Not debatable or amendable)

Motion 10. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a council member wishes to consider and vote on subparts of a complex motion separately.

Motion 11. To Defer Consideration. (Not amendable) The town council 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 council member who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 17(b), Motion 16], or else move to suspend the rules [Rule 17(b), Motion 7].

Motion 12. For the Previous Question. (Not amendable) The motion is not in order until there have been at least 20 minutes of debate, and every council member has had an opportunity to speak once.

Motion 13. 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 council member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules [Rule 17(b), Motion 7].

Motion 14. To Refer a Motion to a Committee. The town council 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 motion by the town council, whether or not the committee has reported the matter to the town council.

Motion 15. 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, order, policy or resolution shall be reduced to writing before the vote on the amendment.

Motion 16. To Revive Consideration. (Not amendable) The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 11 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 17. To Reconsider. (Not amendable) The town council may vote to reconsider its action on a matter. The motion to do so must be made by a council member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess 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 18. To Rescind or Repeal. The town council 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 19. 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 actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the council, whichever occurs first.

**APPENDIX**

Permitted Procedural Motion in Order of Precedence (see footnote 1)

Vote

Motion	Required 2	Special Requirements	Debatable	Amendable
1. To Appeal a Procedural Ruling of the Presiding Officer	Majority	Is in order immediately after the presiding officer announces a procedural ruling, as specified in Rule 7, and at no other time. The council 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.	Y	N
2. To Recess to a Time and Place Certain	Majority	May not interrupt deliberation of pending substantive matter. Motion to recess to a time and place certain must also comply with Rule 2(c).	Y	Y
3. To Take a Brief Recess	Majority	None	N	N
4. Call to Follow the Agenda	None	Must be made at first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.	N	N
5. Parliamentary Inquiry	None	The council member making the motion need not be recognized by the presiding officer. No second required. No vote taken.	N	N
6. Point of Information	None	The council member making the motion need not be recognized by the presiding officer. No second required. No vote taken.	N	N
7. To Suspend the Rules	Two-Thirds	The town council may not suspend provisions of the rules that state requirements imposed by law on the council	N	N
8. To Go into Closed Session	Majority	Motion must cite one or more of the permissible purposes for closed sessions listed in G.S. 143-318.11(a) and must be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) must also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-381.11(a)(3) must	Y	Y

		identify the parties in each existing lawsuit concerning which the council expects to receive advice during the closed session, if in fact, such advice is to be received.		
9. To Leave Closed Session	Majority		N	N
10. To Divide a Complex Motion and Consider It by Paragraph	Majority	None	Y	Y
11. To Defer Consideration	Majority	A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration (Motion 16) is adopted. While a deferred motion remains pending, a new motion with the same effect cannot be introduced. CAUTION: Do not confuse with Motion 13.	Y	N
12. For the Previous Question	Majority	Not in order until there have been at least 20 minutes of debate, and every council member has had an opportunity to speak once.	Y	N
13. To Postpone to a Certain Time or Day	Majority	None. While a postponed motion remains pending, a new motion with the same effect cannot be introduced. CAUTION: Do not confuse with Motion 11.	Y	Y
14. To Refer a Motion to a Committee	Majority	60 days or more after a motion is referred to a committee, the introducer may compel consideration of the measure by the town council, regardless of whether the committee has reported the matter to the town council.	Y	Y
15. To Amend	Majority	(a) Amendments must be pertinent to the subject matter of the motion being amended. An amendment is improper if adoption of the motion with that amendment added has the same effect as rejection of the original motion. A proposal to substitute a different motion 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 must be reduced to writing before	Y	Y

the vote on the amendment.				
16. To Revive Consideration	Majority	In order at any time within 100 days after the day of a vote to defer consideration (Motion 11). Failure to adopt Motion 16 within the 100 day period results in expiration of the deferred substantive motion.	Y	N
17. To Reconsider	Majority	Must be made by a council member who voted with the prevailing side (the majority side except in the case of a tie; in that case, the “nos” prevail). May only be made at the meeting at which the original vote was taken, including any continuation of that meeting through recess to a time and place certain. Cannot interrupt deliberation on a pending matter before final adjournment of a meeting.	Y	N
18. To Rescind or Repeal	Majority	Not in order if rescission or repeal of an action is forbidden by law.	Y	Y
19. To Prevent Reintroduction for Six Months	Two-Thirds	In order immediately following defeat of a substantive motion and at no other time. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the council, whichever occurs first.	Y	Y

1. Except where indicated otherwise, procedural motions may interrupt deliberations on a pending substantive matter.