

**RULES OF PROCEDURE  
GASTONIA PLANNING COMMISSION**

**ARTICLE 1  
ESTABLISHMENT**

- 1-1** The Gastonia Planning Commission, having been created by the Gastonia City Council pursuant to Gastonia City Code § 17-431, shall be hereafter referred to as the "Planning Commission".
- 1-2** The Planning Commission shall be considered a "public body" and is subject to all rules and regulations for public bodies contained in North Carolina's Open Meetings regulations.

**ARTICLE 2  
DUTIES AND POWERS**

- 2-1** The primary objective of the Planning Commission is to develop and maintain a continuing, cooperative planning program to benefit the residents of the City of Gastonia. The powers of the Planning Commission are as specified in Gastonia City Code § 17-432.
- 2-2** The purposes of the Planning Commission are as follows:
- a. To make studies of the City and its environs;
  - b. To determine objectives to be sought in the development of the areas under study;
  - c. To prepare and recommend plans for achieving these objectives;
  - d. To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
  - e. To keep the City Council advised as to these matters.
  - f. To review and make recommendations to the Gastonia City Council (hereinafter referred to as the "City Council") regarding proposed changes to the Gastonia Zoning Ordinance and the Gastonia Comprehensive Land Use Plan.
  - g. To adopt a set of Rules of Procedure, as provided herein, not inconsistent with any North Carolina General Statute or any City ordinance.

- h. To review and approve preliminary subdivision plats.
- i. To elect officers from its membership.
- j. To perform any other related duties contained in the Zoning and Subdivision Ordinances or as directed by the City Council.
- k. To perform any other related duties that Council may direct.

**ARTICLE 3  
MEMBERSHIP**

- 3-1** The membership of the Planning Commission shall be as set forth in Gastonia City Code § 17-433.
- 3-2** If a vacancy on the Planning Commission occurs by reason of death, resignation, change of residence, City Council removal, or any other cause, the seat shall be filled by the City Council in an expeditious manner for the duration of the unexpired term.

**ARTICLE 4  
OFFICERS**

- 4-1** A Chairman and a Vice-Chairman shall be appointed by City Council as set forth in Gastonia City Code § 17-433.
- 4-2** The Chairman, in consultation with legal counsel to the Commission, shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Planning Commission in session at the time. The Vice-Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times he shall have the same powers and duties as the Chairman.
- 4-3** The Chairman shall preside in Commission meetings. In order to address the Commission, a member must be recognized by the Chairman. The Chairman shall have the following powers:
  - 1. To rule motions in or out of order, including the right to rule out of order any motions patently offered for obstructive or dilatory purposes;
  - 2. 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;

3. To entertain and answer questions of parliamentary procedure, following advice of the City Attorney;
  4. Establish committees and appoint membership for each committee with the general consent of the Commission.
  5. Provide instructions to the public regarding the conduct of public hearings and other matters before the Planning Commission.
  6. Place limitations on the time individuals may present matters to the Commission, provided however, that an equal amount of time is afforded to persons opposing those matters.
  7. To call a brief recess at any time;
  8. To adjourn in an emergency.
- 4-4** Presiding Officer When the Chairman is in Active Debate: The Chairman shall preside at Commission meetings unless he becomes actively engaged in debate on a particular proposal, in which case he may designate the vice-Chairman or another Commission member to preside over the debate. The Chairman shall resume the duty to preside as soon as action on the matter is concluded.

## **ARTICLE 5 SECRETARIAL SERVICES**

- 5-1** The Director of Planning shall arrange to have secretarial duties performed for the Planning Commission. Said person (hereafter referred to as the "Secretary"), subject to the direction of the Chairman, shall take minutes and keep all records. The Secretary shall keep in a permanent volume the minutes of every meeting of the Planning Commission. These shall show the record of all important facts pertaining to each meeting, every resolution acted upon by the Planning Commission, and all votes of members of the Planning Commission upon any resolution or upon the final determination of any question, indicating the names of members absent. The Planning Commission minutes and records shall be kept at the office of the City Clerk.
- 5-2** The Planning Department staff shall prepare the agenda for the meeting. A request to have an item of business placed on the agenda must be received at least seven working days before the meeting. Any citizen or member may, by timely request, have an item placed on the agenda.

The agenda shall include, for each item of business placed on it, as much background information on the subject as is reasonable to reproduce.

Each Commission member shall receive a copy of the agenda, and it shall be available for public inspection and/or distribution when it is distributed to the Commission members.

The Planning Department Staff shall arrange for copies of the agenda to be mailed to citizens or media personnel who request, in writing, copies of the agenda. Non-agenda items may be heard provided that all members present at the meeting agree to hear the matter.

## **ARTICLE 6 RULES OF CONDUCT FOR MEMBERS**

- 6-1** Members of the Planning Commission may be removed by the City Council for cause, including violation of the rules stated below herein.
  
- 6-2** In order for the Planning Commission to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. In accordance with Gastonia City Code § 17-434, if any member is absent for four (4) consecutive regular meetings or whose percentage of attendance is less than 60 percent over a 12-month period, the Chairman may direct the Secretary to notify such member in writing of his absences and if such member fails to attend the next meeting, the Planning Commission, by majority vote of the remaining members, may request that the position be vacated and also request that a replacement be made by the City Council.
  
- 6-3** No member of the Planning Commission shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Planning Commission which may result in a private benefit to themselves, their immediate relatives or their business interest. Immediate relatives are defined as spouses, parents, children, in-laws, and siblings.

A member may be excused from voting on a particular issue under the following circumstances:

- 1. If the matter at hand involves the member's own official conduct; or
  
- 2. If the member has such close personal ties to the applicant that he cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public's interest.

If a Planning Commission member determines that he may have a conflict of interest on a particular issue, he shall declare the nature of such conflict and ask to be excused from voting on the issue related to such conflict. The remaining Planning Commission members, by majority vote,

shall determine whether such conflict exists and whether said member may excuse himself from further deliberations on said matter. If a member is excused from voting, he shall seat himself in the audience and not participate in any further deliberation on said matter or (at his discretion) he shall remove himself from the meeting room during all deliberations pertaining to such matter. In no instance may a member be excused from voting merely due to an unwillingness to vote on the issue at hand and where no conflict of interest is found to exist.

A challenge to the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Planning Commission. Such a challenge may be an appeal for a review of the findings of the Planning Commission or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Planning Commission shall be supported by competent evidence and shall be submitted at a properly convened meeting of the Planning Commission. The Planning Commission shall hear all evidence. In order to find that a member does have a conflict of interest, a majority vote of the remaining members shall be required.

- 6-4** Prior to a Planning Commission meeting, Planning Commission members are permitted to listen to comments and receive printed materials regarding a pending case from interested parties but shall refrain from responding with opinions or views; provided, however, that members may receive and/or seek general technical information pertaining to the case from the Planning staff, or legal counsel to the Commission prior to the Planning Commission meeting at which the case is to be heard. Members who receive printed materials shall submit copies of all materials received to the Secretary to the Commission. The Secretary shall file any materials received in the case file corresponding to the particular proposal or issue that precipitated their submission.

Members of the Commission shall not commit themselves on any question scheduled to be considered by the Commission, prior to a consideration of the matter at a duly authorized meeting. Members shall use discretion in discussing with individuals scheduled agenda items which are later to be voted upon by the Commission.

## **ARTICLE 7 MEETINGS**

- 7-1** The Planning Commission shall meet on the first Thursday following the first Tuesday of each month at 9:00 a.m. in the City Council Chambers located on the First Floor at City Hall, Gastonia, North Carolina; provided that the Chairperson may designate a different place and time for meetings.

The Chairperson or a majority of the members may call a special meeting at any time by giving actual notice of the time and place of the meeting and the subjects to be considered to each Commission member at least forty-eight (48) hours before the meeting. If reasonable efforts to give each member actual notice are not successful, written notice shall be left at the member's home. Only those items of business contained in the notice may be transacted at the special meeting unless all members are present.

- 7-2** A majority of the actual membership of the Commission, excluding vacant seats, shall constitute a quorum. 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 a quorum is present.

## **ARTICLE 8 VOTING; CONDUCT OF MEETINGS**

- 8-1** Every member must vote unless excused in accordance with these rules by the remaining members.
- 8-2** A vote may be taken on a matter once a motion has been made and seconded.
- 8-3** The Chairman shall not be able to make or second a motion but may otherwise vote on all other issues.
- 8-4** Voting, at the discretion of the Chairman, shall be by voice or show of hands. All matters to be voted on by the Planning Commission shall be by a duly made motion and second.
- 8-5** It is the duty of all Planning Commission members present at a meeting to vote on all issues coming before the Planning Commission unless such member has been specifically excused from voting on an issue. Any non-excused member who abstains from voting shall be counted as having cast a "yea" vote.
- 8-5** All meetings shall be open to the public. The order of business at meetings shall generally be as follows:
1. Determination of Quorum
  2. Approval Of Minutes Of Previous Meetings

3. Changes to the Agenda
  4. Public Hearings
    - A. Instructions to the Public
    - B. Public Comments
    - C. Commission Deliberations
  5. Preliminary Subdivision Review
  6. Requests for Public Hearings
  7. Other Items for Discussion and/or Action.
  8. Adjournment
- 8-6** Items of business for discussion at the meeting shall appear on the agenda. Items which are not identified on the agenda may be considered only after approval by a majority vote of the Planning Commission.

**ARTICLE 9  
ADOPTION AND AMENDMENTS**

- 9-1** These rules shall at all times be consistent with all other ordinances of the City of Gastonia and the State of North Carolina. These Rules, within the limits allowed by law, may be amended by an affirmative vote of a majority of the Planning Commission membership. Any such amendment shall be presented in writing at a meeting preceding the meeting at which the vote is taken.

April 6, 2000  
DATE OF ADOPTION

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Jerry Fleeman, CHAIRMAN