



**Rules of Procedure for the
Town of Southern Pines Planning Board
Adopted August 21, 2025**

Part I. Applicability

Rule 1. Applicability of Rules

These rules apply to all meetings of the Town of Southern Pines Planning Board (the “Board”). For purposes of these rules, a meeting of the Board occurs whenever a majority of the Board’s members gather to conduct hearings, deliberate, vote or otherwise transact public business within the Board’s jurisdiction. The term “majority” as used here and elsewhere in these rules means, unless otherwise specified, a simple majority - that is, more than half.

Part II. Quorum

Rule 2. Quorum

The presence of a quorum is necessary for the Board to conduct business. A majority of the Board’s actual membership, excluding vacant seats, constitutes a quorum. A member who withdraws from a meeting without being excused by majority vote of the remaining members in attendance is deemed present for quorum purposes.

Part III. Open Meetings

Rule 3. Remote Participation in Board Meetings

Members of the Board may participate remotely during declared emergencies as allowed by state law. In all other instances, if a member attends via electronic means, the member may participate in discussion and debate but the member will not be counted toward a quorum or allowed to vote on any matter before the Board unless authorized by state law.

Rule 4. Meetings to Be Open to the Public

Except as permitted by Rule 5, all meetings of the Board shall be open to the public, and any person may attend its meetings.

Rule 5. Closed Sessions

(a) Motion to Enter Closed Session: The Board may enter a closed session from which the public is excluded only upon a motion duly made and adopted in open session. The motion to enter closed session must cite one or more permissible basis listed in paragraph (b) of this rule. A motion to enter closed session under subparagraph (b)(1) or (b)(2) must contain the additional information specified in those provisions.

- (b) Basis for Closed Session: A closed session is permissible under the following circumstances and no others:
- (1) Privileged or Confidential Information: to prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or of the United States or that does not constitute a public record within the meaning of Chapter 132 of the General Statutes. The motion to enter closed session must name or cite the law that renders the information confidential or privileged.
 - (2) Attorney - Client Confidentiality: to consult with the Town attorney or another attorney employed or retained by the Town in order to preserve the attorney - client privilege. If the Board expects to discuss a pending lawsuit with its attorney, the motion to enter closed session must include the names of the parties to the lawsuit.
 - (3) Economic Development and/or Military Installation: to discuss matters relating to (a) the location or expansion of industries or other businesses in the area served by the Town; or (b) the closure or realignment of a military installation.
 - (4) Personnel: to consider the qualifications, competence, performance, character, fitness or conditions of appointment or employment of a public officer or employee or prospective public officer or employee. Final action to appoint or employ a public officer or employee must take place in open session.
Exclusion: An open session is required when the individual in question is a member of the Board or is being considered to fill a vacancy on the Board.
 - (5) Charge or Complaint: to hear or investigate a charge or complaint by or against a public officer or employee. Final action discharging an employee or removing an officer must occur in open session.
 - (6) or on any other basis permitted by law.
- (c) Closed Session Participants: Unless the Board directs otherwise, the Town Manager, Planning Director and Town attorney may attend closed sessions of the Board. No other person may attend a closed session unless invited by the Board.
- (d) Motion to Return to Open Session: Upon completing its closed session business, the Board shall end the closed session by adopting a duly made motion to return to open session.

Rule 6. Meeting Minutes

- (a) Minutes Required for All Meetings: The Board must keep full and accurate Minutes of all of its meetings, including closed sessions. In order to be "full and accurate," Minutes must record all actions taken by the Board. The Minutes should state the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The Minutes need not record discussions of the Board, though the Board, in its discretion, may decide to incorporate such details into the Minutes.
- (b) Record of "Ayes" and "Noes": At the request of any member of the Board, the Minutes shall list each member by name and record how each member voted on a particular matter.

- (c) General Accounts of Closed Sessions: In addition to Minutes, the Board must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The Board may combine the Minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.
- (d) Sealing Closed Session Records: Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the Board or if the Board delegates the authority to unseal to one or more staff members in accordance with guidelines adopted by the Board. The sealed Minutes and general account of any closed session may be withheld from public inspection so long as public inspection would frustrate the purpose(s) of the closed session.

Rule 7. Broadcasting and Recording Meetings

- (a) Right to Broadcast and Record: Any person may photograph, film, tape record or otherwise reproduce any part of a Board meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any media entity may broadcast any such part of a Board meeting.
- (b) Advance Notice: Any media entity that plans to broadcast any portion of a Board meeting shall so notify the Planning Director before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a Board meeting.
- (c) Equipment Placement: The Planning Director or the Director's designee may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a Board meeting, so long as the equipment is allowed to be placed where it can carry out its intended function. If the Planning Director determines in good faith that the equipment and personnel necessary to broadcast, photograph or record the meeting cannot be accommodated without undue interference with the meeting, and an adequate alternative meeting room is not readily available, the Planning Director may require the pooling of equipment and the personnel operating it.
- (d) Alternative Meeting Site: If the news media requests an alternate meeting site to accommodate news coverage and the Board grants the request, the news media making the request shall pay the costs incurred by the Town in securing an alternative meeting site.

Part IV. Organization of the Board

Rule 8. Organizational Meeting

- (a) Schedule Organizational Meeting: The Board must hold an organizational meeting at least once each year. The organizational meeting may be held on any date set by the Board.
- (b) Oath of Office: As the first order of business at the organizational meeting, all newly appointed members of the Board must take and subscribe the oath of office set out in

Article VI, Section 7, of the North Carolina Constitution. Each member's oath must be filed with the Town Clerk.

Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe and file the oath before he or she begins performing any of the duties of the member's office.

- (c) Selection of Officers: At the organizational meeting the Board shall elect from among its members a Chair and Vice Chair. The officers shall serve at the Board's pleasure.

PART V. Types of Meetings

Rule 9. Regular Meetings

- (a) Regular Meeting Schedule: The Board shall hold a regular meeting on the second to last Thursday of each month. The meetings shall be held at the time and location set out on the meeting schedule adopted by the Board. A copy of the Board's current meeting schedule shall be filed with the Town Clerk and may be posted on the Town's website.
- (b) Change to Meeting Schedule: Notwithstanding paragraph (a) of this rule, the Board may amend its regular meeting schedule to add or delete meetings or to change the date, time or location of one or more meetings on the schedule. The amended schedule shall be filed with the Town Clerk at least **seven (7)** calendar days before the day the first meeting is held pursuant to the revised schedule.

Rule 10. Special Meetings

- (a) Calling Special Meetings: A special meeting may be called in either of two ways:
 - (1) by vote of the Board in open session during a regular meeting or another duly called special meeting; or
 - (2) by the Chair or Vice Chair:
 - a. A written notice of the meeting setting out the time and place and the subjects to be considered must be prepared and signed by the person calling the meeting.
 - b. Said notice must be posted and distributed in accordance with subparagraphs (b) and (c).
- (b) Notice to the Public: At least 48 hours before a special meeting of the Board, the clerk to the Board or the clerk's designee shall provide notice of the date, time, place and purpose of the meeting by taking the following steps:
 - (1) posting on the Board's principal bulletin board or if the Board has no such bulletin board, at the door of the Board's usual meeting room; and
 - (2) delivering, e-mailing or mailing to each newspaper, wire service, radio station, television station, and any person who has filed a written request for notice with the Town Clerk or the clerk to the Board; and
 - (3) posting on the Town website in advance of the meeting.

(c) Notice to Members:

(1) Meeting Called by the Chair or Vice Chair: At least 48 hours before a special meeting called by the Chair or Vice Chair, written notice of the meeting stating its date, time and place, as well as the subjects to be considered, shall be delivered to each Board member or left at his or her usual dwelling place.

(2) Meeting Called by Vote of the Board in Open Session: When a special meeting is called by vote of the Board in open session during a regular meeting or another duly called special meeting, the motion or resolution calling the special meeting shall state the meeting date, time and place.

(d) Transacting Other Business: The Board may only take up those business items specified in the notice of the special meeting unless all members are present or any absent member has signed a written waiver of notice.

Even when all members are present or any absent member has signed a waiver, the Board may take up an item of business not covered by the notice only if the Board first determines in good faith that the item must be discussed or acted upon immediately.

Rule 11. Emergency Meetings

(a) Grounds for Emergency Meeting: Emergency meetings of the Board may be called only to address generally unexpected circumstances demanding the Board's immediate attention.

(b) Calling Emergency Meetings: There are two methods by which an emergency meeting of the Board may be called.

(1) The Chair or Vice Chair may at any time call an emergency Board meeting by signing a written notice stating the date, time, and place of the meeting and the subjects to be considered. The notice shall be delivered to each Board member or left at his or her usual dwelling place at least six hours before the meeting.

(2) An emergency meeting may be held when all members of the Board are present and consent thereto, or when any absent member has signed a written waiver of notice.

(c) Notice to Media of Emergency Meetings: The Town Clerk or the clerk to the Board shall provide notice of an emergency meeting as follows:

(1) to each local newspaper, local wire service, local radio station, and local television station that has filed a written request with the Town Clerk or the clerk to the Board for notice of emergency meetings. To be valid, the request must include the newspaper, wire service, or the radio station's telephone number.

(2) by telephone, e-mail or the same method used to notify Board members.

(3) Notice must be provided immediately after Board members have been notified.

(d) Transaction of Other Business Prohibited: Only business connected with the emergency may be considered at an emergency meeting.

Rule 12. Recessed Meetings

- (a) Calling Recessed Meetings: The Board may recess any properly called meeting to another date, time, and/or place by adopting a procedural motion in open session. The motion must:
 - (1) be made as provided in **Rule 31** in open session; and
 - (2) must state the date, time and place at which the meeting will reconvene.
- (b) Notice of Recessed Meetings: Notice of the recessed meeting's date, time and place shall be posted on the Town's website prior to the meeting. No further notice of a properly called recessed meeting is required.

Part IV. Agenda

Rule 13. Agenda

- (a) Draft Agenda:
 - (1) Preparation: The Planning Director or the Director's designee shall prepare a draft agenda in advance of each Planning Board meeting.
 - (2) Requesting Placement of Items on Draft Agenda: For a regular meeting, the Chair or the Planning Director may place items on the agenda.
 - (3) Agenda Packet: The clerk to the Board or clerk's designee shall prepare an agenda packet that accompanies the draft agenda. The packet shall include, for each item of business listed on the draft agenda, an explanation and/or background information sufficient for the Board's consideration of the item. If the Board is expected to consider a proposed ordinance or ordinance amendment, a copy of the proposal shall be included in the packet.
 - (4) Delivery to Board Members: Each Board member shall receive an electronic copy of the draft agenda and the agenda packet. Except in the case of an emergency meeting, the clerk to the Board shall distribute the agenda and agenda packet at least 24 hours before the meeting.
 - (5) Public Inspection. Once the clerk has distributed the draft agenda and agenda packet to the Board, the clerk shall publish it to the Town's website, making it available to the public.
- (b) Adoption of the Agenda:
 - (1) Adoption: At each meeting, the Board shall review the draft agenda, make whatever amendments it deems appropriate, and adopt a formal agenda for the meeting.
 - (2) Amending the Agenda: Both before and after adopting the agenda, the Board may add or remove agenda items by majority vote of the members present and voting, except that:
 - a. the Board may not add to the items stated in the notice of a special meeting unless the requirements in **Rule 10(d)** are satisfied; and

- b. only business connected with the emergency may be considered at an emergency meeting.
- (c) Consent Agenda: The Board may designate part of any regular meeting agenda as the consent agenda. Items may be placed on the consent agenda by the person(s) charged with preparing the draft agenda if the items are judged to be noncontroversial and routine. All items on the consent agenda must be voted on and adopted by a single motion.

Prior to the Board's adoption of the meeting agenda under subparagraph (b)(1) of this rule, any member may request to have an item removed from the consent agenda, which must be honored by the Board.
- (d) Informal Discussion of Agenda Items: The Board may informally discuss an agenda item even when no motion regarding that item is pending.

Rule 14. Acting by Reference to Agenda or Other Document

The Board shall not deliberate, vote or otherwise take action on any matter by reference to the agenda or any other document with the intention of preventing persons in attendance from understanding what action is being considered or undertaken. The Board may deliberate and vote by reference to the agenda or any item on the agenda, including the consent agenda, provided:

- (a) copies of the agenda are available for public inspection at the meeting; and
- (b) the agenda is sufficiently worded to enable the public to understand what is being deliberated or acted upon.

Rule 15. Agenda Items from Members of the Public

If a member of the public wishes to request that the Board include an item on a future agenda, he or she may communicate that to the Planning Director, a member of Board, or make the request at the public comment section of a regular meeting. The Board is not obligated to place an item on the agenda merely because such a request has been received.

Rule 16. Order of Business

Items may be placed on an agenda in any reasonable order and the Board may remove, add or rearrange the order as part of the motion to adopt the agenda. Without objection, the Chair may call agenda items in any order most convenient for the dispatch of business.

Part VII. Role of Presiding Officer

Rule 17. The Chair

- (a) Presiding Officer: When present, the Chair shall preside at meetings of the Board.
- (b) Right to Vote: The Chair votes on the same basis as other Board members, though in no event may the Chair break a tie on a motion on which he or she has already voted. The Chair shall have the right to make motions.

- (c) Recognition of Members: A member must be recognized by the Chair (or other presiding officer) in order to address the Board, but recognition is not necessary for an appeal pursuant to Rule 31, Motion 1.
- (d) Powers as Presiding Officer: As presiding officer, the Chair is to enforce these rules and maintain order and decorum during Board meetings. To that end, the Chair may:
 - (1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
 - (2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
 - (3) entertain and answer questions of parliamentary procedure;
 - (4) call a brief recess at any time;
 - (5) open and close public hearings; and
 - (6) adjourn the meeting in an emergency.
- (e) Appeals of Procedural Rulings: A member may appeal a decision made or answer given by the Chair under subparagraph (d)(1), (2), or (3) in accordance with Rule 31, Motion 1.

Rule 18. The Vice Chair

- (a) Presiding in Chair's Absence: When present, the Vice Chair shall preside over Board meetings in the Chair's absence with all the powers specified in Rule 17(d).
- (b) Delegation of Chair's Powers/Duties: In the Chair's absence, the Board may confer on the Vice Chair any of the Chair's powers and duties. Likewise, if the Chair becomes physically or mentally unable to perform the duties of his or her office, the Board may by unanimous vote declare the Chair incapacitated and confer any of the Chair's powers and duties on the Vice Chair. When the Chair announces that he or she is no longer incapacitated, and a majority of the Board concurs, the Chair shall resume the exercise of his or her powers and duties.
- (c) Duty to Vote: Even when presiding over a Board meeting, the Vice Chair has the same duty as other members to vote on all questions unless he or she has been excused from voting on a matter in accordance with Rule 28.

Rule 19. Other Presiding Officer

If both the Chair and Vice Chair are absent, the Board may elect from among its members a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the powers listed in Rule 17(d). Service as a temporary presiding officer does not relieve a member of the duty to vote on all questions unless excused from voting pursuant to Rule 28.

Rule 20. Chair May Be Active in Debate

In recognition of the fact that the Chair is a member of the Board, the Chair or Vice Chair, when presiding, shall have full rights to be active in debate and need not relinquish the duties of presiding officer when so engaged.

Part VIII. Motions and Voting

Rule 21. Action by the Board

Except as otherwise provided in these rules, the Board shall act by motion. Any member may make a motion, including the Chair.

Rule 22. Second Required

A second is required on any motion.

Rule 23. One Motion at a Time

A member may make only one motion at a time.

Rule 24. Withdrawal of a Motion

The member who introduces a motion may withdraw the motion unless the motion has been amended or the presiding officer has put the motion to a vote.

Rule 25. Debate

The presiding officer shall state the motion and then open the floor to debate. To the extent practicable, the presiding officer shall call on members in the order they request to be recognized.

Rule 26. Adoption by Majority Vote

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

Rule 27. Changing a Vote

A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may only change his or her vote with the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote must be made immediately following the presiding officer's announcement of the result.

Rule 28. Duty to Vote

- (a) Duty to Vote. Every Board member must vote except when excused from voting as provided by this rule.
- (b) Grounds for Excusal. A member may be excused from voting on a matter involving the member's own financial interest or official conduct.

Members may also be excused from voting when prohibited from voting under:

- (1) G.S. 14-234 (contract providing direct benefit to member);
- (2) G.S. 160D-109(a) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member); or
- (3) G.S. 160D-406(i) and 160D-109(d) (member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker).

Questions about whether a basis for excusal exists should be directed to the Town attorney.

(c) Procedure for Excusal.

- (1) At Member's Request. Upon being recognized at a duly called meeting of the Board, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.
 - (2) On the Board's Initiative. Even when a member has not asked to be excused from voting on a matter, a majority of the remaining Board members present may by motion and vote excuse the member from voting if grounds for doing so exist under **paragraph (b)**.
- (d) Consequence of Non-Excused Failure to Vote. Except as specified in **paragraph (e)**, if a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote, provided:
- (1) the member is physically present; or
 - (2) the member has physically withdrawn from the meeting without being excused by majority vote of the remaining members present.
- (e) Failure to Vote on Certain Zoning Matters. A member's unexcused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement or repeal a zoning ordinance. Instead, the member's unexcused failure to vote shall be recorded as an abstention.

Rule 29. Voting by Written Ballot

- (a) Secret Ballots Prohibited. The Board may not vote by secret ballot.
- (b) Rules for Written Ballots: The Board may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member must sign his or her ballot, and the Minutes must record how each member voted by name. The ballots must be made available for public inspection in the office of the clerk to the Board immediately following the meeting at which the vote took place and remain there until the Minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 30. Substantive Motions

A substantive motion is not in order if made while another motion is pending. Once the Board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 31, Motion 14.

Rule 31. Procedural Motions

- (a) Certain Motions Allowed: The Board may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.
- (b) Priority of Motions: The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that:
 - (1) any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 12; and
 - (2) a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 9.

When several procedural motions are pending, voting must begin with the procedural motion highest in priority, provided that a motion to amend or end debate on the highest priority motion must be voted on first.

Motion 1 to Appeal a Ruling of the Presiding Officer: Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

Motion 2 to Adjourn: This motion may be used to close a meeting. It is not in order if the Board is in closed session.

Motion 3 to Recess to a Time and Place Certain: This motion may be used to call a recessed meeting as permitted under Rule 12. The motion must state the time (including the date if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the Board is in closed session.

Motion 4 to Take a Brief Recess

Motion 5 to Follow the Agenda: This motion must be made at the time an item of business that deviates from the agenda is proposed. Otherwise, the motion is out of order as to that item.

Motion 6 to Suspend the Rules: To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least three-fifths of the Board's actual membership, excluding

vacant seats. The Board may not suspend provisions in these rules that are required under state law.

Motion 7 to Divide a Complex Motion: This motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.

Motion 8 to Defer Consideration: The Board may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires, unless the Board votes to revive it pursuant to **Motion 13** within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 9 to End Debate (Call the Previous Question): If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member present has had an opportunity to speak once on the pending motion.

Motion 10 to Postpone to a Certain Time: This motion may be employed to delay the Board's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the Board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to **Motion 6**.

Motion 11 to Refer a Motion to a Committee: The Board may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the Board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to **Motion 6**. If the committee fails to report on the motion within 60 days of the referral date, the Board must take up the motion if asked to do so by the member who introduced it.

Motion 12 to Amend:

- (a) Germaneness: A motion to amend must concern the same subject matter as the motion it seeks to alter.
- (b) Limit on Number of Motions to Amend: When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.
- (c) Amendments to Ordinances: Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.

Motion 13 to Revive Consideration: The Board may vote to revive consideration of any substantive motion that has been deferred pursuant to **Motion 8**, provided it does so within 100 days of its vote to defer consideration.

Motion 14 to Reconsider: The Board may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting during which the action to be reconsidered was taken; and (b) by a member who voted with the prevailing side. For purposes of this motion, "the same meeting" includes any continuation of a meeting through

a motion to recess to a certain time and place (**Motion 3**). The motion is not in order if it interrupts the Board's deliberation on a pending matter.

Motion 15 to Rescind: The Board may vote to rescind an action taken at a prior meeting provided rescission is not forbidden by law.

Motion 16 to Prevent Reintroduction for Six Months: This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion's defeat. To be adopted, this motion must receive votes equal to at least three-fifths of the Board's actual membership, excluding vacant seats. If this motion is adopted, the ban on reintroduction remains in effect for six months or until the Board's next organizational meeting, whichever occurs first.

Motion 17 to Ratify: The Board may ratify any action that it had or has authority to take.

Part IX. Special Provisions

Rule 32. Requesting a Legal Opinion

The Chair, Planning Director or the Board may request a legal opinion from the Town attorney. The Town attorney shall decide the format of the opinion (written or oral). The Town attorney may provide the Board with a legal opinion on his or her own motion without a request from the Board.

Rule 33. Staff to the Board

The staff of the Southern Pines Planning Department administers the Planning Board. The Board may make suggestions and requests to the Planning Director but shall not have the authority to direct the work of the Planning Director or the staff.

Rule 34. Duties of the Planning Board

The Planning Board shall have the duties and responsibilities authorized by NCGS 160D-301 along with any other related duties that the Town Council may direct.

Rule 35. Reserved

Part X. Public Hearings and Comment Periods

Rule 36. Public Hearings

- (a) Calling Public Hearings: In addition to holding public hearings required by law, the Board may hold any public hearings it deems advisable. The Board or Town staff may schedule and advertise hearings as appropriate.
- (b) Public Hearing Locations: Public hearings may be held anywhere within Southern Pines or within Moore County.
- (c) Rules for Public Hearings: The following rules shall apply to public hearings before the Board:

- (1) Legislative Hearings: Each side is allotted up to twenty (20) minutes for their presentation. If the applicant desires a rebuttal, an additional time of five (5) minutes per side shall be allowed for rebuttal.
 - (2) Evidentiary Hearings: The Chair or the Board may limit the time for presentations to a reasonable period and may limit the number of speakers if the presentations become repetitive.
 - (3) Groups supporting or opposing the same positions may designate a spokesperson(s).
 - (4) When the number of persons wishing to attend the hearing exceeds the capacity of the meeting location, the Chair or Board may provide for the selection of delegates from groups of persons supporting or opposing the same positions. In this event, if the hearing is subject to the open meetings law, arrangements must be made so that those excluded from the meeting location may listen to the hearing.
 - (5) The Chair shall have the authority to maintain order and decorum in the conduct of hearings. The Chair may rule speakers out of order and take other measures necessary to maintain order, to include the exclusion of disorderly persons from the meeting location.
- (d) Notice of Public Hearings: Any public hearing at which a majority of the Board is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 9 through 12, apply to such hearings. If state law mandates additional notice for particular types of hearings, such notice must be provided together with notice of the meeting during which the hearing will take place.
- (e) Continuing Public Hearings: The Board may continue any public hearing without further advertisement to a date, time and place certain, provided the details of the continued hearing are announced in open session. Except for hearings conducted pursuant to **paragraph (g)**, if a quorum of the Board is not present for a properly scheduled public hearing, the hearing shall be deemed continued until the Board's next regular meeting without further advertisement.
- (f) Conduct of Public Hearings: At the time appointed for the hearing, the Chair shall call the hearing to order and proceed to allow public input in accordance with rules adopted by the Board for the hearing. The Chair shall declare the hearing closed, and the Board shall resume the regular order of business:
- (1) unless the Board extends or continues the hearing;
 - (2) when the time allotted for the hearing expires; or
 - (3) when each person who wishes to speak has had an opportunity to do so.
- (g) Public Hearings by Less Than a Majority of Board Members: Nothing in this rule prevents the Board from appointing a member or members of the Board or a staff member to hold a public hearing on the Board's behalf, except when state law requires that the Board itself conduct the hearing.

Rule 37. Public Comment Periods

- (a) Provision for Public Comment Periods: The Board may provide the opportunity for public comment related to items not on the agenda at its meeting, but it is not required.
- (b) Rules for Public Comment Periods: If the Board allows public comment at its meetings, the following rules for public comment periods shall apply:
 - (1) The maximum time allotted to each speaker shall be three (3) minutes.
 - (2) Groups supporting or opposing the same positions may appoint spokespersons and yield their time to the spokespersons.
 - (3) The Chair shall have the authority to maintain order and decorum in the conduct of public comment periods and may rule speakers out of order and may take other measures necessary to maintain order including excluding disorderly persons from the meeting location.
 - (4) A maximum of ten (10) speakers per Board meeting will be allowed to speak during the public comment period. Further, to allow for a variety of issues to be presented to the Board, a maximum of six (6) speakers on any single issue or topic will be allowed at any public comment period. Speakers must sign up with the clerk (preferably upon arriving at the meeting) on a first come, first served basis.
 - (5) The Chair has the authority to call the speakers in any order desired.
 - (6) Comments regarding matters subject to a legally required public hearing are out of order during public comment periods and may only be made during the public hearing.
- (c) Content-Based Restrictions Generally Prohibited. The Board may not restrict speakers based on subject matter, as long as their comments do not:
 - (1) pertain to subjects outside the Board's real or apparent jurisdiction;
 - (2) promote, foster, or perpetrate discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, age or physical disability; or
 - (3) advocate illegal activity or compromise safety or security of the public.

Part XI. Appointments and Appointed Bodies

38. Committees and Boards

- (a) Establishment and Appointment: The Board may establish temporary and standing committees to help carry on the work of the Board. Unless otherwise provided by law the power of appointment to such bodies lies with the Chair or the Board as the Board directs.
- (b) Open Meetings Law: The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the Town's professional staff.

Part XII. Miscellaneous

39. Amendment to the Rules

These rules may be amended at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with the Town charter, any relevant statutes, and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the Board's members (including the Chair), excluding vacant seats.

40. Reference to Robert's Rules of Order Newly Revised

The Board shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the Chair shall make a ruling on the issue subject to appeal to the Board under Rule 31, Motion 1.