

Charlotte-Mecklenburg Planning Commission

Rules of Procedure

Amended through November 7, 2011

These Rules of Procedure are derived from the Interlocal Agreement which indicates that the Planning Commission shall adopt such Rules of Procedure as it shall see fit for the transaction of its business (Section 3.53).

ARTICLE I - OFFICERS

Section 1. The officers of the Charlotte-Mecklenburg Planning Commission shall be the Chairperson and the Vice-Chairperson

Section 2. For the purpose of Planning Commission business the Chairperson shall preside at all meetings, appoint all standing and temporary committees, and shall have the right to vote. The Vice-Chairperson shall preside at meetings in the absence of the Chairperson. In the absence of both the Chairperson and the Vice-Chairperson the Commission shall select its presiding officers from those present.

Section 3. For the purpose of Planning and Zoning Committee business, the Chairperson of the respective Committee shall preside at all meetings, appoint all standing and temporary committees, and shall have the right to vote. The Vice-Chairperson shall preside at meetings in the absence of the Chairperson. In the absence of the Chairperson and the Vice-Chairperson the Commission shall select its presiding officers from those present.

Section 4. The Chairperson shall distribute the rotation schedule that will take effect in July at the April Planning Commission work session.

Section 5. The officers of the Commission shall be elected for a term of one year. The Chairperson will appoint a nominating committee by April. The Nominating Committee will present a slate of officers at the May work session. The definition of slate is one person per office. Additional nominations may be made from the floor. The election of officers will take place at the June meeting. The Chairperson and Vice-Chairperson will take office July 1.

Section 6. The Planning and Zoning Committees will elect their Vice-Chairpersons at their July committee meeting.

Section 7. In the event the office of Chairperson becomes vacant, the Vice-Chairperson automatically becomes the Chairperson as of the date of the vacancy. In the event the office of Vice-Chairperson becomes vacant, the Planning Commission shall elect a new Vice-Chairperson from a group consisting of the Committee Vice-Chairpersons and any Commissioners nominated from the floor. The vacancy will be announced at the work session following the vacancy. The election shall take place at the work session following the announcement (second work session after the vacancy).

Section 8. In the event of a vacancy for any reason in the position of Vice-Chairperson of the Planning or Zoning Committee, the respective Committee shall elect a new Vice-Chairperson from the members of that Committee. This election shall take place at the next work session following the date of the vacancy.

ARTICLE II - COMMISSION MEETINGS

Section 1. The regular meeting date of the Commission shall be the first Monday of each month. Special meetings may be called by the Chairperson of the Commission, provided that three days' notice may be waived upon the consent of eight Commission members.

Section 2. Eight members of the Commission shall constitute a quorum at any regular meeting of the Commission. Eight members of the Commission shall constitute a quorum at any special meeting of the Commission.

Section 3. 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.

Section 4. A request by one or more citizens to appear before or present matters to the Planning Commission must be submitted in writing to the Chairperson. This request will contain a description of the item to be discussed, the length of time it is estimated it will take to present, the names of people who will present the matter and the number of people desiring to attend. The Chairperson will present the request to the Executive Committee at its next meeting. The Executive Committee shall decide if the matter will be placed on a future agenda of the Planning Commission. The requesting party will be notified of the action of the Executive Committee. If the matter is approved for placement on the agenda, the requesting party will be given information as to when it will be heard and the time allotted for presentation. If the matter is not approved for the agenda they will be informed as to reasons for that action. No citizen may address the Planning Commission on a matter that has been or will be heard in a public hearing by either the Zoning Committee or the Planning Committee.

Section 5. No zoning petition will be reheard at the request of the petitioner or others, except a governing body, after a duly authorized public hearing has been conducted where petitioners and opponents have had an opportunity to express their views and after a decision has been rendered. After a hearing has been conducted but prior to a decision the Commission may agree to receive additional information on its own inquiry.

ARTICLE III - CONFLICT OF INTEREST

Section 1. No member of the Commission shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Commission which may result in a private benefit to themselves, their relatives or their business interest. In applying this rule the following procedure shall govern:

- (a) A Commissioner who determines there exists a conflict of interest shall declare the existence of a conflict and shall refrain from any deliberation on the matter and shall leave any chamber in which such deliberations are to take place.
- (b) A Commissioner who believes there may exist a conflict of interest shall declare his possible conflict and ask for a determination by the Commission. A majority vote of the Commission shall determine whether or not a conflict of interest exists.

- (c) A challenge of 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 Commission. Such a challenge may be an appeal for a review of the finding of the Commission or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Commission shall be supported by competent evidence and shall be submitted to a properly convened meeting of the Commission. The Commission shall hear all evidence and shall, by majority vote, make the final determination as to the existence of a conflict of interest.
- (d) Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of considerations because of the business or profession with which a member is associated.

ARTICLE IV - RECORDS OF COMMISSION BUSINESS

Section 1. The Commission shall keep a record of all business transacted at regular and special meetings. Copy of such Minutes shall be furnished to the Charlotte City Council, Mecklenburg County Commissioners, the Mayor and the City Manager. Such minutes shall be a public record filed in the Commission offices and available for inspection.

ARTICLE V - COMMITTEES

Section 1. There shall be four (4) Standing Committees:

- (a) Planning Committee as provided by the Interlocal Agreement.
- (b) Zoning Committee as provided by the Interlocal Agreement.
- (c) Executive Committee composed of the Planning Commission Chairperson and Vice-Chairperson and the Vice-Chairpersons of the Planning and Zoning Committees. The Executive Committee shall be responsible for coordination of Planning Commission and Committee activities and agendas. Further, the Executive Committee is responsible for working with the Director in assuring coordination of staff and Commission work.
- (d) The Communication Committee shall consist of three Commissioners. The Chairperson shall be an Executive Committee member. This Committee is responsible for producing the Commission's Annual Report every July as well as a statement to City Council each January outlining its recommendations for planning priorities in the upcoming fiscal year.

Section 2. Other Committees or Commission representatives on Committees may be appointed as needed to expedite the work and further the aims and objectives of the Commission or its Standing Committees.

Section 3. A quorum for the Planning and Zoning Committee meetings shall consist of at least five (5) members present.

Section 4. Commission members are to inform the Chairperson of the respective Committee or staff if they are not able to attend any regularly scheduled meeting of the Commission. If staff is notified of the absence, he/she should call the Chairperson of the respective Committee to inform them of the absence. In the event that a quorum is not obtained, the Chairperson of the respective Committee will contact their Committee member(s) to inquire about their availability to attend the meeting in order to obtain a quorum.

In the event that a quorum cannot be obtained with the assigned Committee members, the Chairperson of the Commission retains the authority to make temporary assignments as needed as per article 3.74 of the Interlocal Cooperative Agreement.

Section 5. Public Hearings: In regards to the Planning and Zoning Committee's attendance at Public Hearings, it is vitally important for Commissioners to be present and receive input from the public regarding the cases before them. The attendance policy still holds for each of these meetings. However, Public Hearings are not official meetings, and therefore do not require a quorum.

It is strongly recommended that absent Commissioners review the video/audio tape of the Hearing to insure they are familiar with the current information regarding each case. In addition, per article 3.74 of the Interlocal Cooperative Agreement, the Chairperson retains the authority to make temporary assignments.

Section 6. The Chairperson of a Committee has the authority to cancel a meeting in any one of the following two circumstances:

- (a) A sufficient number of Committee members have informed the Chairperson or staff advisor that they will not be able to attend the meeting, such that a quorum cannot be obtained.
- (b) The agenda is deemed insubstantial, such as the approval of minutes and/or mandatory referrals for which the timing of the approvals is not critical based upon the information available to the Planning staff. The Chairperson shall inform the Committee at the next regularly scheduled meeting of the Chairperson's reasons for the cancellation of the meeting for an agenda deemed insubstantial.

ARTICLE VI - VOTING PROCEDURE FOR ZONING COMMITTEE AND PLANNING COMMITTEE

Section 1. If a recommendation to approve or deny does not result in the necessary four votes in order to pass that motion, then there will be an automatic "roll over" to the next regularly scheduled meeting where such a matter would normally occur.

Section 2. Once the matter is voted upon again and less than four votes again result, then the matter shall be forwarded to the elected officials or other appropriate body with no recommendation. The matter shall be a report of the Committee with viewpoints expressing the discussion included.

Section 3. In the instance where all 7 committee members are present or otherwise accounted for (i.e. conflicts of interest) and a motion receives less than four votes, then the matter shall be forwarded as described under #2 above with no roll over delay.

Section 4. In the event a motion fails, (for example 3 to 4) such failure does not preclude a subsequent motion which would result in the passage of the motion (for example 4 to 3).

ARTICLE VII - DUTIES OF THE PLANNING DIRECTOR AND PLANNING STAFF

Section 1. The Planning Director shall be responsible for the execution of policies established by the Commission, and shall direct the work of the Planning Department's Staff. The Planning Director and Planning Staff shall serve as secretary of the Commission and shall be responsible for maintaining records of its business, issuing notices of meetings and notifying parties having interest in matters to be considered at Commission meetings.

ARTICLE VIII – PROCEDURE

Section 1. The Planning Commission may refer to the latest revision of *Robert's Rules of Order Newly Revised* for guidance on matters of procedure not governed by these Rules or any other higher authority in law or regulation.

Section 2. These Rules of Procedure may be amended at any work session by an affirmative vote of two-thirds of the serving members of the Planning Commission.

As Revised to March 1, 1999
As Revised to January 8, 2001
As Revised to December 1, 2003
As Revised to March 6, 2006
As Revised to October 22, 2008
As Revised to April 5, 2010
As Revised to November 7, 2011