



Agenda

Infrastructure Committee
 Monday, July 11, 2016
 10:30 AM
 Brunswick Room

Page

1. 10:30 A.M. - CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF THE AGENDA

3.1 Add or Delete Agenda Items as Necessary

4. APPROVAL OF MINUTES

4.1 March 7, 2016 – Meeting Minutes
[2016-03-07 Minutes](#)

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5. INTRODUCE GUESTS/SPEAKERS

6. PUBLIC COMMENT

7. DISCUSSION TOPICS

7.1 Continued discussion on water quality versus water quantity in stormwater management.

8. OLD/NEW BUSINESS

8.1 Second Amended Bylaws changing the name of the Committee
[2016-04-21 2nd Amended Infrastructure Committee ByLaws](#)

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8.2 Public Comment Periods
[Public Comment Periods](#)

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8.3 Infrastructure Committee Roster reflecting updated term expiration dates
[Utilities and Stormwater Committee Roster 02-2016](#)

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8.4 Rules of Procedure for Boards and Committees Established by the Town Council
[Rules of Procedure for Boards and Committees \(board copy\)](#)

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8.5 Field Trip to Water and Sewer Treatment Plant

9. ADJOURNMENT

10. NEXT MEETING DATE

The next regular meeting of the Infrastructure Committee will be held on November 7, 2016 at 10:30 a.m.



**TOWN OF LELAND
INFRASTRUCTURE COMMITTEE
MEETING MINUTES
(Formerly Utilities and Stormwater Review Committee)
MONDAY, MARCH 7, 2016 AT 10:30 A.M.**



ASSEMBLY

The Infrastructure Committee (formerly Utilities and Stormwater Review Committee) held a meeting on March 7, 2016 at 10:30 a.m. at the Leland Town Hall, 102 Town Hall Drive.

Present: Chairman, Jack Kazmarski; Vice Chair, Kevin Young, James Morrow, Ralph Mercorella, and Patrick Cummings.

Also present: Jimmy Strickland, Public Services Director; Steven Spruill, Public Services Manager; Bob Corriston, Council Liaison, and Nancy Sims, Deputy Town Clerk.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chairman Kazmarski called the meeting to order at 10:30 a.m. The pledge of allegiance was recited. A quorum was present.

APPROVAL OF THE AGENDA

Mr. Mercorella **MOVED, SECONDED** by Mr. Morrow to approve the March 7, 2016 Agenda as presented. The **MOTION CARRIED UNANIMOUSLY.**

APPROVAL OF THE DECEMBER 17, 2015 REGULAR MEETING MINUTES

Mr. Young **MOVED, SECONDED** by Mr. Morrow to approve the December 17, 2015 Regular Meeting Minutes as presented. The **MOTION CARRIED UNANIMOUSLY.**

INTRODUCTION

Mr. Kazmarski introduced new committee member Patrick Cummings. Mr. Cummings moved to this area from Connecticut in December, 2014 and is retired. He completed an application for a Town committee and recently received a message from Ms. Sims about this committee. He reviewed the bios of the other members and conceded that he doesn't know much about utilities, other than paying the bill. As far as stormwater, he has had some minor relation with the Town on that issue. He advised that he has a straightforward, common sense approach; if it made sense, good, if it doesn't than he spoke his piece. Mr. Spruill stated that Mr. Cummings lives in the Hearthstone neighborhood and that neighborhood has had some issues with stormwater runoff.

DISCUSSION

Significant discussion took place about the recent water main break and boil notices that went out to Leland residents.

PUBLIC UTILITIES

Mr. Strickland discussed the Highway 17 Corridor Force Main Project and showed the route on Google maps. He explained that currently there are two ten inch lines that go to Lift Station No. 1 in Magnolia Greens. That was handling just the sewer from Brunswick Forest. The Town wanted both a ten inch and sixteen inch pipe running parallel to Highway 17, down Route 74/76 boring under Oak Lane off Old Fayetteville Road and ending up at Lift Station No. 10, across from Weir's Automotive. There was enough capacity in that lift station that the Town won't need anything from the state. That capacity would take the sewer flow for the next ten to fifteen years from Brunswick Forest and any undeveloped areas. There would be no need for any additional land or pumps. The Town was also looking at building a larger holding tank for storage. This project's cost would be about \$800,000 to \$1,000,000. Mr. Strickland hoped to present this to Council in the next couple of months.

Mr. Young inquired how much was currently pumped from Lift Station No. 3. Mr. Strickland replied that Lift Station No. 3 pumped 3,000,000 to 5,000,000 gallons a month. This project would take 200,000 to 300,000 gallons off Lift Station No. 3 and would relieve some of the flow. When development is complete in Brunswick Forest there could be as much as 1,000,000 gallons going to this lift station.

Mr. Young then asked how much development the Town was contemplating beyond Brunswick Forest. Mr. Strickland pointed out the Cameron property on the map, which had plans to be built upon in the future, and there was also be additional property near Mallory Creek.

Mr. Mercorella asked about the timeline for completion of the project, to which Mr. Strickland replied, about a year after the bid was awarded.

There was ample additional discussion between Committee Members and Mr. Strickland regarding this project.

Mr. Strickland ended by saying this information was supplied so members could review it and ask any questions at the next meeting.

PUBLIC WORKS

Mr. Spruill presented a PowerPoint presentation on water quality versus water quantity stormwater control. He advised that most regulation is geared toward quality because of state and national laws. Obviously any new development is going to have a negative effect on quality, but the Town tries to minimize that outcome as much as possible. Some of the stormwater practices implemented will help alleviate some flooding, but are actually designed to clean water, not control flooding,

Mr. Spruill discussed the Town's regulations for both low density and high density areas and how they mirror the State regulations. He also discussed the regulations followed by both New Hanover County and the City of Wilmington. New Hanover County used a little higher standard

than Leland. Mr. Spruill confirmed Mr. Kazmarski’s statement that Leland did not have a minimum standard for a ten year and twenty-five year storm.

Mr. Spruill explained that flooding was controlled by regulating peak flow with retention. He added that to control flooding, the Town will need to change the low density threshold and also recommend some specification in areas with drainage problems. In those locales a more detailed drainage analysis may be needed.

Mr. Kazmarski made a suggestion about an alternative to bonds paid by a developer. The Town could figure out what municipal improvements were going to cost for a developer subdividing a subdivision -- as an example, it is \$500,000 and the lots will sell for \$100,000 a piece -- deed 5 lots over to the Town and the Town will deed it back to the developer once all municipal improvements are completed in a proper manner. If not, the Town sells the lots and then has money to pay for the municipal improvements. Mr. Spruill advised that he never heard of that, but could ask the Planning Department about it.

Mr. Morrow felt it was incumbent upon this committee in moving forward to attempt to strengthen some things with regard to stormwater; and also discuss hiring another individual to check the roads and other things. Mr. Spruill cautioned that these were two completely separate things. One was the Town’s acceptance policy for dedication of facilities and one was stormwater regulation and how we were permitting developments.

Mr. Spruill advised that the Town was not looking for any answers today. This topic was very confusing and they just wanted it out there for discussion. Also, please note that anything decided on this issue will have nothing to do with existing developments, it would only be for new developments. At the next meeting the committee can talk about some possible regulations before anything goes to Council.

OLD/NEW BUSINESS

The Amended Bylaws were distributed to members. Ms. Sims discussed the changes to bylaws made by Council.

Mr. Strickland stated that once construction is completed, a date will be scheduled to go to both the water plant and the sewer plant on the same day.

ADJOURNMENT

Mr. Mercorella **MOVED, SECONDED** by Mr. Morrow to adjourn the meeting at 12:30 p.m. The **MOTION CARRIED UNANIMOUSLY.**

Jack Kazmarski
Chairman

Nancy Sims
Deputy Town Clerk

Approval Date:

AMENDED BY-LAWS

LELAND INFRASTRUCTURE COMMITTEE

ARTICLE I. NAME OF ORGANIZATION

The Leland Utility Committee is hereby reorganized as the Leland Infrastructure Committee and all resolutions not consistent with the provisions herein are declared null and void.

ARTICLE II. DUTIES OF THE COMMITTEE

1. To function as a review and advisory committee with the Leland staff and make recommendations on amending the Town of Leland regulations governing maintenance, equipment, and operation of Leland's water, sewer, and storm water systems as they pertain to safety, efficiency, and compliance with all state requirements.
2. The Committee may, when requested by the Leland Town Council, or Public Services Director, review, comment, and make recommendations regarding reports, studies, or determinations relating to:
 - a. Water supply capacity, distribution capacity, distribution facilities, and projects.
 - b. Wastewater collection and/or treatment capacity and facilities, and projects.
 - c. Policies regarding water and sewer extensions, assessments, tap fees, capacity use charges, and impact fees.
 - d. Policies regarding stormwater regulations, maintenance of stormwater facilities, and the Phase II Stormwater Permit.
 - e. Stormwater treatment/control and flood prevention projects.
 - f. Other assignments as needed.

ARTICLE III. MEMBERSHIP

1. The Committee shall consist of five (5) members.
2. All members shall be residents of the Town and shall be appointed by the Leland Town Council and serve at the Council's discretion.
3. The effective time of appointment for a full term of service on the Committee shall be three (3) years.
4. The term of office for appointments under these by-laws shall be: All terms after the appointments under these by-laws shall be staggered with the initial appointments as follows; three (3) members for a term of three (3) years expiring on June 30 of even number years, and

Adopted by Council on April 21, 2016

two (2) members for a term of two (2) years expiring on June 30 of odd number years. Vacancies shall be filled only for the period of the unexpired term.

5. A member of the Committee may be removed for the any of the following reasons:
 - a. Absence from three (3) consecutive meetings.
 - b. Upon receipt, by the LELAND Town Council, of a letter of resignation from the member.
 - c. At the discretion of the Town Council.
6. There will be a Council Liaison to the committee appointed without any voting rights.

ARTICLE IV. OFFICERS AND THEIR DUTIES

1. The offices of Chairperson and Vice-Chairperson shall be elected for a one (1) year term. This election shall take place during the regular quarterly meeting in November of each year.
2. The Chairperson shall preside over all meetings and shall decide all matters of order and procedure subject to these By-laws, unless otherwise directed by a majority of the Committee present at a meeting. The Chairperson shall be in charge of the Committee.
3. The Vice-Chairperson shall serve as acting chairperson in the absence of the chairperson and shall have the same powers and duties as the chairperson when presiding.
4. The Town Manager shall appoint a clerk who will not be a Committee member. The clerk shall keep the minutes of all Committee proceedings; keep records of attendance, resolutions and votes; and notify the membership, news media and the public of the meetings of the Committee.

ARTICLE V. VOTING

1. Three (3) members of the Committee shall constitute a quorum.
2. Official business shall not be conducted unless a quorum is present.
3. A minimum of a simple majority of the quorum voting in the affirmative shall be necessary to pass a motion.
4. All Committee members are voting members.
5. The Committee decisions shall not be binding on Leland Town Council or the Town. The Committee only acts in an advisory capacity.

ARTICLE VI. MEETINGS

1. The Committee shall hold, at a minimum, regular meetings on the first Monday of each quarter at 10:30 AM at Town Hall, or other times and locations as determined by the Committee. A copy of the Committee's current meeting schedule shall be filed with the Town Clerk.

2. The Committee Chairperson, or a simple majority of Committee members in a session, or the Leland Town Council may call for a special Committee meeting for consideration of business other than at the regular meeting date.
3. Notice of all meetings shall be communicated to each Committee member so that he (she) receives said notice not less than five (5) days before the meeting. Notice of all meetings shall state in brief the purpose thereof. Meetings may be canceled by like notice.
4. The agenda for meetings shall be created in cooperation with staff and the Chairman. Items can be added to a meeting agenda in advance at the request of the Chairman.

ARTICLE VII. PARLIAMENTARY PROCEDURE

Meetings of the Committee shall be conducted according to the latest edition of Roberts' Manual of Parliamentary Rules or other rules as determined by the Committee.

ARTICLE VIII. COMPENSATION OF MEMBERS

The members of the Committee shall serve as such without compensation unless otherwise provided for by the Town Council. However, from time to time, members may be reimbursed for such expenses they may incur in connection with their duties.

ARTICLE IX. LELAND STAFF SUPPORT

The Leland Public Services Director and Public Services Manager shall serve as staff support to the Committee.

ARTICLE X. AMENDMENTS

1. An affirmative vote of three (3) members shall be required by the Committee to recommend a proposed amendment to these By-laws to the Town Council.
2. All proposed amendments shall be brought before the Committee at least one meeting prior to the meeting in which the vote was taken.
3. All amendments are subject to the approval of the Leland Town Council.

ARTICLE XII. EFFECTIVE DATE

These By-laws shall become effective on this date of the 21st day of April, 2016.

ATTEST: LELAND TOWN COUNCIL

Clerk

Mayor



102 Town Hall Drive - Leland, North Carolina 28451
(910) 371-0148 - Fax (910) 371-1073

To: All Town of Leland Boards, Committees, and Subcommittees

From: Brenda Bozeman, Mayor 

Re: Public Comment Periods

Date: 18 March 2016

With the desire to have better public engagement in our local government, and in the spirit of transparency and openness, I request, on behalf of the Town Council, that every Town of Leland Board, Committee, and Subcommittee allow for a public comment period during each meeting and allow approximately three (3) minutes for each individual who wishes to speak. This is the amount of time that the Town Council routinely allows each individual to speak. The chairman of each board, committee, or subcommittee should regulate the entire public comment period so as to provide equal voice from the opposing and supporting sides of any topic. Furthermore, the chairman may limit the total number of people speaking on a topic in order to be respectful of everyone's time.

Brenda Bozeman
Mayor

Mike Callahan
Councilmember

Pat Batleman
Mayor Pro Tem

Bob Campbell
Councilmember

Bob Corrison
Councilmember

David A. Hollis
Town Manager

**TOWN OF LELAND
INFRASTRUCTURE COMMITTEE
February, 2016**

Patrick J. Cummings
1528 Misty Run Court
Leland, NC 28451
Home: 910-769-1925
Cell: 860-798-4807
Email: pjcummings1@comcast.net
Appointed: February 15, 2016
Expires: June 30, 2017

James K. Morrow
1128 Evangeline Drive
Leland, NC 28451
Home: 910-371-3499
Cell: 631-645-6685
Email: jkmorrow1@hotmail.com
Appointed: May 21, 2015
Expires: June 30, 2018

John Kazmarski - Chairman
1133 Water Lily Way
Leland, NC 28451
Home: 383-9719
Cell: 860-550-3632
Email: dadkaz@aol.com
Appointed: May 21, 2015
Expires: June 30, 2018
Appointed Chairman: 11/2/2015

Kevin Young – Vice Chairman
2112 Talmage Drive
Leland, NC 28451
Home: 910- 399-6836
Work: 617-645-3658
Email: kevin.ross.young@gmail.com
Appointed: May 21, 2015
Expires: June 30, 2018
Appointed Vice Chairman: 11/2/2015

Ralph M. Mercorella
1107 Sandy Beach Circle
Leland, NC 28451
Home: 910-399-2356
Cell: 516-641-3603
Email: merkone@ec.rr.com
Appointed: May 21, 2015
Expires: June 30, 2017

Staff Representatives: Jimmy Strickland
and Steven Spruill
Council Liaison: Bob Corriston (01-2016)

Rules of Procedure for Boards and Committees Established By the Town Council of the Town of Leland or Under Provisions of the Town Code

Rule 1. Regular Meetings

The boards, committees and subcommittees shall hold regular meetings in accordance with the annual schedule adopted by the boards, committees and subcommittees. A copy of the board, committees and subcommittees current meeting schedule shall be filed with the town clerk.

Rule 2. Special, Emergency, and Recessed or Adjourned Meetings

(a) Special Meetings. The chair or a majority of the members may at any time call a special meeting of the board. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) given to each board member; (2) posted on the board's principal bulletin board or, if none, at the door of the board's usual meeting room; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk.

A special meeting may also be called or scheduled by vote of the board in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the board's principal bulletin board or, if none, at the door of the board's usual meeting room and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Such notice shall also be mailed or delivered at least forty-eight hours before the meeting to each board member not present at the meeting at which the special meeting was called or scheduled.

Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless (1) all members are present and (2) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

(b) Emergency Meetings. The chair or a majority of the members may at any time call an emergency meeting of the board by signing a written notice stating the time and place of the meeting and the subjects to be considered. Written or oral notice of the meeting shall be given to each board member and to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request with the town clerk and whose request includes the newspaper's, wire services, or station's telephone number. Notice to the news media shall be given at the expense of the party notified.

Emergency meetings may be called only because of generally unexpected circumstances that require immediate consideration by the board. Only business connected with the emergency may be considered at an emergency meeting.

(c) Recessed or Adjourned Meetings. A properly called regular, special, or emergency meeting may be recessed or adjourned to a time and place certain by a procedural motion made and adopted as provided in Rule 16(b), Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed or adjourned session of a properly called regular, special, or emergency meeting.

Rule 3. Organizational Meeting

On the date and at the time of the first regular meeting in July, the newly appointed members shall take and subscribe the oath of office as the first order of business. As the second order of business, the board shall elect a chair, if he or she is not otherwise selected, using one of the nomination and voting procedures set out in Rule 25. In the case of the Special Events Subcommittee, the actions described above will take place at the Committee's first regular meeting in January.

Rule 4. Agenda

(a) Proposed Agenda. The town clerk shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least two working days before the meeting. Any board member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed orders, policies, regulations, and resolutions shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each board member shall receive a copy of the proposed agenda and the agenda package and they shall be available for public inspection and/or distribution when they are distributed to the board members.

(b) Adoption of the Agenda. As its first order of business at each meeting, the board shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. The board may by majority vote add items to or subtract items from the proposed agenda, except that the board may not add items to the agenda of a special meeting unless (a) all members are present and (b) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the board may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all board members.

The board may designate certain agenda items "for discussion and possible action." Such designation means that the board intends to discuss the general subject area of that agenda item before making any motion concerning that item.

(c) Open Meetings Requirements. The board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending

a meeting of the board to understand what is being deliberated, voted, or acted on. However, the board may deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

Rule 5. Public Address to the Board

Any individual or group who wishes to address the board shall make a request to be on the agenda to the town clerk. However, the board shall determine at the meeting whether it will hear the individual or group.

Rule 6. Order of Business

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- Call to Order
- Pledge of Allegiance
- Approval of the Agenda
- Approval of Minutes
- Public Comment
- Other Discussion
- Old/New Business
- Staff/Committee Monthly Reports
- Adjournment

By general consent of the board, items may be considered out of order.

Rule 7. Presiding Officer

The chair of the board shall preside at board meetings if he or she is present, unless he or she becomes actively engaged in debate on a particular matter. The chair may vote in all cases. In order to address the board, a member must be recognized by the chair. If the chair is absent, the vice-chair shall preside. If both the chair and vice-chair are absent, another member designated by vote of the board shall preside. The vice-chair or another member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions and the right to vote. If the chair becomes actively involved in debate on a particular matter, he or she may designate another board member to preside over the debate. The chair shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers:

To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;

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;
To entertain and answer questions of parliamentary law or procedure;
To call a brief recess at any time;
To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed may be appealed to the board upon motion of any member, pursuant to Rule 16, Motion 1. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The 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.

Rule 8. Action by the Board

The board shall proceed by motion, except as otherwise provided for in Rules 3, 4, and 25. Any member, including the chair, may make a motion.

Rule 9. Second Required

Each motion requires a second.

Rule 10. One Motion at a Time

A member may make only one motion at a time.

Rule 11. Substantive Motions

A substantive motion is out of order while another substantive motion is pending.

Rule 12. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 22 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

Rule 13. Voting by Written Ballot

The board may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the board shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the town clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 14. Debate

The chair shall state the motion and then open the floor to debate. The chair shall preside over the debate according to the following general principles:

- The maker of the motion is entitled to speak first;
- A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- To the extent possible, the debate shall alternate between proponents and opponents of the measure.

Rule 15. Ratification of Actions

To the extent permitted by law, the board may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Rule 16. 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, each 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. 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 remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The 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 Adjourn. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to adjourn to a time and place certain shall also comply with the requirements of Rule 2(c).

Motion 3. To Take a Brief Recess.

Motion 4. Call to Follow the Agenda. The motion must be made at the first

reasonable opportunity or it is waived.

Motion 5. To Suspend the Rules. The board may not suspend provisions of the rules that state requirements imposed by law on the board. For adoption, the motion requires an affirmative vote equal to a majority of the entire membership of the board. A majority is more than half.

Motion 6. To Go into Closed Session. The board may go into closed session only 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 the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the board expects to receive advice during the closed session, if in fact such advice is to be received.

Motion 7. To Leave Closed Session.

Motion 8. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Motion 9. To Defer Consideration. The board 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 (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion (Rule 16(b), Motion 14), or else move to suspend the rules (Rule 16(b), Motion 5).

Motion 10. Motion for the Previous Question. The motion is not in order until there have been at least 20 minutes of debate and every member has had an opportunity to speak once.

Motion 11. 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 person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules (Rule 16(b), Motion 5).

Motion 12. To Refer a Motion to a Committee. The board 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 measure by the entire board, whether or not the committee has reported the matter to the board.

Motion 13. 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 order, policy, or regulation shall be reduced to writing before the vote on the amendment.

Motion 14. To Revive Consideration. The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 16(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 15. To Reconsider. The board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the “no’s” prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment 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 16. To Rescind or Repeal. The board 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 17. 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 entire membership of the board. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the board, whichever occurs first.

Rule 17. Renewal of Motion

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

Rule 18. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first

Rule 19. Duty to Vote

Every member physically present in the board chamber must vote unless excused by the remaining members of the board. If a member is absent at the beginning of a meeting but comes to the meeting before it adjourns, the clerk shall mark the member absent until such time as the member arrives at which point the member will be marked present. Upon the arrival of such member, these rules regarding duty to vote shall be effective for that member. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the board or by law, or the member's official conduct, as defined by the board. In all other cases, a failure to vote by a member who is physically present in the board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

Rule 20. Special Rules of Procedure

The boards, committees and subcommittees may not adopt its own special rules of procedure.

Each board, committee or subcommittee shall include a Council Liaison, member of the Town Council, who is appointed by the Mayor. The Council Liaison attends the meetings and reports back to Council all happenings and outcomes of the meeting. The Council Liaison will not take part in board, committee, and subcommittee debates nor any vote taken during the meeting and will not be in a position to address the members. If the board, committees or subcommittees have questions for the Town Council the Chairman shall make a request to staff that they report such matters to the Council.

Rule 21. Closed Sessions

The board may hold closed sessions as provided by law. The board shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, mediations, arbitrations, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The board shall terminate the closed session by a majority vote, using Motion 7 of Rule 16(b).

Only those actions authorized by statute may be taken in closed session. A motion to adjourn shall not be in order during a closed session (Rule 16(b), Motion 2).

Rule 22. Quorum

A majority of the actual membership of the board excluding vacant seats shall constitute a quorum. A majority is more than half. The chair shall be considered a member of the board in determining the number on which a majority is based and in counting the number of members actually present. 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 or not a quorum is present.

Rule 23. Public Hearings

Public hearings required by law or deemed advisable by the board shall be organized by a special order that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The special order is adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to board meetings shall also apply to public hearings at which a majority of the board is present; such a hearing is considered to be part of a regular or special meeting of the board. These requirements also apply to hearings conducted by appointed or elected committees of board members, if a majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the board, or of a board committee, as applicable, is present.

At the time appointed for the hearing, the chair or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

Rule 24. Minutes

Full and accurate minutes of the board proceedings to include committees and subcommittees of the board shall be kept by the town clerk. The board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The

exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the board, the entire board shall be polled by name on any vote. Members' and other persons' comments may be included in the minutes if the board approves. Minutes and general accounts of closed sessions may be sealed by action of the board. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

Minutes of proceedings of the board or a committee or subcommittee of the board which have not been fully approved by the board or committee or subcommittee and which are considered in "draft" form will only be furnished [to whom?] upon written request. When formally approved by the board, committee or subcommittee, such minutes shall be published and available for review by the public.

Rule 25. Appointments

The board may consider and make appointments to other bodies, including its own committees, if any, only in open session. The board may not consider or fill a vacancy among its own membership except in open session.

The board shall use the following procedure to make appointments to various other boards and committees. The chair shall open the floor for nominations, whereupon the names of possible appointees may be put forward by the board members. The names submitted shall be debated. When the debate ends, the chair shall call the roll of the members, and each member shall cast his or her vote.

The voting shall continue until one nominee receives a majority of the votes cast, whereupon he or she shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes in each balloting as there are slots to be filled, and votes from a majority of the members voting shall be required for appointment. During each balloting, a member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single candidate.

Rule 26. Committees and Boards

(a) Establishment and Appointment. The board may establish and appoint members for such temporary and standing committees and boards as are required by law or needed to help carry on the board's work. Any specific provisions of law relating to particular committees and boards shall be followed.

(b) Open Meetings Law. The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of a local governmental unit that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among a unit's professional staff.

Rule 27. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, unless a statute or a rule of the body that created the board provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum.

Rule 28. Reference to *Robert's Rules of Order*

Boards shall refer to the current edition of *Robert's Rules of Order Newly Revised*, to answer procedural questions not resolved in these rules, so long as *RONR* does not conflict with North Carolina law or with the spirit of these rules.

Rule 29. Miscellaneous Matters

All references contained in these rules to the "town clerk" shall include the town clerk and her/his designees.

These rules are taken from and based on "Suggested Rules of Procedure for Small Local Government Boards" by A. Fleming Bell, II and published by the UNC School of Government.

THESE RULES OF PROCEDURE WERE APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LELAND, N.C. AT A REGULAR MEETING HELD ON MAY 19, 2016.

Sabrena Reinhardt, Town Clerk

(SEAL)