

**TOWN OF WEDDINGTON
SPECIAL TOWN COUNCIL MEETING
MONDAY, APRIL 16, 2012 – 5:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD
WEDDINGTON, NC 28104
AGENDA**

1. Call to Order
2. Determination of Quorum
3. Discussion and Possible Consideration of Next Steps regarding the Municipal Fire Service Model in the Town of Weddington
4. Discussion of the Proposed Fiscal Year 2012-2013 Budget
5. Discussion and Consideration of Right-of-Way for Roundabout
6. Discussion and Consideration of Amendment to the Town Council Rules of Procedures
7. Consideration of 2012 National Day of Prayer Proclamation
8. Adjournment

TOWN OF WEDDINGTON
PRELIMINARY OPERATING BUDGET
FYE 6/30/2013

		PROJECTED FY2012 AS OF 6/30/12	FY 2012 PROPOSED AMENDED BUDGET	\$0.03 Tax FY 2013 PROPOSED BUDGET	\$0.052 Tax FY 2013 PROPOSED BUDGET	\$0.056 Tax FY 2013 PROPOSED BUDGET	\$0.06 Tax FY 2013 PROPOSED BUDGET
	balance has changed	FY2012 YTD AS OF 2/28/12					
REVENUE:							
10-3101-110 AD VALOREM TAX - CURRENT	535,292.66	550,000.00	550,000.00	555,000.00	960,000.00	1,034,000.00	1,108,000.00
10-3102-110 AD VALOREM TAX - 1ST PRIOR YR	7,338.23	7,350.00	7,500.00	5,000.00	5,000.00	5,000.00	5,000.00
10-3103-110 AD VALOREM TAX - NEXT 8 YRS PRIOR	1,279.07	1,500.00	1,500.00	1,000.00	1,000.00	1,000.00	1,000.00
10-3110-121 AD VALOREM TAX - MOTOR VEH CURRENT	16,949.31	34,950.00	32,500.00	30,000.00	52,000.00	56,000.00	60,000.00
10-3115-180 TAX INTEREST	781.60	1,781.60	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00
10-3231-220 LOCAL OPTION SALES TAX REV - ART 39	59,261.52	129,261.52	125,000.00	120,000.00	143,500.00	146,000.00	150,000.00
10-3322-220 BEER & WINE TAX	0.00	45,000.00	48,750.00	48,750.00	48,750.00	48,750.00	48,750.00
10-3324-220 UTILITY FRANCHISE TAX	226,127.70	452,255.40	450,000.00	450,000.00	450,000.00	450,000.00	450,000.00
10-3340-400 ZONING & PERMIT FEES	8,280.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
10-3350-400 SUBDIVISION FEES	0.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
10-3830-891 MISCELLANEOUS REVENUES	13,851.65	13,900.00	13,500.00	1,500.00	1,500.00	1,500.00	1,500.00
10-3831-491 INVESTMENT INCOME	6,254.12	9,000.00	9,000.00	12,500.00	12,500.00	12,500.00	12,500.00
TOTAL REVENUE	875,415.86	1,255,998.52	1,250,500.00	1,236,500.00	1,687,000.00	1,767,500.00	1,849,500.00
GENERAL GOVERNMENT EXPENDITURE:							
10-4110-126 FIRE DEPT SUBSIDIES	145,838.75	268,000.00	268,000.00				
10-4110-128 POLICE PROTECTION	162,456.75	217,609.00	220,000.00	220,000.00	220,000.00	220,000.00	220,000.00
10-4110-192 ATTORNEY FEES	61,364.07	112,364.07	110,000.00	110,000.00	110,000.00	110,000.00	110,000.00
10-4110-195 ELECTION EXPENSE	9,271.03	10,825.00	10,825.00	2,000.00	2,000.00	2,000.00	2,000.00
10-4110-340 EVENTS & PUBLICATIONS	26,252.95	27,852.95	27,750.00	6,400.00	6,400.00	6,400.00	6,400.00
10-4110-495 OUTSIDE AGENCY FUNDING	2,356.60	3,356.60	3,500.00				
TOTAL GENERAL GOVT EXPENDITURE	407,540.15	640,007.62	640,075.00	338,400.00	338,400.00	338,400.00	338,400.00
ADMINISTRATIVE EXPENDITURE:							
10-4120-121 SALARIES - CLERK	43,585.94	65,378.91	67,500.00	67,500.00	67,500.00	67,500.00	67,500.00
10-4120-123 SALARIES - TAX COLLECTOR	25,768.59	38,652.89	40,000.00	40,000.00	40,000.00	40,000.00	40,000.00
10-4120-124 SALARIES - FINANCE OFFICER	4,757.42	7,566.22	8,000.00	10,500.00	10,500.00	10,500.00	10,500.00
10-4120-125 SALARIES - MAYOR & TOWN COUNCIL	14,000.00	21,000.00	21,000.00	21,000.00	21,000.00	21,000.00	21,000.00
10-4120-181 FICA EXPENSE	6,656.38	9,984.57	10,400.00	10,000.00	10,000.00	10,000.00	10,000.00
10-4120-182 EMPLOYEE RETIREMENT	12,875.34	19,313.01	20,000.00	16,500.00	16,500.00	16,500.00	16,500.00
10-4120-183 EMPLOYEE INSURANCE	11,753.05	17,629.58	18,000.00	18,500.00	18,500.00	18,500.00	18,500.00
10-4120-184 EMPLOYEE LIFE INSURANCE	216.24	324.36	325.00	350.00	350.00	350.00	350.00
10-4120-185 EMPLOYEE S-T DISABILITY	190.80	286.20	300.00	325.00	325.00	325.00	325.00
10-4120-191 AUDIT FEES	7,800.00	7,800.00	8,100.00	8,100.00	8,100.00	8,100.00	8,100.00
10-4120-193 CONTRACT LABOR	999.00	2,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
10-4120-200 OFFICE SUPPLIES - ADMIN	13,243.27	12,245.61	15,000.00	10,000.00	10,000.00	10,000.00	10,000.00
10-4120-210 PLANNING CONFERENCE	0.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
10-4120-321 TELEPHONE - ADMIN	1,222.84	3,412.84	3,600.00	4,500.00	4,500.00	4,500.00	4,500.00
10-4120-325 POSTAGE - ADMIN	1,853.84	2,828.84	4,200.00	4,200.00	4,200.00	4,200.00	4,200.00
10-4120-331 UTILITIES - ADMIN	2,344.47	4,019.09	4,725.00	4,725.00	4,725.00	4,725.00	4,725.00
10-4120-351 REPAIRS & MAINTENANCE - BUILDING	5,769.56	7,469.56	7,500.00	8,500.00	8,500.00	8,500.00	8,500.00

TOWN OF WEDDINGTON
PRELIMINARY OPERATING BUDGET
FYE 6/30/2013

		PROJECTED FY2012 AS OF 6/30/12	FY 2012 PROPOSED AMENDED BUDGET	\$0.03 Tax FY 2013 PROPOSED BUDGET	\$0.052 Tax FY 2013 PROPOSED BUDGET	\$0.056 Tax FY 2013 PROPOSED BUDGET	\$0.06 Tax FY 2013 PROPOSED BUDGET
	balance has changed	FY2012 YTD AS OF 2/28/12					
10-4120-352	REPAIRS & MAINTENANCE - EQUIPMENT	21,025.08	23,675.08	25,000.00	25,000.00	25,000.00	25,000.00
10-4120-354	REPAIRS & MAINTENANCE - GROUNDS	20,821.10	79,821.10	80,000.00	35,000.00	35,000.00	35,000.00
10-4120-355	REPAIRS & MAINTENANCE - PEST CONTRL	330.00	750.00	750.00	750.00	750.00	750.00
10-4120-356	REPAIRS & MAINTENANCE - CUSTODIAL	3,000.00	5,200.00	5,750.00	5,750.00	5,750.00	5,750.00
10-4120-370	ADVERTISING - ADMIN	385.37	900.00	1,000.00	1,000.00	1,000.00	1,000.00
10-4120-397	TAX LISTING & TAX COLLECTION FEES	212.47	650.00	1,000.00	1,000.00	1,000.00	1,000.00
10-4120-400	ADMINISTRATIVE:TRAINING	2,773.00	4,000.00	4,100.00	4,100.00	4,100.00	4,100.00
10-4120-410	ADMINISTRATIVE:TRAVEL	3,847.95	6,000.00	6,500.00	6,500.00	6,500.00	6,500.00
10-4120-450	INSURANCE	11,166.67	20,000.00	20,000.00	24,000.00	24,000.00	24,000.00
10-4120-491	DUES & SUBSCRIPTIONS MUMPO	12,971.00	16,971.00	18,000.00	18,000.00	18,000.00	18,000.00
10-4120-498	GIFTS & AWARDS	1,369.08	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
10-4120-499	MISCELLANEOUS	3,234.91	3,984.91	4,275.00	3,500.00	3,500.00	3,500.00
	TOTAL ADMINISTRATIVE EXPENDITURE	234,173.37	385,863.76	404,025.00	358,300.00	358,300.00	358,300.00
PLANNING & ZONING EXPENDITURE:							
10-4130-121	SALARIES - ZONING ADMINISTRATOR	40,131.04	60,197.00	60,375.00	60,200.00	60,200.00	60,200.00
10-4130-122	SALARIES - ASST ZONING ADMINISTRATR	1,253.82	1,880.73	2,500.00	2,500.00	2,500.00	2,500.00
10-4130-123	SALARIES - RECEPTIONIST	12,668.27	19,002.41	20,000.00	22,000.00	22,000.00	22,000.00
10-4130-124	SALARIES - PLANNING BOARD	10,200.00	16,100.00	17,500.00	17,500.00	17,500.00	17,500.00
10-4130-125	SALARIES - SIGN REMOVAL	3,062.68	4,594.02	4,500.00	4,500.00	4,500.00	4,500.00
10-4130-181	FICA EXPENSE - P&Z	5,149.74	7,724.61	8,000.00	7,700.00	7,700.00	7,700.00
10-4130-182	EMPLOYEE RETIREMENT - P&Z	7,935.72	11,903.58	12,500.00	13,000.00	13,000.00	13,000.00
10-4130-183	EMPLOYEE INSURANCE	11,905.95	17,858.93	18,500.00	19,500.00	19,500.00	19,500.00
10-4130-184	EMPLOYEE LIFE INSURANCE	175.76	263.64	300.00	325.00	325.00	325.00
10-4130-185	EMPLOYEE S-T DISABILITY	97.20	145.80	200.00	215.00	215.00	215.00
10-4130-193	CONSULTING	17,814.62	20,000.00	20,000.00	5,000.00	5,000.00	5,000.00
10-4130-194	CONSULTING - COG	565.50	1,500.00	1,500.00	10,000.00	10,000.00	10,000.00
10-4130-200	OFFICE SUPPLIES - PLANNING & ZONING	4,872.89	7,496.38	5,000.00	5,000.00	5,000.00	5,000.00
10-4130-201	ZONING SPECIFIC OFFICE SUPPLIES	0.00	0.00	2,500.00	2,500.00	2,500.00	2,500.00
10-4130-215	HISTORIC PRESERVATION	0.00	100.00	500.00	500.00	500.00	500.00
10-4130-220	TRANSPORTATION & IMPROVEMENTS	15,764.59	18,524.59	19,000.00	1,000.00	1,000.00	1,000.00
10-4130-321	TELEPHONE - PLANNING & ZONING	1,340.61	3,412.84	3,600.00	4,500.00	4,500.00	4,500.00
10-4130-325	POSTAGE - PLANNING & ZONING	1,884.22	2,828.84	4,200.00	4,200.00	4,200.00	4,200.00
10-4130-331	UTILITIES - PLANNING & ZONING	2,344.55	4,019.09	4,725.00	4,725.00	4,725.00	4,725.00
10-4130-370	ADVERTISING - PLANNING & ZONING	305.63	7,469.56	1,000.00	1,000.00	1,000.00	1,000.00
	TOTAL PLANNING & ZONING EXPENDITURE	137,472.79	205,022.01	206,400.00	185,865.00	185,865.00	185,865.00
	TOTAL EXPENDITURES	779,186.31	1,230,893.39	1,250,500.00	882,565.00	882,565.00	882,565.00
	NET REVENUES/(EXPENDITURES)	96,229.56	25,105.13	0.00	353,935.00	804,435.00	966,935.00

**TOWN OF WEDDINGTON
PRELIMINARY OPERATING BUDGET
FYE 6/30/2013**

 balance has changed

FY2012 YTD
AS OF 2/28/12

PROJECTED
FY2012
AS OF 6/30/12

FY 2012
PROPOSED
AMENDED
BUDGET

\$0.03 Tax
FY 2013
PROPOSED
BUDGET

\$0.052 Tax
FY 2013
PROPOSED
BUDGET

\$0.056 Tax
FY 2013
PROPOSED
BUDGET

\$0.06 Tax
FY 2013
PROPOSED
BUDGET

1 cent tax = approximately \$185,000.00

??

5.2

208000

full yr's sales tax

6

240000

full yr's sales tax

**TOWN OF WEDDINGTON
POTENTIAL NON-OPERATING EXPENDITURES**

		FY 2013 @ 3 cents	FY2013 @ 5.2 cents	FY2013 @ 5.6 cents	FY2012 Approved items	
Net Operating Revenues Over Expenditures		353,935.00	804,435.00	\$884,935.00		
<u>Proposed non-recurring revenues</u>						
Subdivision Fees						
	Annecy 75 lots (sketch, preliminary plat)	26,250.00	26,250.00	26,250.00		
	New 100 lots (sketch, preliminary)	35,000.00	35,000.00	35,000.00		
	Bromley ??					
Adjusted Revenues Over Expenditures		415,185.00	865,685.00	946,185.00		
<u>Proposed non-operating expenditures to be funded</u>						
PVFD	Paid staff/training	300,000.00	600,000.00	600,000.00	268,000.00	
	Building upgrades		0.00	0.00		
	Potential increase in audit fees		1,500.00	1,500.00		
WCVFD			243,000.00	243,000.00		
Stallings VFD			50,000.00	50,000.00		
Sheriff		15,000.00	15,000.00	15,000.00		
Public Safety	Defib	2,000.00	2,000.00	2,000.00		
Parks & Rec						
	Easter Egg Hunt	500.00	500.00	500.00	500.00	
	Festival -- upfront money	1,000.00	1,000.00	1,000.00	15,000.00	
	Holiday banners	1,500.00	1,500.00	1,500.00	2,000.00	
	Tree - indoor	350.00	350.00	350.00		
	Tree lighting - lights & installation	1,300.00	1,300.00	1,300.00	3,070.00	
	Tree lighting - food/crafts/other	1,000.00	1,000.00	1,000.00	2,430.00	
	Litter sweeps	250.00	250.00	250.00	300.00	
	Meet and Greet local groups	1,200.00	1,200.00	1,200.00	50.00	
Grounds maintenance	Medians maintenance				27,150.00	maintenance is included as operating expe
	Medians landscaping	1,000.00	1,000.00	1,000.00	35,000.00	
	Live tree				1,300.00	
Building Maint	Painting of Town Hall	10,000.00	10,000.00	10,000.00		
Council technology	VC3 - upfront	2,000.00	2,000.00	2,000.00	7,500.00	
	VC3 - monthly fees	24,000.00	24,000.00	24,000.00		
Transportation	Roundabout irrigation	9,000.00	9,000.00	9,000.00	9,000.00 *	If not completed in FY2012 will need to reb
	Sidewalks	13,425.50	13,425.50	13,425.50	13,425.50	
	Rea Road					
Outside agency	Catawba Conservancy					
	Urban forester	3,000.00	3,000.00	3,000.00	3,000.00	
	Sheriff's Deputies					
Consulting	General consulting	10,000.00	10,000.00	10,000.00	10,000.00	Moser
	Land use survey				10,000.00	FEMA
						Survey
Salary adj	COLA/Merit/Taxes/Benefits				11,700.00	
Total cost of non-operating expenditures		396,525.50	991,025.50	991,025.50	419,425.50	
Total operating and non-operating expenditures		1,279,090.50	1,873,590.50	1,873,590.50		
Total net revenues over(under) expenditures		\$18,659.50	(\$125,340.50)	(\$44,840.50)		

FUND BALANCE ASSIGNMENTS

Library	\$250,000
Rea Road Engineering	\$200,000
Fire Department	\$300,000
Capital Projects (Town Hall, sidewalks)	\$50,000

ADJUSTED UNASSIGNED FUND BALANCE AS OF 6/30/ \$1,704,202

APPROXIMATE MINIMUM FUND BALANCE REQUIRED \$639,545
(Town Policy states not less than 50% of budgeted expenditures)

ense in FY2013

udget in FY2013



TOWN OF WEDDINGTON MEMORANDUM

DATE: 4/16/12
TO: MAYOR
TOWN COUNCIL
CC: AMY MCCOLLUM, TOWN CLERK
FROM: JORDAN COOK, ZONING ADMINISTRATOR/PLANNER
RE: ROUNDABOUT RIGHT-OF-WAY DONATION

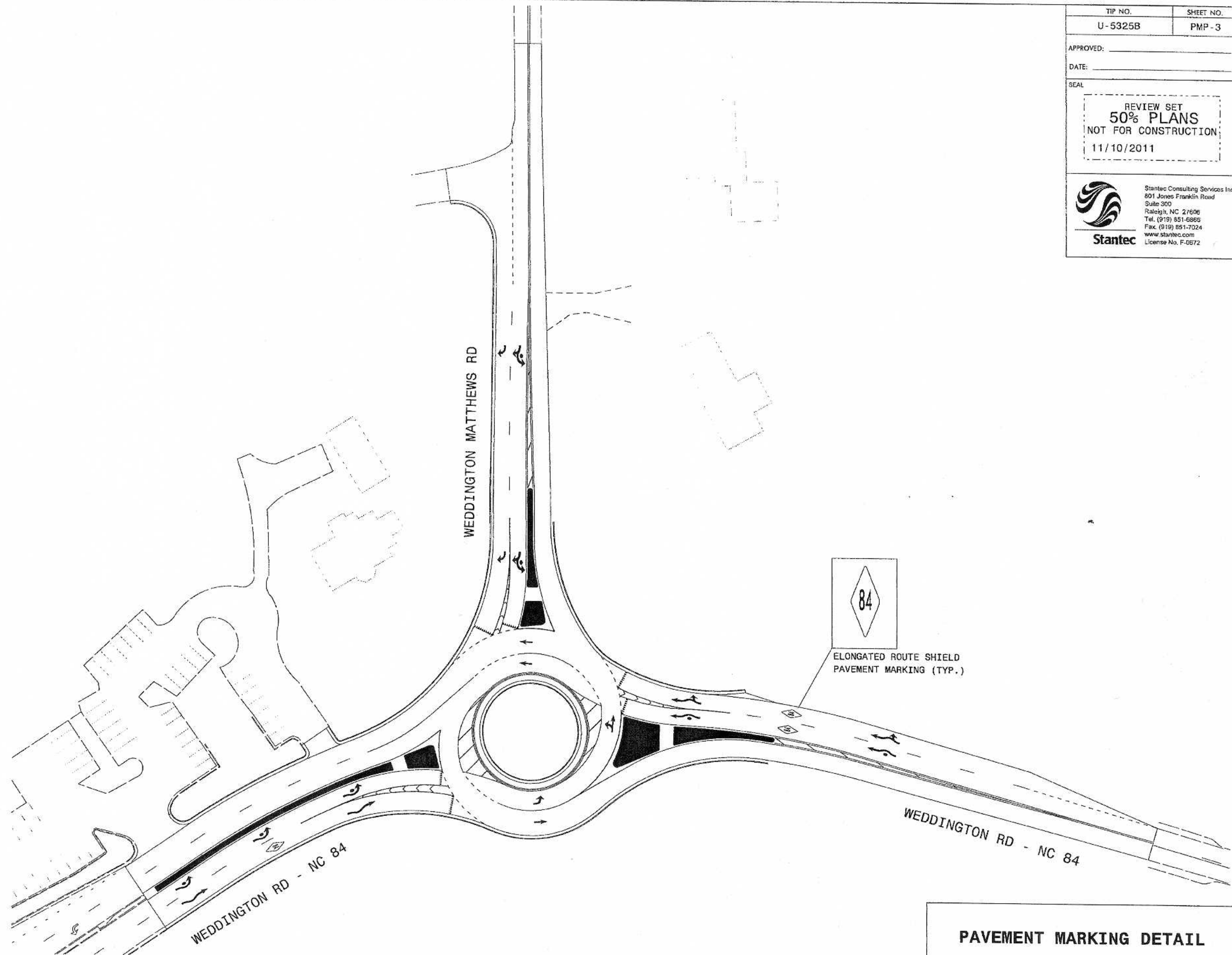
- Construction of the NC 84 Weddington-Matthews Road Dual Lane Roundabout should begin this summer. NCDOT plans to begin construction as soon as schools are out. NCDOT is currently obtaining right-of-way from several property owners. I have attached a spreadsheet showing what properties will be impacted by the roundabout.
- NCDOT has asked the Town to donate approximately 8,080 square feet (0.18 acres) for the roundabout. 6,485 square feet of that will be utility right-of-way while 1,595 square feet will be road right-of-way along Weddington-Matthews Road.

NCDOT will also need 7,020 square feet of right-of-way for a temporary construction easement. This land will not need to be donated. The right-of-way map with figures is attached.

- Based on recent appraisals and property sales, NCDOT has determined that permanent right-of-way is worth \$5.75 per square foot and that the temporary easement is worth \$1.75 per square foot.

Based on these numbers the permanent right-of-way (8,080 square feet) is worth \$46,460 and the temporary easement (7,020 square feet) is worth \$12,285 for a total of \$58,745. NCDOT only has around \$60,000 budgeted in right-of-way funds for the entire project and would like to ask the Town of Weddington to donate their portion of right-of-way for the project.

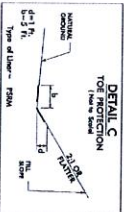
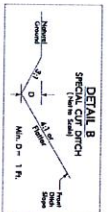
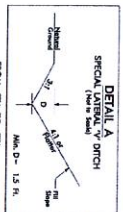
TIP NO. U-5325B	SHEET NO. PMP-3
APPROVED: _____	
DATE: _____	
SEAL	
REVIEW SET 50% PLANS NOT FOR CONSTRUCTION 11/10/2011	
 Stantec Consulting Services Inc. 801 Jones Franklin Road Suite 300 Raleigh, NC 27606 Tel. (919) 851-6865 Fax. (919) 851-7024 www.stantec.com License No. F-0572	



U:\2011\Traffic\TrafficControl\Plan Sheets\U-5325B_SIGN_PMP03.dgn



$\Delta = 48.52^\circ 35' 17''$
 $L = 952.425'$
 $T = 504.89'$
 $R = 269.70'$
 $e = 590.00'$
 $V = 35\text{mph}$



TEMPORARY CONSTRUCTION EASEMENT
 7,020 SF
 PERMANENT UTILITY EASEMENT
 6,485 SF
 RIGHT OF WAY
 1,595 SF

Total Permanent:
 8,080 SF = .18 Acres

-L- POT Sta. 15+23.24
 BEGIN TIP PROJECT U-5325B

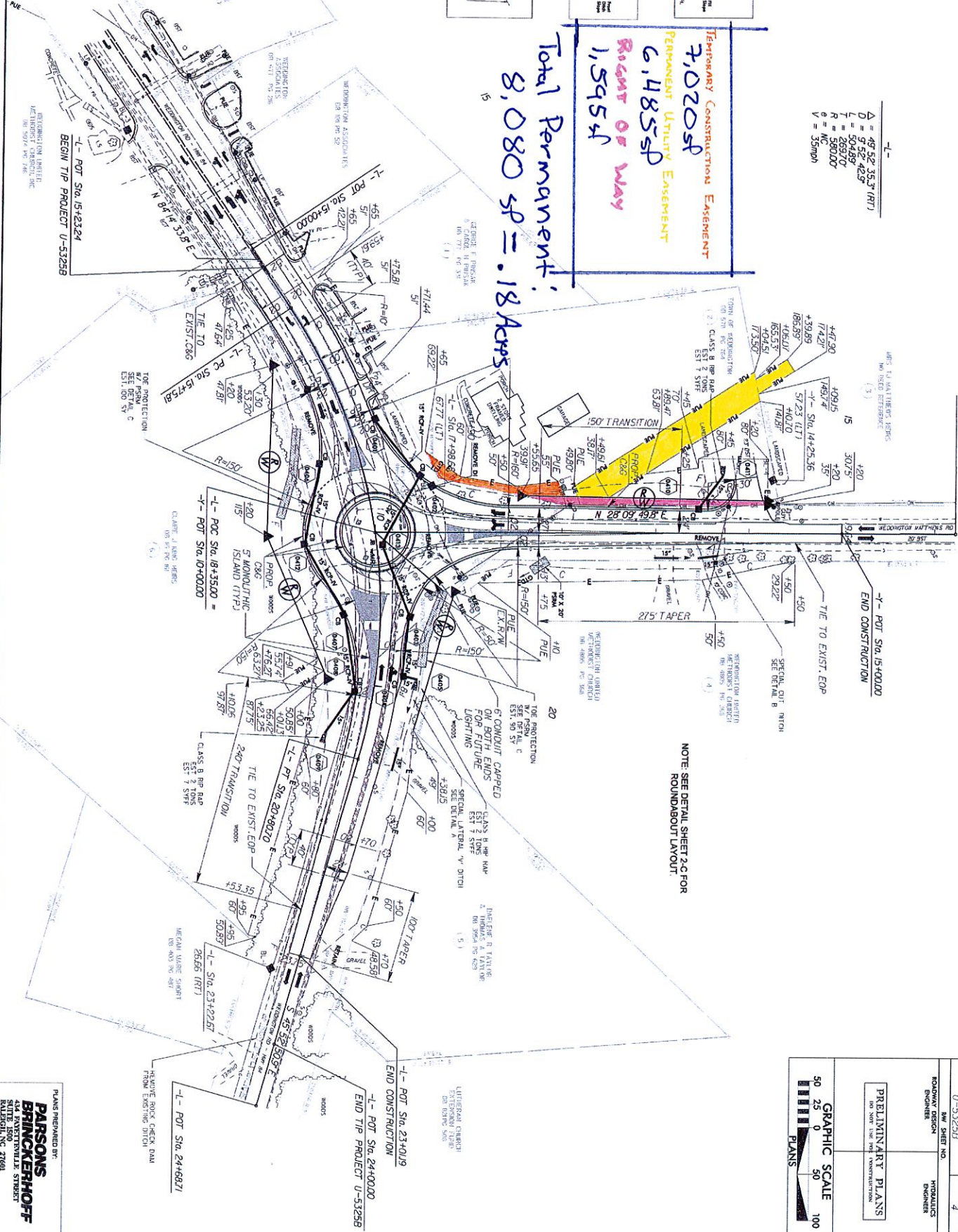
-L- POT Sta. 16+22.07

SEE T-1 WATERWAYS HERE
 NO FISH REFERENCE

-L- POT Sta. 15+00.00
 END CONSTRUCTION

NOTE: SEE DETAIL SHEET 2-C FOR
 ROUNDABOUT LAYOUT.

PROJECT REFERENCE NO.	U-5325B	SHEET NO.	4
ROADWAY DESIGN ENGINEER	BRINCKENHOFF	HYDRAULICS ENGINEER	
PRELIMINARY PLANS			
GRAPHIC SCALE			
50 25 0 50 100			
PLANS			



PLANS PREPARED BY:
PARSONS
 BRINCKENHOFF
 1000 W. WILSON AVENUE
 SUITE 100
 RALEIGH, NC 27601

**WEDDINGTON
TOWN COUNCIL**

**RULES
OF
PROCEDURES**

**UPDATED ~~DECEMBER 15, 2011~~ APRIL 16,
2012**

RULES OF PROCEDURES

TOWN OF WEDDINGTON, NORTH CAROLINA

RULE 1. APPLICABILITY OF RULES

These rules apply to all meetings of the Town Council of Weddington, North Carolina at which the Town Council is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

COMMENT: On the whole, rules of procedure of a Council are intended to govern formal meetings of the board to exercise any of its executive and legislative powers conferred by law. These rules fulfill that purpose and also are designed to ensure compliance with the open meetings law, G.S. 143-318.9 through 143-318.18, which applies to any gathering of a majority of the board to discuss public business. The rules also apply to regular informal work sessions or committee meetings where public business is discussed but no official action taken.

RULE 2. REGULAR MEETINGS

The Council shall hold a regular meeting on the second Monday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be rescheduled at the Town Council's discretion. The meeting shall be held at the Weddington Town Hall and shall begin at 7:00 p.m. A copy of the Council's current meeting schedule shall be filed with the Town Clerk.

COMMENT: G.S. 160A-71 allows the Council to fix a time and place for regular meetings. If the council does not do so, it is required to meet at least once a month at 10:00 a.m. on the first Monday. Although the general law permits a council to fix a regular meeting time that is less frequent than once a month, many town charters require the council to meet at least monthly. G.S. 143-318.12 (a) {part of the open meetings law} requires the Council's schedule of regular meetings to be kept on file with the Town Clerk.

RULE 3. SPECIAL, EMERGENCY, AND RECESSED MEETINGS

(a) Special Meetings

The mayor, the mayor pro tempore, or any two members of the council may at any time call a special council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least 48 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) delivered to the mayor and each council member or left at his or her usual dwelling place; (2) posted on the council's principal bulletin board, or if none, at the door of the Council'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. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice.

A special meeting may also be called or scheduled by vote of the Council 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 48 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 council's principal bulletin board, or if none, at the door of the Council'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 to deliver at least 48 hours before the meeting to each Council member not present at the meeting at which the special meeting was called or scheduled, and to the mayor if he or she was not present at that meeting.

COMMENT: The first paragraph of the "Special Meetings" section of this rule combines the special meeting notice requirements of the open meetings law found in G.S. (143-318.12 (b) with the notice requirements for special meetings called by the mayor, the mayor pro tempore, or any two council members under G.S. 160A-71 (b)(1). While G.S. 160A-71 (b)(1) only requires that the mayor and council members receive six hours notice of special meetings called by the mayor, the mayor pro tempore, or two council members, this rule increases the advance notice requirement for the mayor and council members to 48 hours. This change recognizes that the council will want to be notified of special meetings called by a few of their number at least as far ahead of time (48 hours) as are members of the news media and other persons on the Town's "sunshine list". A discussion of procedures and possible fees for inclusion on the "sunshine list" can be found in G.S. 160A-71 (b)(2). In accordance with the requirements of G.S. 160A-71 (b)(1), only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice.

The second paragraph of the "Special Meetings" section deals with special meetings called during another duly called meeting, as permitted by G.S. 160A-71 (b)(3). Under the open meetings law, 48 hours advance notice of the time, place, and purpose of special meetings called in this manner must be mailed to the news media and other persons on the Town's "sunshine list", just as is required with any other special meeting. Note that G.S. 160A-71 (b)(3) requires no special notice to council members of a special meeting called during another meeting, since they presumably were present or had the opportunity to be present at the meeting where the special meeting was called or scheduled. An optional provision of this rule allows the council to go a bit beyond what the law requires by providing notice to members who were absent from the meeting where the scheduling took place.

Note that G.S. 160A-71 (b)(3) and this rule do not restrict the subjects that may be considered at a special meeting that is called during another meeting. Similarly, while the open meetings law requires that the "purpose" of a special meeting be stated in the meeting notice, it contains no restrictions that would prevent the Council from taking up unannounced subjects at a special meeting called during another meeting, if the Council did so in good faith.

(b) Emergency Meetings

One of the following two (2) procedures must be followed to call an emergency meeting of the Council.

- (1) The mayor, the mayor pro tempore, or any two members of the Council may at any time call an emergency Council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and

each council member or left at his or her usual dwelling place at least six hours before the meeting.

- (2) An emergency meeting may be held at any time when the mayor and all members of the council are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the council complies with the notice provisions of the next paragraph.

Notice of the meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire service's, or station's telephone number, with the Town Clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the Councilmembers, and shall be given at the expense of the party notified.

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

COMMENT: Rule 2(b) states the requirements of the open meetings law concerning emergency meetings [G.S. 143-318.12(b)(3)]. It adds to these requirements the two possible ways that emergency meetings might be called under G.S. 160A-71(b). The Town Council procedural statutes do not mention emergency meetings, so they must be considered a type of special meeting. The first method, described in G.S. 160A-71(b)(1), requires six hours' minimum notice to council members and the mayor. The second method, specified in G.S. 160A-71(b)(2), allows a meeting to be held whenever the entire council can be assembled or written waivers can be obtained from those not present, as long as the emergency meeting notice requirements are satisfied.

The third method for calling special council meetings, see G.S. 160A-71(b)(3), is not allowed for emergency meetings. Because emergency meetings are by their nature unexpected, it is assumed that they will not be called during the course of another meeting, but will be scheduled when needed using one of the other two methods.

(c) Adjourned or Recessed Meetings

A properly called regular, special, or emergency meeting may be adjourned or recessed by a procedural motion made and adopted as provided hereafter in Rule 21 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 an adjourned or recessed session of a properly called regular, special, or emergency meeting.

COMMENT: Note that a motion to adjourn (or recess) a meeting to a time and place certain must comply with the requirements of Rule 21 concerning procedural motions. It must be made in open session, since under the open meetings law the making of such a motion is not listed as an action that is permitted during an closed session (see Rule 28 concerning closed sessions). As explained in the Comment to Rule 21, Motion 1, the terms "adjourn to a time and place certain" and recess to a time and place certain" are both forms of the motion to adjourn, and are used interchangeably in these rules and in North Carolina law and practice.

The provisions of Rule 27 that concern notice of meetings to consider the budget should also be considered in conjunction with this rule.

(d) Work Sessions and Committee Meetings

The Town Council may schedule work sessions, committee meetings, or other informal meetings of the board or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the Council. A schedule of any such meetings held regularly shall be held in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special Council meetings.

COMMENT: The open meetings law requires that any “official meeting” where a majority of the Town Council deliberates on public business must be open to the public and notice must be given. The last sentence of this rule embodies that principle. The rule goes beyond the open meetings law in requiring a published schedule of work sessions or committee meetings held regularly.

G.S. 143-318.13 (a) provides that if the Town Council holds any regular, special, emergency, or other official meeting by conference telephone or other electronic means, the clerk shall provide a location and method whereby the public may listen to the meeting and notice of the meeting shall specify that location.

(e) Sunshine List

Any individual and any newspaper, wire service, radio station, and television station may file a written request with the Town Clerk for notice of all special meetings of the board. Requests by individuals must be renewed by the last day of each calendar quarter and are subject to a \$10.00 nonrefundable annual fee; requests by news organizations must be renewed annually by January 1, of each year and are not subject to any fee. Where notices of special meetings are provided electronically by e-mail, no fees shall be charged.

COMMENT: See G.S. 143-318.12 (b)(2).

RULE 4. MEETINGS TO BE OPEN

- (a) The public policy of North Carolina and of the Town of Weddington is that the hearings, deliberations, and actions of the Town Council and its committees be conducted openly.
- (b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Weddington Town Council shall be open to the public, and any person may attend.

COMMENT: See G.S. 143-318.10 (a)

- (c) For the purposes of the provisions of these rules concerning open meetings, an official meeting of the Town Council is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of board members for the purpose of conducting hearings, participating in

deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the Town Council.

COMMENT: See G.S. 143-318.10 (d). The open meetings law provides that a social meeting or other informal gathering of the members of the Town Council does not constitute an official meeting unless it is “called or held to evade the spirit and purposes” of the laws requiring meetings to be open.

RULE 5. BROADCASTING AND RECORDING OF MINUTES

- (a) Except as provided in this rule, any radio or television station may broadcast all or any part of an official board meeting required to be open to the public. Any person may photograph, film, tape record, or otherwise reproduce any part of a meeting required to be open.
- (b) A radio or television station wishing to broadcast any portion of an official board meeting shall notify the Town Clerk no later than seventy-two hours before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site in the Town Hall is available, the Town Clerk may require the news media to either pool equipment and personnel or to secure and pay the costs of an alternative meeting site mutually agreeable to the board and the media representatives.

COMMENT: See G.S. 143.318.14. Notwithstanding the proposed rule, the council probably could not exclude broadcasters simply because they failed to give the suggested seventy-two hour notice.

RULE 6. ORGANIZATIONAL MEETING.

On the date and at the time of the first regular meeting in December following a general election in which council members are elected, or at an earlier date, if any, set by the incumbent Council, the newly elected members shall take and subscribe the oath of office as the first order of business. As the second order of business, the Council shall elect a mayor pro tempore. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Sub-chapter IX of Chapter 163 of the North Carolina General Statutes.

COMMENT: This rule states the requirements of G.S. 160A-68 (a) and (b). The oath of office used is the one set forth in Article VI, Section 7, of the North Carolina Constitution (see also G.S. 11-7 and 11-7.1). G.S. 160A-68 (b) further provides that the organizational meeting shall take place notwithstanding the absence, death, refusal to serve, failure to qualify, or non-election or one or more members, provided a quorum is present.

Who presides at the organizational meeting until the new mayor is sworn in is a question best resolved by local custom. In some cities the town clerk, manager, or attorney presides, and in others the retiring mayor presides until the new mayor is sworn in.

RULE 7. 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 council member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed ordinances 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 council member shall receive a copy of the proposed agenda and the agenda package and they shall be available for public inspection and distribution or copying when they are distributed to the council members.

The Council may by majority vote add items to the proposed agenda for discussion purposes only. Council may add and consider staff-initiated items by unanimous consent. The Council may by majority vote subtract items from the proposed agenda, except that (a) the council may not subtract items from the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless those calling the meeting consent to the deletion, (b) the council may not add items to the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless all members are present, or those who are absent sign a written waiver of notice, and (c) only business connected with the emergency may be considered at an emergency meeting. The council may add items to the proposed agenda of a special meeting only if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

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

COMMENT: Because of the volume and complexity of the matters they must consider, most councils use an agenda for their meetings. This rule describes the typical agenda preparation procedure for regular and some special council meetings. Councils should adapt it to accommodate the special circumstances that accompany emergency and many special meetings.

Two uses of agendas are common. Some councils use an agenda only to organize the materials they must consider and to give them an opportunity to study the issues before they meet. These councils generally allow last-minute additions to the agenda by general consent. This rule allows such additions only with the unanimous consent of the Mayor and all council members in attendance. Note, however, that G.S. 160A-71 (b)(1) requires that all council members be present or consent in writing before additions can be made to the subjects listed on the notice of a special meeting called by the mayor, mayor pro tempore, or two council members. Also, since the agenda of such a special meeting is set by those calling it, this rule requires those persons' consent before items may be deleted from that agenda. Note also that G.S. 143-318.12 (b)(3) limits the agenda of emergency meetings to business connected with the emergency.

Other councils use their agenda to control the length of their meetings. In that case the council will often hold an agenda meeting or a work session before the regular meeting to ask questions and thoroughly explore the proposals that must be voted on at the regular meeting. Note that such an agenda meeting or work session is considered a meeting of the council for purposes of G.S. 160A-71 and the open meetings law and is subject to the regular or special meeting requirements in these

rules. Generally, these councils take a stricter approach and do not allow late additions to regular meeting agendas unless an unexpected and pressing matter arises.

As noted above, at special meetings called by the mayor, mayor pro tempore, or two council members, additions may only be made to the agendas of special meetings if all members are present or those not present sign a waiver of notice. These rules also impose an additional requirement for the agendas of all special meetings, regardless of how they are called, because of open meetings law concerns. Under this approach, an item may be added to the agenda of a special meeting only if all members are present and the board determines in good faith that it is essential to discuss or act on the item immediately. This restriction avoids surprises and is consistent with the spirit of the open meetings law, although neither requirement is actually part of the law. See the statement of public policy underlying the law in G.S. 143-318.9. For further discussion of adding items to special meeting agendas, see the Comment to Rule 3(a).

Rule 7(a) requires that longer or more complex proposals be in writing and attached to the agenda, so that council members will have a clear idea of the issues with which they will be dealing. The council may choose what sorts of proposed orders, policies, regulations, resolutions, or other items it wishes to make subject to this requirement. The council may also require that copies of relevant documents be provided to all council members when additions to the agenda are proposed at the meeting.

Town councils frequently desire to discuss an issue informally, attempting to reach a group consensus, before a formal motion is proposed. While standard parliamentary practice requires that a motion be made before any discussion can occur, conducting discussion first can be very useful to a small board such as a council. Such discussion may be especially important if the council does not hold agenda meetings or work sessions at which the members can discuss issues among themselves, before the more formal meetings at which the council generally takes action. This rule authorizes the practice of "discussion before moving" by permitting the council to designate particular agenda items "for discussion and possible action." If a motion is later made, discussion on the motion is then in order.

The Town Clerk or Chief Administrative Officer may find it convenient to maintain a mailing list of interested parties who wish to receive a copy of the proposed agenda and/or agenda package regularly. Since the background materials included with the proposed agenda in the agenda package may be quite voluminous, the council may wish to charge those receiving the full agenda package for the cost of reproduction. At the very least, the council should make provision for the public to inspect and copy the agenda package in the town offices, since the agenda package is generally a matter of public record open to public inspection.

(b) **Consent Agenda.** The council may designate a part of the agenda as the "consent agenda." Items shall be placed on the consent agenda by those preparing the proposed agenda if they are judged to be non-controversial and routine. Any member may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.

COMMENT: Many councils use a consent agenda as a device to handle routine business more quickly. The persons preparing the proposed agenda group together on the agenda those items that they think will be non-controversial, routine, and unopposed. As a general rule, ordinances,

controversial items, matters in which citizens may be interested, and matters of great substance should probably not be included on the consent agenda.

The council reviews the "consent agenda" as part of its review of the proposed agenda at the beginning of the meeting. Each member is free to remove items from the consent agenda to the regular agenda. A member may wish to do so if, for example, he or she would like to debate the proposal or vote against the item.

Those items remaining on the consent agenda are all handled with a single motion and vote, which is legally a motion and vote on each one of them. In keeping with this understanding, the minutes should reflect separate motions and votes on each of the consent items.

RULE 8. PUBLIC ADDRESS TO THE COUNCIL

Any individual or group who wishes to address the council may do so at the time designated for public comment at each regularly scheduled meeting.

The council reserves the right to limit each person wishing to make a comment to three minutes should it appear that there are a large number of persons desiring to make public comments.

When publicly addressing the governing body, the public shall obey reasonable standards of courtesy in their remarks. The Mayor has the authority to maintain order and decorum in the conduct of the hearing. The Mayor may determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks may entertain and rule on objections from other members of the Council on this ground.

COMMENT: The council shall provide at least one period for public comment per month at a regular meeting of the council. The council may adopt reasonable rules governing the public comment period, including, but not limited to, rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of spokesmen for groups of persons supporting or opposing the same positions, (iii) 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, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing. The council is not required to provide a public comment period under this section if no regular meeting is held during the month. (2005-170, s. 3.)

RULE 9. ORDER OF BUSINESS

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

- Open Regularly Scheduled Meeting
- Pledge of Allegiance
- Determination of Quorum
- Special Recognitions/~~Presentations~~
- Public Comments

Additions, Deletions and/or Adoption of the Agenda
Approval of the Minutes
Consent Agenda
Public Hearings
Consideration of Public Hearings
Old Business*
New Business*
Reports and Updates
Comments from the Council Members
Adjournment

Note: Where there are multiple public hearings, the consideration of the public hearing shall follow each specific hearing.

*** Presentations will be listed either under Old Business or New Business depending on the topic discussed.**

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

RULE 10. OFFICE OF MAYOR

The mayor shall preside at all meetings of the council but shall have the right to vote only when there is a tie. In order to address the council, a member must be recognized by the mayor. The mayor shall have the following powers:

- (a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes. The Council by majority vote of the Council may overturn a ruling by the Mayor;
- (b) To determine whether a speaker has gone beyond reasonable standards of courtesy (as discussed in Rule 8) in his remarks and to entertain and rule on objections from other members on this ground. Again, the Council by majority vote of the Council may overturn a ruling by the Mayor;
- (c) To entertain and answer questions of parliamentary law or procedure;
- (d) To call a brief recess at any time;
- (e) To adjourn in an emergency.

COMMENT: G.S. 160A-69 provides that the mayor shall have the right to vote only in cases of a tie among council members, unless the mayor is elected by the council from among its membership and the town charter is silent on the matter. In that case, the mayor has the right to vote on all matters. Many cities have charter provisions dealing with the mayor's voting rights; a special charter rule on mayoral voting takes precedence over the general rule in G.S. 160A-69.

The procedural powers given to the mayor in this rule are intended to replace the question of order and appeal in Robert's Rules of Order (RRO). Also, according to "RRO", a recess can be taken only on a motion and vote by the members. This rule authorizes the mayor to call a brief recess when necessary to "clear the air" and thus reduce friction among the members.

RULE 11. OFFICE OF MAYOR PRO TEMPORE

At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the Council's pleasure. A council member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a council member for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the mayor pro tempore shall assume all of the mayor's powers and duties. If the mayor should become physically or mentally unable to perform the duties of his or her office, the council may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When a mayor declares that he or she is no longer incapacitated, and a majority of the council concurs, the mayor shall resume the exercise of his or her powers and duties. If both the mayor and the mayor pro tempore are absent from a meeting, the council may elect from among its members a temporary chairman to preside at the meeting.

COMMENT: This is G.S. 160A-70 paraphrased.

RULE 12. PRESIDING OFFICER WHEN THE MAYOR IS IN ACTIVE DEBATE

The mayor shall preside at meetings of the council unless he or she becomes actively engaged in debate on a particular proposal, in which case he or she will designate another council member to preside over the debate. The mayor shall resume presiding as soon as action on the matter is concluded.

COMMENT: Good leadership depends, to a certain extent, on not taking sides during a debate. On a small board this may not always be feasible or desirable; yet an unfair advantage accrues to the side that advocate controls access to the floor. This rule is designed to insure even-handed treatment to both sides during a heated debate. Ordinarily the mayor should ask the mayor pro tempore to preside in this situation, but if he or she is also engaged in the debate, the mayor should feel free to call on some other council member in order to achieve the purpose of this rule.

RULE 13. ACTION BY THE COUNCIL

The council shall proceed by motion, except as otherwise provided for in Rule 7 and in Rule 33. Any member may make a motion.

COMMENT: Traditionally, if the mayor wishes to have a motion made, instead of making it personally, he or she states, "The Chair will entertain a motion that..." This custom is sound if the mayor may vote only in the case of a tie; if the mayor may vote in all cases, he or she may make a motion as any other member would.

RULE 14. SECOND NOT REQUIRED

A motion shall not require a second.

COMMENT: The philosophy underlying the requirement of a second is that if a proposal is not supported by at least two members, it is not worth the time necessary to consider it. This concept is not applicable to small boards on which consideration of a proposal that initially has the support of

only one member would not seriously impair efficient use of the board's time. If the council has seven or more members, the requirement of a second may be desirable.

RULE 15. ONE MOTION AT A TIME

A member may make only one motion at a time.

RULE 16. SUBSTANTIVE MOTIONS

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

COMMENT: This rule sets forth the basic principle of parliamentary procedure that distinct issues will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

“RRO” does not refer to substantive motions as such; instead it uses such adjectives as main or principal. The term substantive motion is used here to underscore the distinction between the type of motion and the various procedural motions listed in Rule 21. Basically, a substantive motion is any motion other than the procedural motions listed in Rule 21. The possible subject matter of a substantive motion is coextensive with the council's legal powers, duties, and responsibilities. Indeed, since Rule 13 provides that the council shall proceed by motion, the substantive motion is the only way the council can act. The procedural motions detailed in Rule 21 set forth various options the council has in dealing with substantive motions.

RULE 17. ADOPTION BY MAJORITY VOTE

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.

COMMENT: See Rule 26 concerning the number of votes necessary to adopt an ordinance or approve a contract. Other extraordinary voting requirements imposed by particular statutes are not specified in these rules; the town attorney should be consulted as questions arise.

RULE 18. VOTING BY WRITTEN BALLOT

No vote may be taken by secret ballot. The Council may decide by majority vote to use written ballots in voting on a motion. Members shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, when they may be destroyed.

COMMENT: See G.S. 143-318.13 (b).

RULE 19. DEBATE

The mayor shall state the motion and then open the floor to debate on it.

The mayor shall preside over the debate according to the following general principles:

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

RULE 20. RATIFICATION OF ACTIONS

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

COMMENT: Ratification of actions taken on the council's behalf but without its prior approval is permitted under these rules, to the extent that such "after-the-fact" approval of actions is legally allowed. The principle behind the motion to ratify is that an assembly may subsequently approve that which it could have authorized. Unlike "RRO", these rules treat the motion to ratify as a substantive proposal rather than as a procedural motion, since a ratification is in effect an after-the-fact substantive action by the council concerning something that was done without council approval when advance authorization should have been obtained.

RULE 21. PROCEDURAL MOTIONS

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.

COMMENT: This rule is a substantial departure from "RRO". The following enumeration of procedural motions is exhaustive; if a procedural option is not on the list, then it is not available. See, however, Rule 20 concerning the motion to ratify an action. The motion to ratify is a procedural motion under "RRO"; it is treated as substantive rather than procedural under these rules.

While a substantive motion is out of order if another substantive motion is pending, under both "RRO" and these rules several procedural motions can be entertained in succession without necessarily disposing of the immediately pending procedural motion. The order of priority establishes which procedural motion yields to which – that is, which procedural motion may be made and considered while another one is pending.

Some of the main features of the procedural motions set out in this rule are summarized in table form in the appendix to these Rules. Note that the appended table is intended only to provide a quick reference guide to the motions; this rule and its comments should be consulted for a discussion of how each procedural motion is used.

In order of priority (if applicable), the procedural motions are:

- (1) **To adjourn.** The motion may be made only at the conclusion of action on a pending substantive matter; it cannot interrupt deliberation of a pending matter. A motion to adjourn to a time and place certain shall also comply with the requirements of Rule 3.

COMMENT: This motion differs from the RONR motion to adjourn in several respects. The RONR motion to adjourn is not debatable or amendable and can be made at any time, thus interrupting substantive deliberations. Here, however, since the number of members is small and procedures are available to limit debate, Motion 1 allows both debate and amendment, but specifies that the motion is in order only when consideration of a pending matter has concluded.

If the councils wants to adjourn before completing final action on a matter, it must, prior to adjourning, first temporarily conclude its consideration of that matter. This is done with one of three motions: to defer consideration of the matter, to postpone the matter to a certain time or day, or to refer the matter to a committee. Only as a last resort should the council use a motion to suspend the rules, in order to allow the motion to adjourn to interrupt deliberation on the matter.

Another adjournment option is to recess the meeting to reconvene at a specified time and place, in accord with Rule 3. The motion to recess or adjourn to a time and place certain is a form of the motion to adjourn. As explained in the Comment to Rule 3, various North Carolina General Statutes and North Carolina practice refer both to the terminology "recess to a time and place certain" and the phrase "adjourn to a time and place certain," [see, for example, G.S. 160A-71(b1) and 143-318.12(b)(1)]. Thus both "recess" and "adjourn" are provided here as options. The motion has the same meaning regardless of the option chosen.

(2) **To take a Brief Recess.**

COMMENT: This motion is similar to the motion to recess under "RRO". To avoid confusing this motion with the motion "to recess to a time and place certain", which is a form of the motion to adjourn under these rules and in North Carolina practice (see Rule 21, Motion 1 above); this motion is called a motion "to take a brief recess" rather than a motion "to recess". "RRO" does not allow debate on motions to recess, but since the number of council members is small, and procedures are available to limit debate, debate is allowed on the motion described here. As is the case with the motion to recess in "RRO", a motion to take a brief recess is in order at any time. Under these rules, the mayor also has the power to call a brief recess (see Rule 10).

(3) **Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order in question.

COMMENT: This motion is patterned on the call for the orders of the day in "RRO". It differs in that it may be debated; also, unless the motion is made at the time an item of business that deviates from the agenda is proposed, the right to insist on following the agenda is waived for that item.

(4) **To Suspend the Rules.** The motion requires for adoption a vote equal to two-thirds of the actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats. The council may not suspend provisions of the rules that state requirements imposed by law on the council.

COMMENT: This motion is generally the same as the motion in "RRO" to suspend the rules, except that it is debatable and amendable. It is in order when the council wishes to do something that it may legally do but cannot accomplish without violating its own rules.

A motion to suspend the rules requires approval by two-thirds of the actual membership of the council to pass. Note that the mayor is counted for purposes of determining two-thirds of the council

only if he or she has the right to vote on all questions, and that vacant seats are excluded in making the two-thirds determination.

- (5) **To Go into Closed Session.** The Council 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 council expects to receive advice during the closed session, if in fact such advice is to be received.

COMMENT: The requirements for this motion are found in G.S. 143-318.11 (c). They include extra requirements for motions based on G.S. 143-318.11 (a)(1), and for those motions based on G.S. 143-318.11 (a)(3) that concern a closed session where the council expects to receive advice about an existing lawsuit or lawsuits. G.S. 143-318.11 (a)(1), cited in the rule, allows closed sessions "to prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes." Part of G.S. 143-318.11 (a)(3), also cited, allows the council in closed session to "consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure."

- (6) **To Leave Closed Session.**

COMMENT: This motion provides a procedural mechanism for returning from closed session to an open meeting. Under the open meetings law, public bodies probably must return to open session once they have concluded their closed session business, even if they have no other business to transact except adjourning the meeting.

- (7) **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.

COMMENT: This motion is identical to the motion of the same name in "RRO" except that it is debatable.

- (8) **To Defer Consideration.** The Council 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 remains pending. A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion, or else move to suspend the rules.

COMMENT: This motion replaces the motion to lay on the table in "RRO" and was renamed in order to avoid confusion. It allows the council temporarily to defer consideration of a proposal. It differs from the "RRO" motion in that it may be debated and amended. It also differs from the

provision in “RRO” in that a motion that has been deferred dies if it is not taken up by the council (via motion to revive consideration; see Rule 21, Motion 13) within a specified number of days of the vote to defer consideration, whereas in “RRO” a motion that has been laid on the table dies at the end of the session in which it was introduced.

This motion should also be distinguished from the motion to postpone to a certain time or day (Rule 21, Motion 10). A matter that has been postponed to a certain time or day is brought up again automatically when that time arrives. Affirmative action (a motion to revive consideration) is required, however, before the council may again consider a substantive motion the consideration of which has been deferred. If a deferred motion expires, its subject matter may be brought forward again by a new motion.

- (9) **Call of the Previous Question.** The motion is not in order until there have been at least five minutes of debate, and every member that desires to do so has had an opportunity to speak once.

COMMENT: This motion differs from the motion of the same name in “RRO”. The “RRO” motion is always in order, is not debatable or amendable, and requires a two-thirds vote for adoption. Thus, it may be used to compel an immediate vote on a proposal without any debate on the issue. Such a device may be necessary to preserve efficiency in a large assembly. With a small board, however, a minimum period of debate on every proposal that comes before it strikes a better balance between efficiency and effective representative by all council members. Since every member will have an opportunity to speak, the debate may be ended by a majority vote.

- (10) **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 member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules. (Rule 21, Motion 4).

COMMENT: This motion allows the council to postpone consideration to a specified time or day and is appropriate when more information is needed, or the deliberations are likely to be lengthy. It should be distinguished from the motion to defer consideration (see Comment to Rule 21, Motion 8).

- (11) **To Refer a Motion to a Committee.** Sixty days or more after a motion had been referred to a committee, the introducer of the motion may compel consideration of the measure by the entire council, whether or not the committee has reported the matter to the council.

COMMENT: This motion is similar to the motion of the same name in “RRO”, except that the right of the introducer to compel consideration by the full council after a specified period of time prevents using the motion as a mechanism to defeat a proposal by referring it to a committee that is willing to “sit” on it. If the council does not use committees, this motion is unnecessary.

- (12) **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 amended motion has the same effect as rejection of the original motion.

(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 ordinance shall be reduced to writing before the vote on the amendment.

COMMENT: This motion is similar to the motion to amend in “RRO”. The restriction on amendments stated in the second sentence should be read narrowly; it is intended only to prevent an amendment that merely negates the provisions of the original motion. The intent of such an amendment can be achieved in a simpler and more straightforward manner by the defeat of the original proposal. Pertinent amendments that make major substantive changes in the original motion are quite proper under this rule.

The second paragraph of the rule limits the number of proposed amendments that may be pending at one time to two. Amendments are voted on in reverse order, that is, the last-offered amendment is voted on first. Once the last-offered of two pending amendments is disposed of, an additional amendment may be offered.

The motion does impose an additional requirement for amendments to proposed ordinances. Amendments to ordinances, like the ordinances themselves, should be in written form before they are voted on, both because of the importance of ordinances and to make it easier to maintain the required ordinance book (see G.S. 160A-78) accurately.

(13) **To Revive Consideration.** The motion is in order at any time within the 100 days after the date of a vote to defer consideration. A substantive motion on which consideration has been deferred expires after 100 days have elapsed following the deferral unless a motion to revive consideration is adopted.

COMMENT: This motion replaced the motion "to take up from the table" in “RRO” and was renamed in order to avoid confusion. This motion may be debated and amended, whereas the motion in “RRO” may not. If the motion to revive consideration is not successful within the specified number of days after the date on which consideration was deferred, the substantive motion expires. Its subject matter may be brought forward again by a new motion. Ninety days is merely a suggested period of time; the number of days specified here should be the same as in Rule 21, Motion 8.

(14) **To Reconsider.** The motion must be made by a member who voted with the prevailing side, 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.

COMMENT: According to “RRO”, the motion may be made at the same meeting as the vote or on the next legal day and may interrupt deliberation on another matter. To avoid placing a measure in limbo, these rules restrict the availability of the motion to the same meeting as the original vote, including any continuation of that meeting if it is adjourned or recessed to a time and place certain

pursuant to Rule 3 and Rule 21, Motion 1. Also, the motion is permitted under these rules only when action on a pending matter concludes.

(15) **To Rescind or Repeal.** The council 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.

COMMENT: This motion is in order only for those measures adopted by the council that can legally be repealed or rescinded; it is not intended to suggest that the council can unilaterally rescind a binding contract, or may repeal an action where a person's rights have already vested.

(16) **To Prevent Reconsideration for Six Months.** The motion is 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 actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the council, whichever occurs first.

COMMENT: This is a “clincher” motion designed to prevent the same motion from being continually introduced when the subject has been thoroughly considered. There is no comparable motion in “RRO”, although the objection to consideration of a question accomplishes much the same purpose. Because this motion curtails a member’s right to bring a matter before the council, the required vote is two-thirds of the actual membership of the council, excluding the mayor, unless he or she is entitled to vote on all matters, and excluding vacant seats. As with most other motions, a clincher motion may be, in effect, dissolved by a motion to suspend the rules. The motion is not effective beyond the next organizational meeting of the council, in order to give a new council a clean slate.

RULE 22. 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 23. WITHDRAWAL OF MOTION.

A motion may be withdrawn by the introducer at any time before it is amended or before it is put to a vote.

COMMENT: “RRO” provides that once a motion has been stated by the chair for debate, it cannot be withdrawn with the assembly’s consent. Such a procedure is unnecessary for a small board.

RULE 24. DUTY TO VOTE.

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the mayor, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the council chambers, or who

has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

COMMENT: This rule contains most of the requirements of the first paragraph of G.S. 160A-75.

RULE 25. INTRODUCTION OF ORDINANCES.

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the council.

COMMENT: G.S. 160A-75 provides that an ordinance may not be finally adopted at the meeting at which it is introduced except by a two-thirds vote of all the actual membership of the council, excluding vacant seats and not including the mayor unless he or she has the right to vote on all questions before the council. The statute specifies that an ordinance is deemed to be introduced “on the date the subject matter is first voted on by the council”. A “vote on the subject matter” is not defined; some authorities think that a vote on the ordinance itself is required, while others think that any vote pertaining to the ordinance’s subject matter (for example, a vote to refer the subject of an ordinance to a committee for further study) is sufficient to satisfy the definition. The town attorney should be consulted for guidance on this matter.

RULE 26. ADOPTION OF ORDINANCES AND APPROVAL OF CONTRACTS

(a) Generally an affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue (including the mayor’s vote in case of an equal division) shall be required to adopt an ordinance, to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the town. In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all the actual membership of the council, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the council. No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

COMMENT: This rule paraphrases the special voting requirements in the second paragraph of G.S. 160A-75 for adoption of ordinances and approval of contracts. Special voting rules for authorizing or committing the expenditure of public funds are also found in this paragraph. In most cases, however, these latter requirements are superseded by the more specific provisions of G.S. 159-17 detailed in Rule 27. See Rule 25 and the accompanying Comment for the definition of “introduction” of an ordinance.

Although it may seem obvious that ordinances should be in writing before they are voted on (see, for example, the requirements of Rule 7 concerning copies of proposed ordinances), an explicit provision is included in the rules so that there can be no doubt on the matter. See also Procedural Motion 12 in Rule 21 concerning amendment of ordinances, and G.S. 160A-76(a) for requirements for franchises.

(b) **Zoning Protest Petitions.** An affirmative vote equal to three-fourths of all the members of the Town Council shall be required for an ordinance making a change in a zoning regulation, restriction, or boundary to become effective, if a valid protest petition is received in accordance

with the requirements set out in G.S. 160A-385 (a) and G.S. 160A-386. This rule shall not apply in those cases excepted by G.S. 160A-385 (a).

COMMENT: This paragraph states the three-fourths vote requirement of G.S. 160A-385(a), which applies when neighboring property owners, as defined in the statute, protest a proposed rezoning and file a proper petition with the town clerk in a timely manner under G.S. 160A-386. Some zoning changes such as initial zonings of property added to the ordinance's coverage, and certain amendments to adopted special or conditional use districts, are not covered by the three-fourths vote requirement. These exceptions are specified in G.S. 160A-385 (a). The three-fourths rule applies to zoning ordinances only.

RULE 27. ADOPTION OF THE BUDGET ORDINANCE

Notwithstanding the provisions of any town charter, general law, or local act:

- (a) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the council by a simple majority of those present and voting, a quorum being present.
- (b) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the council; and
- (c) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to the council and ending with the adoption of the budget ordinance, the council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each member of the board has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule does not allow, and may not be construed to allow, the holding of closed meetings or closed sessions by the council if it is otherwise prohibited by law from holding such a meeting or session.

COMMENT: This rule is G.S. 159-17 with minor modifications. G.S. 159-17 also provides that no general law, town charter, or local act that is enacted or takes effect after July 11, 1973, may be construed to modify, amend, or repeal any portion of this law unless it expressly so provides by specific reference to it. Since the notice requirements of the open meetings law continue to apply to meetings held to work on the budget ordinance, the only practical effect of the second paragraph of this rule is to eliminate the need for any special notification of council members that might otherwise be required concerning such meetings. See G.S. 159-8 to 159-13 for other procedures that must be followed in adopting the budget ordinance.

RULE 28. CLOSED SESSIONS

The Council may hold closed sessions as provided by law. The council shall only commence a closed session 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 settling of claims, judicial actions, or administrative procedure); 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 Council shall terminate the Closed Session by a majority vote.

Only those actions authorized by statutes may be taken in Closed Session. A motion to adjourn or recess shall not be in order during a Closed Session.

COMMENT: This rule states some of the requirements of G.S. 143-318.11 (c) for calling closed sessions. In particular, note the special requirements for motions to call closed sessions that are based on G.S. 143-318.11 (a)(1) or, in some cases, on G.S. 143-318.11 (a)(3). No attempt is made here to set forth all of the provisions of the open meetings law concerning the purposes for which closed sessions may be held and the actions that may be taken in closed session; specific information can be found in G.S. 143-318.11 (a). Note, however, that adjournment is not an action authorized by statute to be taken during a closed session. Minutes and general accounts of closed sessions are discussed in Rule 32.

RULE 29. QUORUM

A majority of the actual membership of the council plus the mayor, 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 or not a quorum is present.

COMMENT: This is G.S. 160A-74. Note that the mayor is counted for quorum purposes regardless of whether he or she had the right to vote on all questions.

RULE 30. PUBLIC HEARINGS

Public Hearings required by law or deemed advisable by the council shall be organized by a special order, adopted by a majority vote, that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time for each speaker, and other pertinent matters. The rules may include, but are not limited, to rules

- (a) fixing the maximum time allotted to each speaker;
- (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions;
- (c) 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; and
- (d) 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 council meetings shall also apply to public hearings at which a majority of the council is present. A public hearing for which any notices required by the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 3 (c) shall be followed in continuing a hearing at which a majority of the council is present.

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

COMMENT: G.S. 160A-81 provides that public hearings may be held at any place within the town or within the county where the town is located. It also gives the council the authority to adopt reasonable rules governing the conduct of the hearing (specifically including the type of rules listed here) and to continue public hearings without further advertisement.

Public hearings, like other council meetings, are also subject to the notice, continuation, and other requirements of the open meetings law, if a majority of the council is present at the hearing. Those requirements are reflected in this rule.

RULE 31. QUORUM AT PUBLIC HEARINGS

A quorum of the council shall be required at all public hearings required by state law. If a quorum is not present at such hearing, the hearing shall be continued until the next regular council meeting without further advertisement.

COMMENT: G.S. 160A-81 implies that a quorum of council members is necessary for a public hearing by providing that a hearing shall be deferred to the next regular meeting if a quorum is not present at the originally scheduled time. If, however, the council decided to hold a public hearing that was not required by state law to gather a consensus of public opinion on an issue, it could hold the hearing at several sites, with a few members in attendance at each place. Such a hearing would not be subject to the quorum requirement of G.S. 160A-81. Note also that if a majority of the council were not present at such a hearing, it would not be subject to the notice, continuation, and other requirements of the open meetings law.

RULE 32. MINUTES

Full and accurate minutes of the council proceedings, including closed sessions, shall be kept. 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 council, the "ayes" and "nos" upon any question shall be taken. Members' and other persons' comments may be included in the minutes if the council approves.

Minutes and general accounts of closed sessions may be sealed by action of the council. 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.

COMMENT: G.S. 160A-72 requires that full and accurate council minutes be maintained, and G.S. 143-318.10(e) requires that full and accurate minutes be kept of all official meetings of all public bodies, including closed sessions [G.S. 143-318.11(a)]. The minutes are the official legal record of council actions and are a matter of public record. To be "full and accurate," they must include all actions taken by the council and must note the existence of conditions needed to take action, such as the existence of a quorum. However, the minutes need not record the council's discussion. Particular comments by members or other persons may be included in the minutes if the council so desires. Since the council usually takes action by motion (Rule 13), all motions that are made must be included in the minutes, along with a record of the motions' disposition. G.S. 160A-72 also allows any member to request that the minutes included a record of how each member voted (the "ayes and noes").

Under the open meetings law, the council must also keep a "general account" of what transpires in closed sessions, so that a person not in attendance would have a reasonable understanding of what transpired. This wording probably requires that a somewhat more detailed account of these sessions be kept than would typically be found in the minutes, especially if the minutes record only actions and conditions needed to take action. The council should consult the town attorney and the bulletins mentioned in the next paragraph concerning what general accounts of closed sessions should include.

Finally, the rule includes the permission granted in G.S. 143-318.11(e) to withhold minutes and general accounts of closed sessions from public inspection for as long as necessary to avoid frustrating the purpose of the closed session. All closed session minutes are sealed unless stated otherwise. The Town Clerk will review closed session minutes quarterly and recommend to the Town Council that they be unsealed when the closed session's purpose would no longer be frustrated by making these records public. For a discussion of the legal requirements for minutes and general accounts of closed sessions, see the following publications by David M. Lawrence: "1997 Changes to the Open Meetings and Public Records Laws," *Local Government Law Bulletin* 80 (August 1997) and "The Court of Appeals Addresses Closed Sessions for Attorney-Client Discussions," *Local Government Law Bulletin* 93 (March 2000).

RULE 33. APPOINTMENTS

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

Appointments shall proceed as follows. The mayor shall open the floor to nominations. Any member, including the mayor, may put forward a nominee. Any member, including the mayor, may also move that the Council appoint a nominee to the position. When a motion is made to appoint a nominee, that nominee shall be debated. When the debate ends, the mayor shall call the roll of the members, and each member shall cast an affirmative or negative vote for the nominee. The mayor may vote to break any tie.

If a majority of votes cast are in the affirmative, the nominee shall be appointed. If the majority of votes cast are not in the affirmative, the mayor shall open the floor to further nominations.

If the Council wishes to fill multiple positions, each position shall be considered and voted upon separately.

RULE 34. COMMITTEES AND BOARDS

The council or the mayor, as appropriate, may establish and appoint members for such temporary and standing committees and boards as are needed to help carry on the work of town government. Any specific provisions of law relating to particular committees and boards shall be followed.

The requirements of the open meetings law shall apply to all committees and boards that either (a) are established by the council, or (b) are comprised of council members.

COMMENT: The town council is authorized by G.S. 160A-145 to “create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the town government...” subject to certain limitations. It is also customary in many communities for the mayor to appoint various committees to aid the council in its work. Specific statutes govern some of these committees and boards; G.S. 160A-388 (a), for example, regulates establishment of and appointments to boards of adjustment. The general requirements of Rule 33 for appointments by the council should also be kept in mind.

The open meetings law applies to all committees and board established by the council, G.S. 143-318.10 (b)(2)(iv), and to all committees and boards comprised of council members, however established. The latter rule is set out in the last sentence of G.S. 143-318.10 (b).

RULE 35. REFERENCE TO ROBERT’S RULES OF ORDER

To the extent not provided for in these rules and to the extent that it does not conflict with North Carolina law or with the spirit of these rules, the council shall refer to *Robert’s Rules of Order, Revised*, to answer unresolved procedural questions.

APPENDIX

MOTION	VOTE REQUIRED	SPECIAL REQUIREMENTS
(1) To adjourn	Majority	May not interrupt deliberation of pending substantive matter. Motion to adjourn to a time and place certain must also comply with Rule 3 (c).
(2) To take a Brief Recess	Majority	None
(3) Call to Follow the Agenda	Majority	Must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.
(4) To Suspend the Rules	Two-Thirds	The council may not suspend provisions of the rules that state requirements imposed by law on the council.
(5) To Go into Closed Session	Majority	Motion must cite one or more of the permissible purposes for closed sessions listed in G.S. 143-318.11(a) and must be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) must 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. 143-318.11(a)(3) must identify the parties in each existing lawsuit concerning which the council expects to receive advise during the closed session, if in fact such advise is to be received.
(6) To Leave Closed Session	Majority	
(7) To Divide a Complex Motion and Consider It by Paragraph	Majority	None
(8) To Defer Consideration	Majority	A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration (Motion 13) is adopted. While a deferred motion remains pending, a new motion with the same effect cannot be introduced.
(9) Call of the Previous Question	Majority	Not in order until there have been at least five minutes of debate and every member has had an opportunity to speak once.
(10) To Postpone to a Certain Time or Day	Majority	None. While a postponed motion remains pending, a new motion with the same effect cannot be introduced.
(11) To Refer a Motion to a Committee	Majority	Sixty days or more after a motion is referred to a committee, the introducer may compel consideration of the measure by the council, regardless of whether the committee had reported the matter to the council.

(12) To Amend	Majority	(a) Amendments must be pertinent to the subject matter of the motion being amended. An amendment is improper if adoption of the motion with that amendment added has the same effect as rejection of the original motion. A proposal to substitute a different motion 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 ordinance must be reduced to writing before the vote on the amendment.
(13) To Revive Consideration	Majority	In order at any time within 100 days after the day of a vote to defer consideration (Motion 8). Failure to adopt Motion 13 within the 100-day period results in expiration of the deferred substantive motion.
(14) To Reconsider	Majority	Must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail). May only be made at the meeting at which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain. Cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.
(15) To Rescind or Repeal	Majority	Not in order if rescission or repeal of an action is forbidden by law.
(16) To Prevent Reconsideration for Six Months	Two-Thirds	In order immediately following defeat of a substantive motion and at no other time. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the council, whichever occurs first.

NOTES:

1. Under these rules all procedural motions are debatable, and none requires a second. All may be amended, subject to the state limitations on motions to amend (Motion 12). Except where indicated otherwise, procedural motions may interrupt deliberations on a pending substantive matter.
2. The required vote for adoption of a procedural motion is generally a majority of the votes cast, a quorum being present. In a few cases, the required vote is a vote equal to two-thirds of the actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats.

**TOWN OF WEDDINGTON
PROCLAMATION**

**NATIONAL DAY OF PRAYER
MAY 3, 2012
P-2012-05**

WHEREAS, the National Day of Prayer dates back to February 19, 1795 when President George Washington issued a Proclamation setting aside a day of public thanksgiving; and an annual day of prayer was established by Congress in 1952 and specifically designated in 1988 as the first Thursday in May; and

WHEREAS, May 3, 2012 has been officially designated as America's 61st Annual National Day of Prayer, to pray for our nation, its people, and its leaders; and

WHEREAS, the National Day of Prayer has great significance for us as a nation and enables us to recall the way in which our founding fathers sought the wisdom of God when faced with critical decisions; and

WHEREAS, the National Day of Prayer has become a national annual observance which belongs to all Americans as a day that transcends different cultures and brings together all citizens from all backgrounds; and

WHEREAS, the theme for the 2012 National Day of Prayer is **One Nation Under God**.

NOW, THEREFORE, I, WALKER F. DAVIDSON, MAYOR of the Town of Weddington, hereby proclaim May 3, 2012 as the National Day of Prayer in the Town of Weddington, and urge all citizens to observe this day by joining members of all faiths and creeds all over our community and nation in seeking divine guidance for ourselves, our leaders, and our country.

PROCLAIMED this 16th day of April, 2012.

Walker F. Davidson

Attest:

Amy S. McCollum, Town Clerk