

**VILLAGE OF MARVIN
PLANNING BOARD
RULES OF PROCEDURE**
Adopted 3/15/2022

**ARTICLE 1
ESTABLISHMENT**

- 1-1 The Marvin Planning Board, having been created by the Marvin Village Council, shall be hereafter referred to as the “Planning Board”.
- 1-2 The Planning Board 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 & POWERS**

- 2-1 The primary objective of the Planning Board is to develop and maintain a continuing, cooperative planning program to benefit the residents of the Village of Marvin.
- 2-2 The Planning Board shall have the following duties relating to planning and land development:
 - 1. To make studies of the Village and its environs;
 - 2. To determine objectives to be sought in the development of the areas under study;
 - 3. To prepare and make recommendations for achieving these objectives;
 - 4. To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
 - 5. To keep the Village Council advised to these matters and any subsequent issues for resolution that they have for the Village Council to review and consider.
 - 6. To review and make recommendations to the Marvin Village Council (hereinafter referred to as the “Village Council”) regarding proposed changes to ordinances and the Marvin Land Use Plan.
 - 7. To adopt a set of Rules of Procedure, as provided herein, not inconsistent with any North Carolina General Statute or any Village ordinance.
 - 8. To review and recommend approval, disapproval, or if not in compliance deny preliminary subdivision plats.
 - 9. To elect officers from its membership.
 - 10. To perform any other related duties as directed by the Village Council.
 - 11. To perform any other related duties contained in the Zoning and Subdivision Ordinances.

**ARTICLE 3
APPOINTMENT & TERMS**

- 3-1 The Planning Board shall consist of seven (7) members, all of whom shall be residents of the Village of Marvin and been duly appointed by the Village Council for designated terms. Members will be appointed to three (3) year staggered terms.
- 3-2 If a vacancy on the Planning Board occurs, the Village Council shall fill the seat for the duration of the unexpired term.
- 3-3 Members of the Board must be at least 18 years of age to serve.
- 3-4 Members of the Board receive a stipend consistent with the annual budget to be paid in accordance with board stipend policies. Stipends are paid for each regular Planning Board meeting attended, not to exceed one meeting per month and three meetings per quarter. Stipends are not paid for special meetings, unless a special meeting is called to replace a regular meeting.
- 3-5 Board members shall also be entitled to reimbursement for subsistence and travel while attending planning board training workshops or official functions. Reimbursements for subsistence and travel must be preapproved by the Village Manager in accordance with current Village policies.

- 3-6 A new member orientation shall be provided by the Clerk, Manager or the Planning Board Chairperson within 60 days of appointment to the Board. Members of the Planning Board will be eligible to attend at least one formal training session in their first year on the Board.

**ARTICLE 4
ELECTION OF OFFICERS**

- 4-1 Regular Planning Board members shall elect a Chairperson and a Vice-Chairperson. Each officer shall serve for a one (1) year term. Each officer may be elected to the same office for successive terms. At the first Planning Board meeting in March, a Chairperson and Vice-Chairperson shall be elected.
- 4-2 The Chairperson shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Planning Board during a Planning Board meeting. At Council meetings, the Chairperson, or a designated representative, shall also be responsible for presenting key actions and recommendations made by the Planning Board.
- 4-3 The Vice Chairperson shall serve as acting Chairperson in the absence of the Chairperson. During such times, he/she or she shall have the same powers and duties as the Chairperson.
- 4-4 If the Chairperson or Vice Chairperson vacates their role, the Planning Board shall nominate and elect a Planning Board member to fill the office for the remainder of the term.

**ARTICLE 5
MEETING AGENDAS AND REPORTS**

- 5-1 All meetings shall be open to the public. The order of business at regular meetings shall generally be as follows:
1. Determination of Quorum
 2. Adoption of Agenda
 3. Adoption of the Minutes
 4. Public Comment
 5. Items of Discussion
 6. Review of Action Items
 7. Board Member Comments
 8. Adjournment
- 5-2 Items of business shall appear on the meeting agenda. By majority vote, the Planning Board may add items for discussion or subtract items from the proposed agenda. The Clerk, Planner or Manager may change the order of business at their discretion if it ensures a more effective or efficient order of business for the Planning Board and/or Planning Board meeting guests.
- 5-3 In accordance with the Chairperson and/or Vice-Chairperson, the Village staff shall prepare a draft agenda which shall be submitted to the Board at least one week prior to all (regular) meetings. The Board shall have 24 hours to suggest changes to the draft agenda. When a special meeting is called, within 48 hours of the meeting time, the draft agenda will be shared with all members as soon as possible.
- 5-4 Village staff shall ensure a report is provided to Planning Board members for all agenda items requiring action. The staff report should provide background information for the agenda item, detail the action being requested of the Planning Board, and the party responsible for initiating the request. The staff report shall be distributed by the clerk.

**ARTICLE 6
RECORDING MEETING ACTIONS**

- 6-1 All Planning Board meetings are voice recorded. Executive Summary meeting minutes will be prepared. Meeting minutes shall record the names of members present and absent, a record of all important facts leading up to a recommendation, every resolution or question acted upon or voted upon by the Planning Board shall be incorporated into the meeting minutes by a Village staff member. The Planning Board minutes shall be kept in the office of the Village Clerk.

- 6-2 During each Planning Board meeting, the Village staff shall prepare an “Action Item List” summarizing tasks the Planning Board, or the staff plans, to address.

**ARTICLE 7
RULES OF CONDUCT**

- 7-1 Members of the Planning Board serve at the pleasure of the Village Council. The Council may remove any member of the Board at any time with or without cause. The Council may remove a Planning Board member by majority vote of the Council.
- 7-2 The Planning Board is subject to Volunteer Board Members’ Attendance Policy #P-2013-12-01 adopted by Council on December 10, 2013:

Policy #P-2013-12-01

In order for Volunteer Boards to carry out their duties and responsibilities, it is necessary for members to attend the meetings. Members are expected to attend all regular and special meetings of their respective boards. Council understands that on occasion Board Members will have schedule conflicts prohibiting attendance at a meeting; however, those absences should be an occasional event and not reoccurring.

In order to facilitate attendance reports for Council, a staff member will attend all regular and special meetings of all volunteer boards and will record attendance at each meeting. Each quarter, staff will notify the Finance Officer of the attendance record for stipend preparation and will notify the Council in a report presented at a Regular Council meeting.

If a Volunteer Board Member misses two consecutive meetings or four meetings in a six-month period, the Mayor or a Council representative will meet with the Board Chair to determine possible action. Action may involve removal from the Board, to be decided at the next regular Council meeting.

- 7-3 During the Planning Board’s public comment period, Planning Board members shall refrain from responding with opinions or views unless permitted by the presiding officer. However, members may receive and/or seek information pertaining to a case from the Chairperson, Vice-Chair or Village Staff.
- 7-4 The Planning Board is subject to Volunteer Board Members’ External Meeting Policy #P-2010-05-02 amended and re-adopted by Council on January 3, 2017:

**ARTICLE 8
MEETINGS**

- 8-1 Meetings of the Planning Board shall be held on a regular monthly schedule at a time and place to be decided by a majority vote of the members of the Board. Meetings may also be held at any convenient place in the Marvin area if directed by the Chairperson in advance of the meeting. The time and place of the meetings shall be publicized by a notice displayed on the Village Website and Social Media Platform. Each member of the Board shall be notified of meetings by the Village Clerk.
- 8-2 The Chairperson, the Vice Chairperson or two active members of the Planning Board may call for a special meeting. Special meeting notices must be posted by the Clerk in accordance with all requirements specified in NCGS §143-318.12(a). These requirements include, but are not limited to, posting the notice for the public and submitting it to required agencies at least forty-eight (48) hours in advance of the meeting. Public notices must detail the time, place and purpose of the special meetings and must be distributed to all Planning Board members at least forty-eight (48) hours in advance of the meeting.
- 8-3 A quorum shall be required to open any meeting and to conduct business. A quorum of the Board is established when a majority of the Planning Board is present, excluding the current number of vacant seats. When quorum cannot be established at a meeting, or when no business items are scheduled for Planning Board consideration, the Chairperson or the Clerk may dispense with the meeting. Written or verbal notice shall be distributed to all members of the Planning Board as soon as possible.
- 8-4 Board members or committees consisting of Planning Board members may participate in meetings remotely by phone with pre-approval by the Chairperson. Only meetings held at the Village Hall are available for remote

participation. Quorum must be established by members present before the remote member can participate in the meeting. No more than two members shall be permitted to participate remotely at any given meeting. Members who are participating remotely shall not be permitted to vote.

**ARTICLE 9
VOTING; MEETING CONDUCT**

- 9-1 At the discretion of the Chairperson, voting shall be by voice or show of hands. All matters to be voted on by the Planning Board shall be by a duly made motion.
- 9-2 The Chairperson shall have full voting privileges and the ability to make motions.
- 9-3 The Planning Board by majority vote, or the Planning Board Chairperson shall determine whether to hear a member from the public at any point during the meeting, outside of the public comment period.
- 9-4 A person who interrupts, disturbs or disrupts an official meeting is guilty of a misdemeanor. A person who interrupts a meeting, and is asked to leave the meeting by the presiding officer and refuses is also guilty of a misdemeanor. [NCGS §143-318.17]
- 9-5 A member may not be excused from voting merely due to unwillingness to vote on the issue at hand when no conflict of interest exists. If any unexcused member, abstaining from a vote, shall be counted as providing an affirmative vote.
- 9-6 Notwithstanding paragraph 9-5, a member may be excused from voting on an issue in the following circumstances:
1. When the member has a direct financial interest in the outcome of the matter at hand; or
 2. When the matter at hand involves the member's own official conduct; or
 3. When the member has such close personal ties to an applicant that he/she cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public's interest.
- 9-7 In addition, no member of the Planning Board shall seek to influence a decision, participate in any action or cast a vote in any matter before the Planning Board, which may result in assets or benefits for the member, the member's immediate family, or a member's business interests.

If a Planning Board member believes that he/she may have a conflict of interest on a particular issue, he/she shall declare the nature of such conflict and ask to be excused from voting on the issue related to such conflict. The remaining Planning Board members, by majority vote, shall determine whether such conflict exists and whether said member may be excused from further deliberations on said matter. If a member is excused from voting, he/she shall remove himself from the meeting table and not participate in any further discussion on said matter.

- 9-8 Excusing a member from voting, due to any reason outlined in section 9-5, shall not constitute an excused absence from the meeting and shall not, in and of itself, disintegrate any quorum that has been established.
- 9-9 Any interested party believing a conflict of interest exists, or any party believing a conflict of interest was undisclosed, may file a complaint with Village Hall and/or the Planning Board's presiding officer. The complaint, alleging an undeclared conflict of interest, may request an appeal of the Planning Board's findings. Any complaint shall be supported by evidence and shall be submitted at a properly convened meeting of the Planning Board. The Planning Board shall hear all evidence. A majority vote of the remaining members of the Planning Board shall be required to accept or dismiss whether a conflict of interest existed. Based on the outcome of this decision, the Planning Board should decide whether to withdraw their findings and whether to re-deliberate the original issue.

**ARTICLE 10
ADOPTION & AMENDMENTS**

- 10-1 These rules shall at all times be consistent with all other ordinances of the Village of Marvin 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 Board membership. Any such amendment shall be presented in writing at a meeting preceding the meeting at which the vote is taken.

AMENDED:

February 26, 1998

October 19, 1999

June 13, 2000

December 18, 2001

February 19, 2002

February 18, 2003

September 16, 2003

December 21, 2004

May 27, 2008

March 24, 2009

February 16, 2010

April 22, 2014

January 20, 2015 (new section 8.4 – remote participation)

June 19, 2018

January 21, 2020 (new Statement of Economic Interest/Code of Ethics and update on monthly stipends)

April 7, 2020 (Village Council Adopted Appendix A Rules of Procedure for Electronic Meetings for all Advisory Boards)

January 19, 2021 (Administrator changed to Manager, Added Age Requirement of 18 Years)

March 15, 2022 (Removes Statement of Economic Interest requirements, and minor revisions)

APPENDIX A

RULES OF PROCEDURE FOR ELECTRONIC MEETINGS OF MARVIN VILLAGE COUNCIL

The Village Council of the Village of Marvin, North Carolina, recognizes that Article 33C of Chapter 143 of the North Carolina General Statutes contemplates that official meetings of public bodies, such as the Marvin Village Council, may take place by electronic means. In fact, §143-318.10(d) of the North Carolina General Statutes states that an official meeting can, “mean[s] a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body.” The Rules of Procedure for Electronic Meetings are a guide for how Council will conduct meetings featuring electronic participation.

1. Meetings to Which These Rules Apply

These Rules of Procedure for Electronic Meetings (“Electronic Rules”) shall apply to meetings of the Marvin Village Council and to any other public bodies existing under the authority of the Village of Marvin (as such bodies follow Village Council’s rules). The Electronic Rules are supplemental to the Rules of Procedure approved by the Village Council for its meetings. Electronic Meetings can take place for any regular, special, or emergency meeting of the Marvin Village Council, subject to the conditions governing the use of Electronic Meetings.

2. Conditions Necessary for Electronic Meetings

The Village Council agrees that electronic meetings will only be permitted when any of the following entities declare that a state of emergency or a disaster exists in an area including the Village of Marvin: the federal government of the United States of America; the Government of the State of North Carolina through the Governor of the State of North Carolina or other method permitted by Chapter 166A of the North Carolina General Statutes; Union County, North Carolina; or the Village of Marvin, through the Mayor or other methods permitted by Chapter 33 of the Marvin Village Code. The state of emergency declaration or disaster declaration must be related to a distinct event that reasonable persons can agree directly affects the Village of Marvin (for example, a determination that an emergency exists under the National Emergencies Act related to piracy conducted by Somali pirates would not reasonably be related to the Village of Marvin and cannot support use of electronic meetings). If no state of emergency or disaster exists, then the Electronic Rules may not be used.

3. Definition of an Electronic Meeting

An Electronic Meeting is any meeting where one or more members of the Village Council participates through telephonic communication, or a telecommunications application which allows simultaneous communication by multiple parties, or other similar means that allows the members of the Village Council to hold a meeting without all members being physically present in the same room.

4. Notice of Electronic Meeting

If an Electronic Meeting is necessary, a public notice of the electronic meeting shall be sent as part of any notice required by North Carolina General Statutes §143-318.12. The public notice, in addition to the information required by North Carolina General Statutes §143-318.12, shall provide:

- a. The location of the physical meeting (which is where any Councilmembers and Staff able to attend the meeting in person shall gather); and
- b. The location of where a member of the public, member of the media, or others, may listen to the Electronic Meeting in accordance with § 143-318.13 of the North Carolina General Statutes.

The notice shall be provided in the manner required by Article 33C of Chapter 143 of the North Carolina General Statutes. If the Electronic Meeting is being used for any part of a regular meeting that is on the meeting schedule adopted by the Village Council, then the information required above shall be provided in a separate notice to be

provided in accordance with Article 33C of Chapter 143 of the North Carolina General Statutes. Any notice provided may also be posted on the Village of Marvin's bulletin board, website and social media accounts, if possible.

5. Quorum

Councilmembers present in person or electronically, shall be included in the calculation for determining if a quorum exists of the Village Council. If a Councilmember who participates electronically withdraws from the meeting, the rest of the meeting may be completed provided there is still a quorum of the Village Council present either in person or electronically. Any Councilmember withdrawing from the meeting shall no longer be included for purposes of the quorum calculation.

6. Process of Opening Meeting

Immediately prior to opening the meeting, the Mayor, Mayor Pro Tem, or other presiding officer shall communicate with the Councilmember(s) who is (are) participating electronically and ensure that he/she is prepared to go forward. From that time forward until the adjournment of the meeting, the communication line or application shall be kept open. At the start of the meeting, the Mayor, Mayor Pro Tem, or presiding official shall state which Councilmembers are participating electronically.

7. Voting and Discussion

Councilmembers present for the meeting through electronic means are eligible to vote for all items considered by the Village Council during the meeting. However, Councilmembers present for the meeting through electronic means will not be permitted to vote on any quasi-judicial matters coming before the Council. Also, a member voting must indicate verbally with a "yes," "no," "yea," "nay," or "abstain" (when that is permitted) such that the Village Clerk or her designee may record the vote. Prior to taking a vote on any issue, the Mayor, Mayor Pro Tem, or other presiding officer shall inquire of the Councilmembers participating electronically if he or she has been able to adequately monitor the discussion, including comments from the public, if any, and shall allow those Councilmembers to make any comments he or she desires, if they chose to not avail himself or herself of the opportunity to discuss the matter before the vote. However, it is the responsibility of the member to gain the attention of the Mayor or the presiding officer in order to be recognized for discussion. A Councilmember attending through electronic means that withdraws from the meeting without being excused from further attendance shall not be considered an affirmative vote on items before Council. If a Councilmember attending through electronic means becomes disconnected from the meeting, the Councilmember will not be counted as an affirmative or negative vote.

8. Minutes

The minutes of the meeting shall designate the name of each Councilmember who participated electronically, the nature of the electronic communication, and the duration of the Councilmember's participation.

Adopted this the 7th day of April 2020 by Village of Marvin Council for All Advisory Boards